

**LUNA COUNTY**  
**PERSONNEL ORDINANCE**  
**NUMBER 23**

**Adopted in 1994**  
**Amended in 1997**  
**Amended in 2000**  
**Amended in 2006**  
**Amended in 2014**  
**Amended in 2016**  
**Amended in 2017**  
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## **SECTION 1 - GENERAL PROVISIONS**

### **1.1 SCOPE.**

**1.1.1** This ordinance serves as the personnel policy for Luna County and is a general basis and guide for the proper, efficient, and effective administration of personnel matters for the employees of Luna County. The personnel rules contained herein replace and supersede all previously issued personnel rules and regulations applicable to employees of Luna County.

**1.1.2** This Ordinance applies to all employees of the County, including Elected Officials to the extent it does not contradict the duties of their office as stated in the Constitution of New Mexico or State statutes.

**1.1.3** This Ordinance is subject to applicable Federal and State laws, rules and regulations. To the extent any provision in this Ordinance contradicts any Collective Bargaining Agreements ("CBA"), the CBA controls, all other provisions of this Ordinance not contradicting or addressed in any CBA are applicable to covered employees.

**1.2 AMENDMENT OF POLICY.** The Luna County Board of County Commissioners ("BOCC") reserve the right to amend this personnel ordinance at any time according to statutory procedures.

**1.3 DISTRIBUTION POLICY.** The Luna County Human Resources Department (HR Department) shall provide a copy of this ordinance to all employees. The copies will be made available electronically and a physical copy will be provided upon request. Employees shall acknowledge in writing at orientation and upon receipt of amended versions that they have read the policies contained herein or have had it read to them, understand the policies and that they will be responsible for following the policies.

**1.4 EQUAL EMPLOYMENT OPPORTUNITY POLICY.** Luna County strives to provide a work environment free from all forms of unlawful harassment and employment discrimination. All decisions regarding recruiting, hiring, promotion, assignment, training, termination, and other terms and conditions of employment will be made without unlawful discrimination on the basis of race, color, national origin, ancestry, sexual orientation, gender identity or expression, religion, age, pregnancy, disability, medical condition, work-related injury, covered veteran status, political ideology, genetic information, marital or familial status, or any other factor or characteristic that the law protects from employment discrimination. Individuals will be selected for promotion based on experience and demonstrated skill and abilities.

**1.5 AMERICANS WITH DISABILITIES ACT POLICY.** Luna County is committed to complying with the provisions of Title II of the Americans with Disabilities Act ("ADA"). The ADA is a federal law that prohibits discrimination against persons with disabilities. This law includes all services, programs and activities provided or made available by state and local governments. Luna County will ensure effective communication with individuals with disabilities and will, upon request, provide auxiliary communication aids and services to afford

those individual's equal opportunity for participation in Luna County sponsored meetings, events or activities. Luna County will, upon request, make reasonable accommodations to ensure equal opportunities in the application process, to enable qualified individuals with a disability to perform the essential functions of their job and to make it possible for an employee with a disability to enjoy equal benefits and privileges of employment.

**1.6 INFECTIOUS DISEASE POLICY.**

**1.6.1** Luna County is committed to efforts to provide a safe environment for employees by reducing risk, to the extent practicable, during widespread outbreaks of infectious bacterial or viral diseases and ensuring the County's ability to maintain essential operations and provide necessary services to Luna County. The County will establish separate policies and/or procedures for this purpose.

**1.6.2** No employee or applicant who is qualified and able to perform their job responsibilities without threatening the safety of themselves or others will be denied employment, deprived of employment benefits, denied promotions or discharged as a result of a diagnosis of an infectious disease. All decisions will be based on job related criteria and in accordance with applicable guidelines, such as those from the Center for Disease Control or the New Mexico Department of Health.

**1.7 ADMINISTRATION.** The County Manager, or in his absence a designee, shall be responsible for the administration and enforcement of this ordinance and any related amendments, resolutions, regulations, policies, procedures or directives adopted by the BOCC. The County Manager shall recommend to the BOCC new or revised employment relations rules and regulations as necessary. The County Manager is authorized to implement administrative instructions, procedures, policies and directives that are not directly contradictory to this Ordinance, as necessary, to effectively administer the employment relations system. The County Manager shall update and maintain the position classifications, benefits and comprehensive pay plan for Luna County employees as established by the BOCC.

**1.8 PRONOUNS.** All pronouns used in this personnel ordinance shall include the masculine, feminine and neutral gender, the singular and plural, and the context of this ordinance shall read accordingly.

**1.9 EMPLOYMENT AGREEMENTS.**

**1.9.1** All employment agreements, other than for the County Manager, are approved by the County Manager and may supersede any provision of this policy

**1.9.2** The employment agreement of the Luna County Manager is the exclusive domain of the BOCC and the terms and conditions therein are determined in the sole discretion of the BOCC.

**SECTION 2 – DEFINITIONS**

**2.1 ADMINISTRATIVE LEAVE WITH PAY or APPROVED LEAVE WITH PAY.**

Only the County Manager may authorize leave with pay for cause or in the best interests of the County, as determined in the sole discretion of the Luna County Manager.

**2.2 ADMINISTRATIVE REASSIGNMENT.** The temporary transfer or change of duties of an employee must be authorized by the County Manager and is generally reserved for situations where there is a pending investigation, disciplinary action or when it is in the best interest of the County, as determined by the County Manager.

**2.3 ANNIVERSARY DATE.** The date of hire of the County employee by Luna County.

**2.4 APPLICANT.** A person who has applied in writing for employment with Luna County on the form(s) prepared and available in the HR Department or online at [lunacountynm.us](http://lunacountynm.us).

**2.5 AT-WILL EMPLOYMENT STATUS.** Means an employee who serves at the pleasure of the hiring authority and may be terminated at any time with or without cause because they have no property interest in the continued position and may not utilize the formal grievance procedure set forth herein. Depending on the terms and conditions of employment, may be eligible for some, all or none of the employment benefits offered by the County.

**2.6 AUTHORIZED LEAVE.** Any absence, with or without pay, during scheduled work day that is approved by the appropriate Elected Official, Department Director or designee.

**2.7 CAUSE or JUST CAUSE.**

**2.7.1** Grounds or misconduct by an employee that warrants disciplinary action.

**2.7.2** Before a determination of Cause or Just Cause can be made, the following elements must exist:

**2.7.2.1** The employee in question must know or should have known the potential consequences of the conduct in question;

**2.7.2.2** The rule or standard violated must be reasonably related to the job duties and the safe and efficient performance thereof;

**2.7.2.3** There has been a fair and objective effort to gather all information regarding the conduct in question;

**2.7.2.4** There is sufficient evidence establishing the conduct in question;

**2.7.2.5** The rule or standard in question is being applied fairly and even handedly;

**2.7.2.6** The proposed response or action to the alleged conduct is reasonably related to the offense;

**2.7.2.7** The proposed response or action to the alleged conduct is being applied fairly, considering all the circumstances and the employee's history.

**2.8 CFR.** The regulations of the federal government known as the Code of Federal Regulations. Found at [ecfr.gov](http://ecfr.gov) or the County Attorney's office.



**2.9 COLLECTIVE BARGAINING AGREEMENT.** The written legal contract between Luna County and the union or other labor organization recognized as the exclusive representative (American Federation of State, County and Municipal Employees) of a legally established bargaining units at LCSO and LCDC.

**2.10 COMPENSATORY TIME.**

**2.10.1** Paid leave hours granted to a non-exempt employee in lieu of overtime pay, which is generally paid at the rate of 1½ times the employee's regular rate of pay as defined by the Fair Labor Standards Act ("FLSA").

**2.10.2** Luna County does not award Compensatory Time, but instead pays the appropriate overtime rate of pay, unless expressly approved by the County Manager in advance with the employee in question also being notified in advance.

**2.11 COUNTY BUSINESS.** The authorized performance of duties by an employee on behalf of Luna County and for which the employee is compensated by the County, regardless of the time or place of performance.

**2.12 COUNTY MANAGER.** The appointee of the Board of County Commissioners of Luna County ("BOCC") serving as the chief executive officer of Luna County who serves as or is responsible for personnel management, budget management, fiscal decisions, property custodian and as the administrative assistant to the BOCC in the aiding and exercising of its duties and responsibilities.

**2.13 DEMOTION.** The voluntary or involuntary change in an employee's duties or job description with a pay reduction.

**2.14 DEPARTMENT DIRECTOR.** An employee who has responsibility for supervising or administering a department or division of Luna County government. An Elected Official is also classified as a Department Director for the purposes of this ordinance.

**2.15 DISCRIMINATION.** Any act, failure to act or decision that has an adverse effect on an employee and is based on a legally prohibited basis, including race, color, national origin, ancestry, sexual orientation, gender identity or expression, religion, age, pregnancy, disability, medical condition, work-related injury, covered veteran status, political ideology, genetic information, marital or familial status, or any other factor or characteristic that the law protects.

**2.16 DUE PROCESS.** The rights afforded to employees with established and recognized property interests in continued employment with Luna County. These rights apply to process for grieving unfair or improper employment practices and disciplinary actions.

**2.17 ELECTED OFFICIAL.** An individual elected by popular vote or appointed to fill vacancies in an elected office in Luna County (i.e., County Commissioners, County Clerk, County Treasurer, County Sheriff, County Assessor, and County Probate Judge).

**2.18 ENTRY LEVEL EMPLOYEE RATE OF PAY.** The bottom rate of pay for the designated pay range for each position in the Luna County organizational chart, applied to new hires and newly promoted employees.

**2.19 EXEMPT EMPLOYEES.**

**2.19.1** Employees meeting applicable requirements in the FLSA who may be compensated on a fixed salary.

**2.19.2** Exempt Employees are not eligible for overtime pay or compensatory time.

**2.19.3** Exempt Employees cannot have PTO taken for time away from work that amounts to less than one full day of work, but may still be subject to discipline.

**2.20 FLSA.** The Federal Fair Labor Standards Act.

**2.21 FMLA.** The Federal Family and Medical Leave Act

**2.22 GRIEVANCE.** The Due Process afforded certain employees to address specified employment practices and disciplinary actions.

**2.22.1 INFORMAL GRIEVANCE** The procedure to address written complaints regarding unfair or improper employment practices or disciplinary actions that do not result in loss of pay, suspension, demotion or termination to the employee.

**2.22.2 FORMAL GRIEVANCE** The procedure to address written complaints concerning actions taken by management which resulted in loss of pay, suspension, demotion or termination to the employee.

**2.23 LAYOFFS (Reduction in Force).** The involuntary separation of an employee from County service without cause on the part of the employee, due to reorganization, lack of work, lack of funds, or lack of appropriation of funds.

**2.24 NMSA.** The laws of the State of New Mexico known as the New Mexico Statutes Annotated. Found at [NMSA.com](http://NMSA.com) or the County Attorney's Office.

**2.25 NON-EXEMPT EMPLOYEES.**

**2.25.1** Employees who DO NOT meet applicable requirements in the FLSA who may be compensated on a fixed salary.

**2.25.2** Non-Exempt Employees are legally entitled to overtime pay or compensatory time for hours worked in excess of the legal limits.

**2.25.3** Only Non-Exempt Employees are subject to involuntary reductions in PTO for all time away from work during scheduled work hours.

**2.26 PAY OR WAGE INCREASE.** Increases to the pay, wage or salary of individual employees and are awarded by the County Manager pursuant to applicable County policies, such as evaluations.

**2.27 PAYROLL INCREASES.**

**2.27.1** Payroll increases are determined by the BOCC and may or may not be annual and may be a percentage or specified amount and shall be determined by the BOCC contingent upon available budget.

**2.27.2** The BOCC may, in exceptional circumstances, limit payroll increases to specific classes of employees or departments, such as regular employees, part-time employees, grant employees, contract employees, temporary employees, appointed employees, or elected officials but pay or wage increases for individual employees shall be determined by applicable County policies and are awarded in the discretion of the County Manager.

**2.28 PERSONAL TIME OFF (PTO).** Is compensated time away from work provided as a discretionary benefit by the County to employees and specified accrual rates.

**2.29 PROMOTION.** The voluntary, permanent transfer or change of duties of an employee based on a merit as determined by a process resulting in elevated classification, rank, responsibility and pay range or compensation.

**2.30 RETALIATION.** Adverse action taken by or on behalf of Luna County by an employee against another employee because that employee engaged in a protected activity, such as reporting sexual harassment or other inappropriate conduct.

**2.31 SEXUAL HARASSMENT.** Conduct that is unwelcome sexually oriented behavior, demands, comments or physical contact in the workplace when:

**2.31.1** Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

**2.31.2** Submission to, or rejection of, such conduct is used as a basis for employment decisions or opportunities; or

**2.31.3** Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

**2.32 TERMINATION.** The involuntary end to an individual's employment with Luna County.

**2.33 UNAUTHORIZED LEAVE.** Any absence, without pay, from a scheduled work day without reasonable grounds or approval of the appropriate Elected Official, Department Director or designee and may result in Administrative Leave without Pay and/or disciplinary action.

**2.34 USC.** The laws of the federal government known as the United States Code. Found at govinfo.gov or the County Attorney's office.

**2.35 USERRA.** The federal Uniformed Services Employment and Reemployment Rights Act.

**2.36 WORKPLACE HARASSMENT.** Conduct that is unwelcome and is based on a legally prohibited basis, including race, color, national origin, ancestry, sexual orientation,



gender identity or expression, religion, age, pregnancy, disability, medical condition, work-related injury, covered veteran status, political ideology, genetic information, marital or familial status, or any other factor or characteristic that the law protects. Workplace harassment encompasses discriminatory conduct, sexually inappropriate or harassing conduct, violent or physically intimidating behavior.

## **SECTION 3 - RECRUITMENT AND SELECTION**

**3.1 RECRUITMENT AND POSTING PROCEDURE.** Recruitment for job vacancies may be internal only, meaning only current Luna County employees are eligible to apply or external, which means that anyone is eligible to apply. The decision whether a position is internal or external belongs to the Department Head or Elected Official with the approval of the HR Department.

**3.1.1 Internal Positions.** Vacancies to be filled from a pool of only current Luna County employees from any Department by posting of a job notice on the Luna County website and outside the HR Office and identified as “INTERNAL ONLY”. The posting shall be for at least five (5) working days.

**3.1.2 External Positions.** Vacancies to be filled from a pool of interested applicants, including but not limited to current Luna County employees. External Positions shall be posted on the Luna County website and outside the HR Office and advertised for at least five (5) working days.

**3.1.3 “Advertising”** for purposes of this Section means placing the job description or a summary thereof at one or more of the following locations:

**3.1.3.1** NM Dept. of Work Force Solutions;

**3.1.3.2** Luna County website and/or Facebook page;

**3.1.3.3** A newspaper of general circulation or its website;

**3.1.3.4** New Mexico Counties;

**3.1.3.5** Recruiting services or websites; and

**3.1.3.6** Other appropriate venues, such as universities and professional societies.

**3.1.4** Neither posting nor advertising is required for recruiting candidates for Discretionary Employees.

**3.1.5** The County Manager may exempt any vacancy from posting and/or advertising by written directive to the HR Director and made part of the hiring file for that position.

## **3.2 SUBMISSION OF APPLICATIONS.**

**3.2.1** Applications for employment shall be accepted in the HR Department office during normal business hours or through the Luna County website anytime and must be submitted on the form provided by Luna County within the stated time period.

**3.2.2** When specialized qualification is necessary, such as a certificate, license or degree, proof of the qualification must be attached to the Application unless granted a waiver.

**3.2.3** Waivers of any qualification, or acceptance of an equivalency, may be requested in writing by the Applicant and attached to the Job Description. Such waivers or acceptances are granted in the sole discretion of the County Manager.

**3.2.4** Applications must be accompanied by properly executed Job Descriptions and all other items required in the posting or advertisement, such as letters of interest, resumes, letters of recommendations, licenses or certifications.

**3.2.5** Late, incomplete or unsigned applications will be rejected and the Applicant will be removed from consideration for the position with written notice sent to the Applicant.

**3.2.6** Applicants who do not meet the Minimum Qualification Standards contained in the Job Description will be removed from consideration for the position with written notice sent to the Applicant.

**3.2.7 Immigration Laws Compliance.** Applicants are responsible for furnishing proof of identification and employment authorization in accordance with the Immigration Reform and Control Act of 1986, 8 U.S.C. Part 245a, and any amendments thereto.

**3.2.8** Applicants meeting the requirements in this section shall be considered for positions for which they have applied and may also be considered for other vacancies. Consideration for any position does not imply or guarantee an interview, test or further participation in the hiring process.

### **3.3 SELECTION.**

**3.3.1** The HR Department will screen all applications for compliance with the requirements and remove from consideration all incomplete, nonconformed, unsigned and unqualified applications.

**3.3.2** Applicants designated as Ineligible for Hire or Rehire will be removed from consideration.

**3.3.3** Upon completion of the initial screening the HR Department will prepare a list of candidates eligible to continue with a copy of their application. The list will be sent to the Department Head or Elected Official.

**3.3.4** Based on the applications, the Department Head and Elected Official will indicate which applicants should proceed to the next steps. The next step depends on the vacancy being filled and may include a physical exam, background check, test or other evaluation, or an interview.

**3.3.5** Upon receipt of the list, the HR Department will add any current Luna County employee, veteran and highly qualified candidates not already on the list.

**3.3.6** The HR Department will then contact the selected applicants and schedule the next step or steps in the hiring process.

**3.3.7** A minimum of three (3) eligible applicants, or all eligible applicants if there is less than three (3) eligible applicants, shall be interviewed. All Luna County employees and veterans qualifying for the position shall be interviewed.

**3.3.8** Upon completion of the hiring process, the HR Department will tabulate the results and present an anonymous ranking to the Department Head or Elected Official.

**3.3.9** The highest scoring candidate will be offered the position, EXCEPT:

**3.3.9.1** when one or more candidates are within five percentage (5%) points; or

**3.3.9.2** when the Department Head and Elected Official can articulate legal, non-discriminatory grounds for selecting another candidate AND the HR Department concurs in the selection.

**3.3.10** At any point in the hiring process, the County Manager may intervene and, by written directive, add or remove candidates from the process.

**3.3.11** The selection process, and all elements thereof, shall be administered only by the HR Department under the supervision of the County Manager.

**3.4 HIRING.**

**3.4.1** Once the successful candidate has been determined, the HR Department shall prepare a Conditional Offer Letter.

**3.4.2** As a condition of employment all successful candidates must submit to the appropriate alcohol or drug screen, as determined by the applicable alcohol and drug policy.

**3.4.3** Other terms of conditional employment offers, when applicable, are:

**3.4.3.1** Background check;

**3.4.3.2** Physical examination;

**3.4.3.3** Physical fitness test;

**3.4.3.4** Psychological evaluation;

**3.4.3.5** Verification of certifications, licenses, degrees, other specialized qualifications; or references.

**3.4.4** Verifications necessary for employment shall only be conducted by the HR Department.

**3.4.5** The hiring process, and all elements thereof, shall be administered only by the HR Department under the supervision of the County Manager.

**3.5 INELIGIBILITY FOR HIRE.** An Applicant will be considered ineligible for hire by Luna County if the applicant has:

**3.5.1** Made any false statement or deliberate omission on the employment application;

**3.5.2** Not met the requirements or qualifications of the position;

**3.5.3** Not met the criteria for insurance or bonding as required by Luna County or State of New Mexico;

**3.5.4** Not completed or failed a drug screen;

**3.5.5** Received an unsatisfactory background check;

**3.5.6** Not been certified by a physician that the applicant can perform the essential duties of the position;

**3.5.7** Failed to complete the medical examination, psychological examination, or other requirements; or

**3.5.8** Failed to fulfill the statutory requirements of Section 4-41-8, NMSA 1978, if applying for position of Deputy Sheriff.

**3.6 INELIGIBILITY FOR RE-HIRE.** An Applicant who was previously employed by Luna County in any capacity will be considered ineligible for re-hire by Luna County if the Applicant has:

**3.6.1** Made any false statement or deliberate omission on the employment application;

**3.6.2** Not met requirements and qualifications of the position;

**3.6.3** Not met the criteria for insurance or bonding as required by Luna County or State of New Mexico;

**3.6.4** Not completed or failed a drug screen;

**3.6.5** Received an unsatisfactory background check;

- 3.6.6** Not been certified by a physician that the applicant can perform the essential duties of the position;
- 3.6.7** Failed to complete the medical examination, psychological examination, or other requirements; or
- 3.6.8** Failed to fulfill the statutory requirements of Section 4-41-8, NMSA 1978, if applying for position of Deputy Sheriff;
- 3.6.9** Provided inadequate resignation notice as defined in this policy;
- 3.6.10** Previously resigned a position with Luna County to avoid a pending disciplinary action unless the County Manager determines that the applicant has been sufficiently rehabilitated to warrant the public trust;
- 3.6.11** Has been previously dismissed for cause from employment with Luna County unless the County Manager determines that the applicant has been sufficiently rehabilitated to warrant the public trust; or
- 3.6.12** Any other valid and/or substantive reason deemed in the best interest of Luna County, as determined in the sole discretion of the County Manager. The County Manager retains authority over all discretionary decisions pursuant to this section.

### **3.7 DURATION OF INELIGIBILITY.**

- 3.7.1** Applicants determined to be ineligible under this section shall be ineligible for a minimum period of one year and shall remain ineligible until eligibility is returned by the County Manager.
- 3.7.2** The process for requesting reinstatement of eligibility is governed by the County Manager's Directive, as it may be amended from time to time.
- 3.7.3** This Section is subject to the provisions of the Criminal Offender Employment Section 28-2-1, NMSA 1978 and Section 10-1-3, NMSA 1978.

## **SECTION 4 - EMPLOYMENT CLASSIFICATIONS**

### **4.1 REGULAR EMPLOYEE.**

**4.1.1 Full-Time.** An employee who has completed the probationary period and is normally scheduled to work a minimum of forty (40) hours per week indefinitely and is not subject to an employment contract or term conditions. A Full-Time Regular Employee is eligible for all employment rights and benefits provided by Luna County.

#### **4.1.1.1 FLSA Non-exempt Employee.**

A Full-Time Regular Employee who is paid on an hourly basis for hours worked and is covered by the FLSA Overtime Rules and is required to use PTO or take leave without pay for hours absent during scheduled work hours.

#### **4.1.1.2 Full-Time FLSA Exempt Employee.**

A Full-Time Regular Employee who is paid on a salary basis in an amount meeting the FLSA Salary Level Test and performs FLSA exempt job duties. Such employees are not covered by the FLSA Overtime Rules and cannot be required to use PTO or take leave without pay for hours absent during scheduled work hours unless the hours absent amount to one full workday.



**4.1.2 Part-Time.** An employee who has completed the probationary period and is limited to working a maximum of thirty (30) hours per week indefinitely and is not subject to an employment contract or term conditions.

**4.1.2.1** Employees working a maximum of nineteen (19) hours per week are not eligible for any employment benefits provided by Luna County.

**4.1.2.2** Employees working more than nineteen (19) hours per week but no more than thirty (30) are eligible for health insurance and retirement benefits.

**4.1.2.3** Employees are covered by the disciplinary and grievance provisions herein.

**4.1.2.4** Are not eligible to accrue PTO or receive Holiday Pay.

**4.1.2.5** Part-time positions may or may not be indefinite but are not temporary or seasonal.

**4.2 TEMPORARY OR SEASONAL EMPLOYEE.** An employee who is scheduled to work up to forty (40) hours per week for a period not to exceed nine (9) months; is not entitled to any of the employment rights and benefits provided by Luna County; maybe be terminated at any time for any legal reason or no reason at all; and is not eligible for the formal grievance process.

**4.3 TERM EMPLOYEE.** An employee who has completed the probationary period, whose salary and/or benefits are funded and determined by a grant or other outside source and whose employment is for a specified period of time or term.

**4.3.1 Full-Time.** An employee who is scheduled to work forty (40) hours per week for a specified period the term of employment.

**4.3.2 Part-Time.** An employee who is limited to working a maximum of thirty (30) hours per week for a specified period or term of employment.

**4.3.3** Term Employees can be terminated for any legal reason or no reason at all, without regard to job performance and will be terminated in the event funding is not continued.

**4.3.4** Part-Time Term Employees working a maximum of nineteen (19) hours per week are not eligible for any employment benefits provided by Luna County.

**4.3.5** Any Term Employee working more than nineteen (19) hours per week up to forty (40) hours per week may be eligible for health insurance and retirement benefits, depending on the terms and conditions of the funding for the position.

**4.3.6** Term Employees are covered by the disciplinary and grievance provisions herein, excluding provisions related to termination.

**4.3.7** Only Full-Time Term Employees are eligible to accrue PTO and receive Holiday Pay, depending on the terms and conditions of the funding for the position.

**4.4 DISCRETIONARY EMPLOYEE.** An employee who is the appointee of Elected Officials and are considered Full-Time FLSA Exempt employees with their respective salaries set by BOCC resolution.

**4.4.1** The Discretionary Employees of Luna County are:

**4.4.1.1** County Manager, hired by the BOCC;



**4.4.1.2** Executive Secretary to the Sheriff, appointed by the Sheriff, subject to confirmation by the BOCC;

**4.4.1.3** Chief Deputies of the Assessor, Clerk and Treasurer, appointed by the respective Elected Official, subject to confirmation by the BOCC; and

**4.4.1.4** Any other positions authorized by a majority vote of the BOCC.

**4.4.2** The Chief Deputy in the offices of the Assessor, Clerk and Treasurer are Discretionary Employees and FLSA Exempt and are designated by the Elected Official to perform the duties of the Elected Official in a leave of absence or inability to serve. Chief Deputies will receive ninety-five percent (95%) of the elected officials' salary.

**4.4.3** Discretionary Employees are considered "at-will" and can be terminated at any time for any reason or no reason, but not the wrong reason.

**4.4.4** Discretionary Employees do not accrue PTO or receive Holiday Pay.

**4.4.5** Discretionary Employees are entitled to avail themselves of the Grievance Procedures, except for termination.

**4.5** **PROBATIONARY EMPLOYEE.** A Regular or Term Employee who, for the specified period of time, is considered an At-Will Employee.

**4.5.1** The specified probationary period for employees in the Luna County Sheriff's Office, Luna County Detention Center and Dispatch is twelve (12) months from their date of hire.

**4.5.2** The specified probationary period for employees in all other Luna County Departments is six (6) months from their date of hire.

**4.5.3** The purpose of the probationary period is to evaluate the employee's performance, fitness for and behavior in the job and extended absences, paid or unpaid, do not count toward the probationary period.

**4.5.4** Performance evaluations shall be conducted at:

**4.5.4.1** One, Three, Six and Eleven months for employees of LCDC, LCSO and Dispatch; and

**4.5.4.2** One, Three and Five months for all other County employees.

**4.5.5** Evaluations are intended to determine the employee's fitness for the position and ability to work with the public, peers, supervisors and management.

**4.5.6** During the probationary period, an employee hired to fill a position requiring certification shall obtain the certificate required for the position. Failure to obtain the certification within the probationary period may result in the employee's termination.

**4.5.7** Absent express authorization from the HR Department and approval of the County Manager, the compensation for newly hired employees shall be the minimum wage for the position, as determined by the salary/wage plan in effect at the time of hiring. Compensation levels for employees are evaluated based on Performance Evaluations and only then may be adjusted, as deemed appropriate by the County Manager, based on the request of the Elected Office or Department Head and a recommendation from the HR Department, except for those positions governed by a Collective Bargaining Agreement.

**4.5.8** **Employment Probation.** The probationary period for persons newly employed or re-employed by the County and are employed on At-Will Employment Status.

**4.5.8.1** The Employment Probation period may not be terminated early.

**4.5.8.2** Employment Probation may be extended for up to 6 months based on unsatisfactory evaluations, at the request of the Elected Official or Department Director. The HR Department shall make a recommendation on each request with the County Manager or designee having the sole authority to grant, modify or reject the request.

**4.5.8.3** Employees who do not successfully complete Employment Probation are subject to termination.

**4.5.8.4** Any person rehired or reemployed by the County after the end of prior county employment shall be required to serve a new Employment Probation period.

**4.5.9 Positional Probation.** The probationary period for current Luna County employees receiving promotions and who retain protected employment status can only be terminated from County employment for cause.

**4.5.9.1** The Positional Probation period may be terminated any time after completion of one-half of the probationary period by the County Manager at the request of the Department Head or Elected Official and with a recommendation from the HR Department.

**4.5.9.2** Positional Probation may be extended for up to 3 months based on unsatisfactory performance. The Department Head or Elected Official may request an extension and the HR Department shall make a recommendation on each request with the County Manager or designee having the sole authority to grant, modify or reject the request.

**4.5.9.3** An employee who is temporarily assigned to a vacant position and is subsequently hired to fill that position shall serve the required probationary period on Positional Probation.

## **SECTION 5 – CONDITIONS OF EMPLOYMENT**

### **5.1 PROBATIONARY/PROMOTION EVALUATIONS.**

**5.1.1** New hires and newly promoted employees will be evaluated in writing on forms provided by the HR Department.

**5.1.1.1** New employees at LCSO, LCDC and Dispatch are on Employment Probation status for twelve (12) months and will be evaluated after 30 days, 90 days, 180 days and 330 days.

**5.1.1.2** New employees in other departments and all newly promoted or transferred employees are on Positional Probation for six (6) months and will be evaluated after 30, 90 and 150 days.

**5.1.2** Probationary and Promotion Evaluations are intended to establish the standards of performance expected from each employee and an assessment of that performance. The supervisor shall meet with the employee in person and shall review the Job Description and make any adjustments necessary to reflect the actual tasks being performed. Unless otherwise decided by the County Manager, the supervisor will then evaluate the employee on the following:

**5.1.2.1** Quality of work;

**5.1.2.2** Work habits;

- 5.1.2.3 Job-specific standards;
  - 5.1.2.4 Performance expectations;
  - 5.1.2.5 Progress in meeting expectations;
  - 5.1.2.6 Overall productivity;
  - 5.1.2.7 Attendance;
  - 5.1.2.8 Workplace behavior and relationships;
  - 5.1.2.9 Employee comments or requests; and
  - 5.1.2.10 Supervisor comments and requests.
- 5.1.3 Initial or 30-Day Evaluation** – The primary focus of this initial evaluation is to determine whether the employee has the necessary skills, equipment and materials to perform their job.
- 5.1.4 Intermediate or 90 and 180-Day Evaluations** – The intermediate evaluations are intended to assess the employee’s capabilities and ultimate ability to perform the job for which they were hired and to identify strengths and weaknesses.
- 5.1.5 Final or 150 and 330-Day Evaluations** – The final evaluations are intended to determine the employee’s fitness for their job and whether to continue their employment. Based on the evaluation, the supervisor shall recommend one of the following:
- 5.1.5.1 Unsatisfactory completion of probation.** For newly hired employees this would be a recommendation for termination of employment of a newly hired employee and must be based on poor performance or inability to satisfactorily perform the job, supported by each of the prior evaluations. For newly transferred or promoted employees, this would be a recommendation to return the employee to their prior position and salary;
  - 5.1.5.2 Extending the probationary period** for up to six (6) additional months to improve one or more aspects of job performance;
  - 5.1.5.3 Early termination of Positional Probation,** supported by each of the prior evaluations;
  - 5.1.5.4 Satisfactory completion of Employment or Positional Probation and change to regular employee status.** The supervisor should also include a recommendation regarding the placement between the minimum and midpoint within the applicable salary range and verification of the budget to support the recommendation.

## **5.2 PERFORMANCE APPRAISALS.**

- 5.2.1** Two written evaluations will be conducted for all employees, except Probationary Employees and Temporary or Seasonal Employees. Annual Performance Appraisals will be conducted during the first pay period that starts in November and Mid-Year Reviews will be conducted during the first pay period that starts in May.
- 5.2.2** Annual Performance Appraisals are intended to promote communication between supervisors and employees in establishing performance standards and expectations and assessing how well the employee is meeting those standards and expectations. The supervisor shall meet with the employee in person and shall review the Job Description and prior evaluations and reviews. Unless otherwise determined by the County Manager, the supervisor will evaluate the employee on the following:
- 5.2.2.1 Adaptability;**

- 5.2.2.2 Attendance and Punctuality;
- 5.2.2.3 Communication Skills;
- 5.2.2.4 Dependability;
- 5.2.2.5 Initiative;
- 5.2.2.6 Job Knowledge;
- 5.2.2.7 Organizational Support;
- 5.2.2.8 Planning and Organization;
- 5.2.2.9 Productivity; and
- 5.2.2.10 Quality of work.

**5.2.3** The Supervisor shall conduct the Annual Performance Appraisal and complete the appraisal form provided by the HR Department. At the conclusion of the Annual Performance Appraisal meeting, the employee shall be provided a copy and will have two (2) days to review and comment on the appraisal before signing it.

**5.2.4** All completed Annual Performance Appraisals must be submitted to the HR Department before the commencement of the Thanksgiving Holidays.

**5.2.5** Prior to December 31 of each year the County Manager will convene the Appraisal Review Committee consisting of the HR Director, Budget and Procurement Director and County Attorney and anyone else the County Manager designates to formulate a recommendation regarding merit pay increases, if any are warranted, for Regular Employees, Term Employees, Discretionary Employees and Probationary Employees who are not members of a recognized collective bargaining unit of Luna County.

**5.2.6** An Unsatisfactory Annual Performance Appraisal may result in implementation of a Performance Improvement Plan, Last Chance Agreement or disciplinary action up to and including termination, subject to the provisions of this personnel policy. If termination is recommended due to an unsatisfactory evaluation, the employee may use the formal grievance process as outlined herein.

### **5.3 MID-YEAR REVIEW.**

**5.3.1** Mid-Year Reviews are intended to provide the employee with feedback and status on their performance, areas of excellence and areas in need of improvement and to allow the employee to request assistance or additional resources in meeting their performance standards and expectations. It is also an opportunity for supervisors to measure morale and to check on the overall well-being of their employees. Supervisors should also take this opportunity to listen to any suggestions, complaints and concerns from their employees.

**5.3.2** The supervisor shall conduct the Mid-Year Review in person and complete the review form provided by the Human Resources Department. At the conclusion of the review, the employee shall be provided a copy and will have two (2) days to review and comment on the review before signing it.

**5.3.3** All completed Mid-Year Review forms must be submitted to the HR Department before the Memorial Day Holiday.



#### **5.4 PROHIBITED POLITICAL ACTIVITIES.**

All employees are prohibited from the following:

**5.4.1** Using Luna County equipment, materials, authority or employment influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose.

**5.4.2** Directly or indirectly using a position of employment to coerce, attempting to coerce, command or advise a State or County officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, union, agency or person for a political purpose.

**5.4.3** Threatening to deny promotions to any employee who does not vote for certain candidates; requiring employees to contribute part of their pay to political funds; coercing subordinate employees to buy tickets to political fund-raising events and similar events; advising employees to take part in political activity and matters of a similar nature.

**5.4.4** No Luna County employee may engage in political activity prohibited by the Hatch Act, 5 U.S.C. Chapter 15. The County Manager shall notify the appropriate agency with regard to any matters pertaining to the Hatch Act.

**5.4.5** Any person elected to a Luna County Office (Commissioner, Clerk, Treasurer, Assessor, Sheriff, Probate Court Judge) shall not be employed by Luna County in any other capacity after taking office. This excludes independent contractors and vendors of Luna County.

#### **5.5 CONFLICTS.**

**5.5.1 Conflict Ban.** Conflicts of interest are prohibited in accordance with the Governmental Conduct Act, 10-16-1 et seq. NMSA 1978 and the Luna County Code of Conduct, subject to the exceptions and exemptions therein. Specifically, Elected Officials and employees:

**5.5.1.1** May not take any act the primary purpose of which is to enhance their financial interest or that of their immediate family (spouse, parents, children or siblings by blood or marriage);

**5.5.1.2** Are disqualified from taking any act or participating in any activity directly affecting their or their family's financial interests; and

**5.5.1.3** May not acquire a financial interest which may be directly affected or influenced by their employment or position with Luna County.

**5.5.2 Termination of Outside Employment.** Pursuant to Section 10-16-4.2, NMSA 1978, Elected Officials and employees must disclose all outside employment to the HR Department. A determination may be made by the County Manager that the supplementary outside employment violates this policy and may require termination of the outside employment.

#### **5.6 ETHICAL CONDUCT.** In accordance with the Governmental Conduct Act, 10-16-1, *et seq.*, NMSA 1978, and the Luna County Code of Conduct, Elected Officials and employees:

**5.6.1** Shall treat their position or employment as a public trust and shall use their powers and authority only to advance the public interest and not to obtain personal benefits or pursue interests;



**5.6.2** Shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining integrity and discharging ethically the high responsibilities of public service;

**5.6.3** Shall fully disclose real and potential conflicts of interest and shall take all reasonable efforts to avoid undue influence and abuse of office;

**5.6.4** Shall not receive or request any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act;

**5.6.5** Shall not use or disclose confidential information acquired by virtue of their position or employment for their or another's personal gain; or

**5.6.6** Shall not submit a bid or proposal for any project or contract in which they participated in the preparations of specifications, qualifications or evaluation criteria.

## **5.7 DISCRIMINATION AND WORKPLACE HARASSMENT.**

**5.7.1** Luna County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the County should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Luna County will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Luna County will seek to prevent, correct and discipline behavior that violates this policy.

**5.7.2** Elected Officials and employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

**5.7.3** Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to the HR Department, are in violation of this policy and subject to discipline.

### **5.7.4 Discrimination.**

**5.7.4.1** It is a violation of Luna County's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

**5.7.4.2** Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

**5.7.4.3** Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

**5.7.5 Harassment.** Luna County prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct

designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Luna County.

**5.7.6 Sexual harassment.** Luna County prohibits sexual harassment of any kind and is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

**5.7.7 Consensual Romantic Relationships.** Luna County strongly discourages romantic or sexual relationships between a manager or other supervisory employee and employees who report directly or indirectly to that person.

**5.7.7.1** If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

**5.7.7.2** Elected Officials or employees in a consensual relationship that is romantic or sexual in nature with another employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must disclose the relationship to HR Department. The disclosure must be on the form provided by the HR Department and will be included in the appropriate personnel files.

**5.7.7.3** Disclosure of consensual romantic or sexual relationships is mandatory and failure to do so can result in disciplinary action, including termination. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

**5.7.8** Once the relationship is disclosed, the situation will be assessed in light of all the facts and a determination will be made regarding whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision or the party is not chosen for the position to which he or she applied, the County Manager and the HR Director will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

**5.7.9** All Elected Officials and employees are responsible for knowing and following the provisions of this section.

## **5.8 NEPOTISM.**

**5.8.1** The practice or appearance of nepotism is prohibited by Luna County. Any person elected or appointed to any County public office or position under the laws of the State of New Mexico is prohibited from employing as clerk, deputy or assistant, in such office or position, whose compensation is to be paid out of public funds, any persons related by consanguinity or affinity within the third degree to the person giving such employment, unless such employment shall first be approved by the County Commission; provided, that this prohibition shall not apply where the compensation of such clerk, deputy or assistant shall be at the rate of \$600 or less per year.

**5.8.2** Applicants for employment and current employees must disclose personal or familial relationships with other county employees and elected officials and may not work in the chain of command with related persons. The disclosure must be on the form provided by the HR Department and will be included in the appropriate personnel file. Relationships subject to disclosure are spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, aunts and uncles, step-aunts and uncles, nieces and nephews, step-nieces and nephews.

**5.9 EMPLOYEE SAFETY MATTERS.** Luna County maintains a Safety Program intended to promote a safe work environment and working conditions that are free of known dangers. All Elected Officials, Department Directors and employees are responsible for knowing and following this program. A copy of which is available at the HR Department.

**5.10 RELATING TO USE OF COUNTY VEHICLES.**

**5.10.1** County employees driving county vehicles must have a valid driver's license and be current on the mandatory defensive driving classes required by the County.

**5.10.2** County vehicles shall be operated in compliance with all applicable laws, regulations and ordinances.

**5.10.3** County vehicles are restricted to use in the course and scope of County business, provided that minimal personal use that is incidental to the conduct of County business is allowed and other personal use is prohibited.

**5.10.4** County vehicles may not be taken out of Luna County without advance permission from the County Manager or designee based on a request identifying the destination, itinerary and all persons who will be driving and riding in the vehicle.

**5.10.5** County vehicles, in rare instances, provides for a take-home vehicle for certain employees and the taxability of this benefit to the employee is subject to all guidelines and provisions established by the Internal Revenue Service (IRS).

Specifically, take-home vehicles are a taxable benefit unless they meet all of the following:

**5.10.5.1** The vehicle is not likely to be used more than minimally for personal purposes because of its design;

**5.10.5.2** The vehicle is clearly marked as a Luna County vehicle;

**5.10.5.3** The employee to whom the vehicle is assigned is on-call or call-back status;

**5.10.5.4** The employee to whom the vehicle is assigned is required to commute to and from work in the County vehicle; and

**5.10.5.5** The employee is prohibited from travelling outside of Luna County on personal business.

**5.10.6** Any violation of this policy may result in the revocation of driving privileges by the County Manager and disciplinary action.

**5.11 MANDATORY TRAINING.**

**5.11.1** All Elected Officials, Department Directors and employees shall successfully complete training on specific subjects selected by the HR Department, including but not limited to: sexual harassment; workplace violence; and the

Governmental Conduct Act.

**5.11.2** Additional training requirements may be imposed by the County Manager, Elected Officials or Department Directors, through the HR Department, on legal standards, County programs, policies, requirements and obligations and other appropriate topics. The general training requirements and specific training requirements for departments or individual positions and proof of attendance will be maintained by the HR Department.

## **5.12 DRUG AND ALCOHOL TESTING POLICY.**

Luna County strives to provide a safe work environment and part of that is voluntary compliance with the Drug-Free Workplace Act of 1988 as well as other applicable federal and state laws. In furtherance of this goal, the County has enacted two drug and alcohol policies:

**5.12.1** The Luna County Drug and Alcohol Policy for CDL drivers; and

**5.12.2** The Luna County Drug and Alcohol Policy applicable to all other employees.

## **SECTION 6 - CHANGES IN EMPLOYMENT STATUS**

### **6.1 PROMOTION.**

**6.1.1** Luna County employees are encouraged to take advantage of promotion opportunities and apply for higher paying positions for which they qualify. Promotion is a reassignment of an employee to a position, with a higher salary range, different job duties, qualifications and responsibilities.

**6.1.2** Upon promotion, an employee's salary will generally be set at the minimum for the applicable Salary Range, unless otherwise authorized by the HR Department and approved by the County Manager at the recommendation of the Elected Official or Department Director, subject to budgetary restrictions. The written recommendation from the Elected Official or Department Director must include justifications based on qualifications, years of experience, expertise, performance evaluations, etc.

**6.1.3** Employees who accept new positions or promotions will be subject to positional probation as described in Section 4 Employment Classifications.

**6.1.4** All County Employees who are not the subject of current disciplinary action may apply for a promotion or position vacancy for which the employee is qualified.

**6.2 RECRUITMENT AND POSTING PROCEDURE.** Recruitment for promotions will generally be internal only, meaning only current County employees may apply. When appropriate, eligibility may be limited to only current County employees within the same department. However, the County Manager, at the request of the Elected Official, Department Director or HR Department may recruit for promotions externally.

**6.2.1** "Advertising" for purposes of internal only promotions means placing the job description or a summary thereof on the Luna County website and/or social media page and outside the HR Department for a minimum of five (5) working days.

**6.2.2** "Advertising" for purposes of external promotions will be the same as for new hires, Section 3.1.3.

**6.2.3** The County Manager may exempt any promotional position from advertising by written directive to the HR Director and made part of the hiring file for that position.



**6.3 SUBMISSION OF APPLICATIONS.**

Applications for promotions shall be the same process as in Section 3.2.

**6.4 SELECTION.**

**6.4.1** The HR Department will screen all applications for compliance with the requirements and remove from consideration all incomplete, nonconforming, unsigned and unqualified or ineligible applications.

**6.4.2** All County employees not excluded under the preceding subsection will be interviewed as well as any external applicants requested by the hiring authority or County Manager will also be interviewed.

**6.4.3** The promotional points shall be based on the following elements:

**6.4.3.1** Ten Percent (10%) overall evaluation by the interviewers based on criteria and factors set out by the Elected Official or Department Director;

**6.4.3.2** Ten Percent (10%) for seniority based on total time employed by Luna County in any department;

**6.4.3.3** Forty Percent (40%) on a written test, demonstration or presentation; and

**6.4.3.4** Forty Percent (40%) on oral examination or interview by a panel of four interviewers with one chosen by the Elected Official or Department Head, one representative or designee of HR Department and other persons, internal or external, as chosen by the County Manager or designee.

**6.4.5** Upon completion of the hiring process, the HR Department will tabulate the results and present an anonymous ranking to the Department Head or Elected Official.

**6.4.6** The highest scoring candidate will be offered the position, EXCEPT:

**6.4.6.1** When one or more candidates are within five percentage (5%) points; or

**6.4.6.2** When the Department Head and Elected Official can articulate legal, non-discriminatory grounds for selecting another candidate AND the HR Department concurs in the selection.

**6.4.7** At any point in the hiring process, the County Manager may intervene and, by written directive, add or remove candidates from the process.

**6.4.8** The selection process, and all elements thereof, shall be administered only by the HR Department under the supervision of the County Manager.

**6.5 TEMPORARY ASSIGNMENT.**

**6.5.1** A temporary assignment occurs when an employee is assigned additional or significantly different duties to meet operational needs or in order to temporarily fill a vacant position for a period not to exceed six (6) months.

**6.5.2** An employee given a temporary assignment shall receive a temporary salary increase of 5% or the minimum of the new salary range, whichever is greater, and which remains in effect only for the duration of the assignment. The HR Department will review all temporary assignments and, under special circumstances, may recommend a higher increase. The County Manager will have final approval of all temporary assignments and corresponding salary increases.

**6.5.3** Temporary assignments are limited to instances where a vacant position needs to be filled pending further action, such as hiring, promoting or reclassifying the position



and the temporary compensation shall end on the date the employee resumes regular duties or six (6) months after the initial assignment, whichever occurs first.

**6.6 DEMOTION.** Demotion is a reassignment of an employee to a position with a lower salary range, different job duties, qualifications and responsibilities typically resulting from a disciplinary action, but may also be voluntary.

**6.6.1 Disciplinary Demotion.** An employee may be demoted to a vacant position for which the employee is qualified when the employee would otherwise be terminated as result of the disciplinary process. Upon demotion, an employee's salary shall be reduced to the appropriate salary range for the new position.

**6.6.2 Voluntary Demotion.** An employee may also request a voluntary demotion to a vacant or new position for which the employee is qualified and possesses the necessary skills. The employee's salary shall be reduced to the appropriate salary range for the new position.

**6.7 TRANSFER.** Transfer is a reassignment of an employee from one position to another position for non-disciplinary reasons. The salary range for the new position must be equal to or greater than the current position, unless agreed to by the transferring employee. Involuntary transfers must be organizationally necessary and in the best interest of Luna County. Complaints involving involuntary transfers may be pursued through the grievance process.

**6.8 RESIGNATION.** An employee voluntarily resigning shall submit in writing a notice of resignation to the HR Department at least two weeks in advance of the date of resignation and may be withdrawn within that timeframe, with the consent of the County Manager. Failure to provide a written two-week notice of resignation will render the employee ineligible for rehire under Section 3.6.8. Employee's may request rescission of resignations up to thirty (30) days after employment has ended, PROVIDED that the Employee left on good terms, their position has not been posted and the request received the approval of the County Manager, Human Resources Director and their Elected Official or Department Head, on the terms and conditions set by the County Manager.

**6.9 ABANDONMENT.** Any Unauthorized Leave from work for three (3) or more scheduled work days in any pay period shall constitute abandonment and will be considered voluntary resignation.

**6.10 LAYOFFS (REDUCTION IN FORCE).** The County Manager shall make the recommendation regarding the need for layoffs based on deletion of positions, shortage of work or funds or other reasons that do not reflect negatively on the employees being laid off. The County Manager's recommendation must be presented for approval to the BOCC in writing at an open meeting:

**6.10.1** The identification of the departments and employees to be laid off;

**6.10.2** The grounds for the reduction in force; and

**6.10.3** A written plan for implementation of the reduction in force.

**6.10.4** Employees scheduled to be laid off shall have the following rights:

- 6.10.4.1** A right of first refusal for any open position after the layoff for which the employee is qualified at the same or lower salary than the position currently held, provided that laid off employees shall have priority for such a position;
- 6.10.4.2** Affected employees shall compete for such positions only with other employees affected by the layoff;
- 6.10.4.3** Affected employees must meet the established requirements for any position for which they seek to exercise the right of first refusal;
- 6.10.4.4** Affected employees offered such a position shall have at least eleven (11) calendar days to accept the position.
- 6.10.5** Employees who decline such an offer shall not lose the right of first refusal status for other positions.
- 6.10.6** The right of first refusal extends until the first effected date of the planned layoff.
- 6.10.7** In implementing any layoff, temporary and probationary employees will be laid off before full-time or part- time regular employees unless they are grant employees or they are filling positions that are determined to be operation-critical by the County Manager.
- 6.10.8** Employees to be laid off must be notified at least one full pay period prior to implementation of the layoff.
- 6.10.9** Accrued annual leave shall be paid with the final paycheck to the employee.
- 6.10.10** Affected employees shall have the right to reemployment in the same position or other positions for which they are qualified for a period of six-months after being laid off.
- 6.10.11** Priority for reemployment shall be:
  - 6.10.11.1** Full-time Regular Employees;
  - 6.10.11.2** Part-time Regular Employees;
  - 6.10.11.3** Term Employees;
  - 6.10.11.4** Temporary Employees; and
  - 6.10.11.5** Seasonal Employees.
  - 6.10.11.6** Within each of the preceding classifications, priority shall be given based on seniority.
- 6.10.12** Probationary employees returning to County employment within six months of lay-off will resume their probationary period when hired to any position.
- 6.10.13** An employee that is laid off must reapply to be considered for reemployment.
- 6.10.14** Affected employees offered reemployment shall have eleven (11) days to accept the offer of reemployment or forfeit the right to employment.
- 6.10.15** Affected employees reemployed shall have that period of time they were laid off counted for purposes of seniority and probation and do not have to restart a new probationary period upon reemployment.

## **6.11 TERMINATION.**

- 6.11.1** Temporary or Seasonal Employees, Probationary Employees and Discretionary Employees may be terminated at any time with or without cause upon the recommendation of Elected Officials and Department Directors of the department to which the employee is assigned.
- 6.11.2** Regular Employees and Term Employees may only be terminated for Cause or Just Cause as determined through the disciplinary process initiated by the Elected

Officials and Department Directors of the department to which the employee is assigned.  
**6.11.3** Terminations are administered by the HR Department and must be approved by the County Manager.

## **SECTION 7 – COMPENSATION AND BENEFITS**

**7.1 HOURS OF WORK.** The BOCC retains the authority to set the hours of operations for all County offices and delegates to the County Manager and Elected Officials the authority to set specific work schedules for each employee.

**7.1.1** Work hours are determined by the Board of County Commissioners through the County Managers and generally consists of forty (40) hours per week, excluding 24/7 Departments (LCSO, LCDC and Dispatch), specialty departments (Starmax) and certain grant positions (PAT, CASA, JJCS, DWI, etc). This section is not a guarantee of work schedule or number of hours worked in any given period.

**7.1.2** Employees will only work their scheduled hours unless some form of leave has been granted or approved but may flex the hours of their work schedule within the same week with advance approval from their immediate supervisor or the County Manager.

**7.1.3** Hours of work includes time spent performing the duties of their position but does not include travel time commuting to and from home to work or meal periods.

**7.1.4** Work schedules may change as needed, as determined at the discretion of the County, and such changes will be communicated to affected employees as soon as feasible, but must be far enough in advance to reasonably allow affected employees to accommodate such changes.

**7.1.5** FLSA Exempt Employees are expected to work hours that coincide with the hours of operation of their Department, but because of the nature of their position, can expect to work hours outside the normal hours of work, as dictated by the needs of the County, without additional compensation.

**7.2 BREAK PERIODS.**

**7.2.1** While not mandatory, work breaks and authorized meal periods shall be coordinated between the employee and their supervisor. Supervisors may occasionally limit, delay or shift breaks if continuous work is required because of workload, emergency or unusual conditions or when requested by the employee.

**7.2.2** Reasonable break periods will be provided for a breastfeeding mother to express breast milk for her child for up to one (1) year after the child's birth. Designated locations, other than restrooms, shielded from public view and free from intrusion from coworkers and the public will be provided for the breaks. Breastfeeding mothers should make a request to their immediate supervisor and communicate the frequency and duration of the breaks.

**7.2.3** Other authorized breaks may be the result of reasonable accommodations granted at the request of the employee pursuant to the Americans with Disabilities Act or other applicable statute. Such accommodations must be requested and agreed to in accordance with the procedure established by the HR Department.

**7.2.4** Other than meal periods, break periods in this section are considered hours worked.

**7.3 PAY PERIODS.** All employees shall be paid on the same bi-weekly basis on the schedule established by the County Manager.

**7.4 OVERTIME.** Luna County complies with the applicable wage and hour requirements, such as FLSA.

**7.4.1** Non-Exempt Employees shall not work overtime without authorization from their supervisor. Except in unforeseeable circumstances or emergencies, authorization must be obtained prior to working overtime hours.

**7.4.2** Overtime hours accrued shall be recorded for each Non-Exempt Employee and submitted to the Department Director or Elected Official each pay period electronically on approved forms, or as directed by the Payroll Department.

**7.4.3** When requested by the employee and granted by their supervisor, hours of work within the same week may be flexed to avoid overtime.

**7.5 FINAL PAYCHECK.**

**7.5.1** An employee who resigns shall receive a final paycheck on or before the first regularly scheduled payday following the employee's effective date of resignation.

**7.5.2** An employee who is terminated shall receive a final paycheck by 5:00 p.m. on or before the fifth (5th) day following termination.

**7.5.3** In the case of death, final salary and any other accumulated compensation shall be given to the employee's named beneficiary on file in the HR Department.

**7.5.4** Final Paychecks are subject to withholding for lost, damaged or unreturned equipment or property.

**7.6 UNIFORMS AND SPECIFIED CLOTHING.**

**7.6.1** Certain employees may be required to wear uniforms provided by the County. Uniforms remain the property of Luna County, are not taxable to the individual employee and must be returned at the end of employment.

**7.6.2** Certain employees may be required to wear specified clothing provided by the County. Specified clothing is generally taxable to the individual employee and may, with the permission of the County Manager, be retained after the end of employment.

**7.6.3** Employees who wish to wear clothing with a County logo, may purchase such items only with the advance approval of the County Manager or designee.

**7.7 EQUIPMENT.**

**7.7.1** Unless otherwise specified in the applicable Job Description, Luna County will provide and retain ownership of equipment and tools necessary for performance of job duties. Such equipment and tools are restricted to use only in the performance of job duties and may not be used for personal benefit by any employee. Unauthorized use of county equipment or tools is subject to disciplinary action, including termination, and referral for criminal investigation.

**7.7.2** In rare instances when specialty equipment or tools are necessary for performance of job duties and the County does not own or have access to such items, employees may



voluntarily and temporarily provide such equipment or tools with the advance knowledge of their or Elected Official or Department Director. Reimbursement for use or consumption of materials shall be determined by the County Manager in consultation with the Procurement Department.

**7.7.3** Safety equipment necessary for performance of job duties will be provided by and remain the property of Luna County and is not taxable to the individual employee. Individualized safety equipment, such as prescription safety goggles, will be provided by the County but are taxable to the individual employee and do not need to be surrendered or returned at the end of employment.

**7.8 GIFTS AND GRATUITIES.** All employees and representatives of Luna County are subject to the provisions of applicable laws, including but not limited to the Governmental Conduct Act, Sections 10-16-1 through 18, the Gift Act, Section 10-16B-1 through 5, and the Luna County Code of Conduct.

**7.8.1** For the performance of their job, all employees are limited to that compensation and benefits established directly by the BOCC or through their designee, the County Manager.

**7.8.2** Elected Officials' compensation is limited to those amounts authorized by statute as implemented and approved by the BOCC.

**7.8.3** All Luna County employees and Elected Officials are prohibited from receiving or accepting compensation, gifts or other consideration for the performance of their duties or from anyone giving with the intent of modifying or influencing the employee's performance of duties, including encouraging the employee or Elected Official to make purchases from the vendor involved in the gift.

**7.8.4** Employees and Elected Officials may accept gifts, gratuities or honoraria not otherwise prohibited subject to the limits in the Governmental Conduct Act, Gift Act and Luna County Code of Conduct unless acceptance results in the appearance of impropriety or brings into question the integrity of the County, the employee or Elected Official.

**7.8.5** Employees will maintain the highest moral standards and any attempt to influence an employee's performance by a vendor or other person shall be immediately reported to the County Manager.

**7.9 PER DIEM AND MILEAGE.** All payments of and reimbursement for per diem and mileage allowance to Elected Officials and employees require prior approval and will be made pursuant to the Per Diem and Mileage Act, Section 10-8-1 through 8, NMSA 1978 and the approved policies BOCC.

**7.10 REPORTING OF TIME WORKED.** Hours of work are reported in accordance with the policy and procedure established by the County Manager through the Payroll Department.

**7.10.1** Each employee is responsible for clocking in and out electronically when reporting to or leaving work. Failure to do so may result in a delay in the timely receipt of compensation and disciplinary action.

**7.10.2** At the end of each pay period, Elected Officials or Department Directors are responsible for reviewing and approving all time for hours of work submitted by



employees no later than 1:00 p.m. on the Monday immediately after the end of the pay period.

**7.10.3** The Payroll Department will keep a cumulative record of all time accrued and used.

**7.11 RETIREMENT BENEFITS.** Elected Officials and Luna County employees, excluding Temporary or Seasonal Employees, working year-round in excess of nineteen (19) hours or more each week are required to participate in the Public Employees Retirement Association of New Mexico (PERA) and the New Mexico Retirement Health Care Authority (RHCA), and these benefits are governed by respective state statutes and PERA and RHCA rules and provisions. Luna County will pay at least the minimum required employee contribution and the employee will be responsible for the maximum employee contribution unless otherwise approved by the BOCC.

**7.12 INSURANCE BENEFITS.** Luna County provides health insurance for Elected Officials and Luna County employees, excluding Temporary or Seasonal Employees, working thirty (30) or more hours a week for at least fifty (50) weeks per year. Luna County will pay at least the minimum of the percent of the premium for basic health benefits required by law. Luna County may pay more depending on financial limitations. Optional plans such as vision and supplemental policies may be offered as a payroll deduction at the employee's expense.

**7.13 CLASSIFICATION AND COMPENSATION PLAN.**

**7.13.1** A compensation plan for employees shall be adopted by the BOCC. Such plan shall establish a schedule containing a minimum, mid-point and maximum pay range for each position in the classification plan.

**7.13.2** The County Manager shall review the compensation plan regularly and may initiate comparative wage studies and market surveys of salary levels. The County Manager may then recommend changes to the compensation plan to the BOCC for review.

**7.13.3** Factors to be considered in determining the compensation plan include, but are not limited to are:

**7.13.3.1** Prevailing rates of pay for comparable work in similar work situations;

**7.13.3.2** Pay equity between position classifications having substantially similar duties, responsibilities, and qualifications; and

**7.13.3.3** Financial condition of Luna County.

**7.13.4** Recommendations regarding compensation of County employees shall be made annually by the County Manager to the BOCC as part of the presentation of the preliminary budget in May of each year. The recommendations may include one or more of the following elements:

**7.13.4.1** Determinations regarding Salary Ranges for one or more positions pursuant to Section 7.13.2;

**7.13.4.2** Discretionary salary and wage adjustments;

**7.13.4.3** Incentive pay, longevity pay, hazard pay, merit pay and other forms of supplemental pay;

**7.13.4.4** Changes to non-wage compensation and benefits;

**7.13.4.5 Layoffs, Reductions in Force and conversion of positions to independent contractors.**

**7.14 HOLIDAYS.** Paid holidays will be designated by the BOCC each year. The following conditions will apply with respect to holidays.

**7.14.1** Temporary/Seasonal Employees, Part-Time and Term Employees regularly working less than forty (40) hours weekly are not entitled to paid holidays, unless agreed upon pursuant to an employment agreement or authorized by the County Manager.

**7.14.2** When a holiday falls during an employee's PTO, the day shall be counted as a holiday and not PTO.

**7.14.3** In order to receive pay for a designated paid holiday, employees shall be in a work or PTO status. An employee who is absent without authorization or who is on unpaid leave on their scheduled work day that is a designated holiday shall not receive pay for that holiday

**7.14.4** Subject to any applicable CBA, employees in 24 hours-per-day/7days-per-week operations will receive holiday pay unless they are absent without authorized leave or are on unpaid leave for the designated holiday.

**7.14.5** The amount of holiday pay is set by the BOCC, and is typically set as a dollar amount calculated by regular rate of pay times a set number of hours. If the set number of hours is less than the regularly scheduled hours in a shift, the employee will be required to use accrued PTO to make up the difference.

**7.15 PAID TIME OFF (PTO).** Eligible employees (Full-Time Regular Employees, Term Employees regularly working forty (40) hours and those funded by grants or other outside funding sources providing for PTO) shall accrue PTO as follows:

**7.15.1** Accrual Rate.

0 - 60 months of employment =	160 hours/year (6.15 accrued hours/pay period)
61-120 months of employment =	200 hours/year (7.69 accrued hours/pay period)
121-180 months of employment =	240 hours/year (9.23 accrued hours/pay period)
181 months plus of employment =	280 hours/year (10.77 accrued hours/pay period)

**7.15.2** An employee does not accrue PTO for time worked in excess of forty (40) hours per week.

**7.15.3** An employee may accumulate no more than three hundred sixty (360) hours of accrued PTO. If PTO is not taken after an employee accrues 360 hours it will be donated to the Luna County Employee PTO Pool on a monthly basis unless the employee opts out in writing. During critical projects, the County Manager may grant a short-term variance to employees from this requirement.

**7.15.4** PTO shall be earned on a pro-rata basis each pay period and will not be authorized for use prior to accrual.

**7.15.5** Upon termination of employment, or taking office as an Elected Official, Chief Deputy, or appointed position, an employee shall be paid for the employee's unused accrued PTO up to a maximum of 360 hours.

**7.15.6** An employee may take PTO immediately prior to separation from employment if approved by the County Manager.

**7.15.7** All eligible employees, including Probationary Employees, must request and obtain approval in advance to use accrued PTO, except when unforeseeable or emergency circumstances prevent such a request.

**7.15.8** PTO requests can only be denied by the County Manager or designee and will not be unreasonably denied subject to the needs of the County and/or department as determined in the sole discretion of the Elected Official or Department Head.

**7.15.9** Regular Part-Time Employees, Temporary/Seasonal Employees regularly working less than (40) hours weekly or those funded by grants or other outside sources that do not provide for PTO, Elected Officials, Discretionary Employees do not accrue PTO.

**7.15.10 Employee PTO Donation Pool.**

**7.15.10.1** Luna County recognizes that employees may incur emergencies or other catastrophic events that result in a need for time off in excess of accrued or available PTO. To that end Luna County has established the Luna County Employee PTO Pool that is maintained by the HR Department.

**7.15.10.2** In addition to donations pursuant to Section 7.15.3, employees may donate PTO to the Pool by submitting a written request to the HR Department for a specified amount, specified period of time or until otherwise directed by the employee.

**7.15.10.3** PTO donations are to the Pool, not to individual employees or specific departments, and must be whole hours and are accepted based on the donating employee's hourly rate of pay and are awarded on the receiving employee's rate of pay.

**7.15.10.4** Donations, once made, are removed from the donating employee's PTO balance and once removed cannot be returned.

**7.15.10.5** Any employee of Luna County is eligible to request leave from the Pool by submitting a written request to the HR Department, if:

**7.15.10.5.1** They have suffered a qualifying reason as defined by the FMLA or other catastrophic event, such as the loss of their home to fire;

**7.15.11.5.2** The employee has exhausted all accrued leave; and

**7.15.11.5.3** The event necessitating the request has been documented or verified to the satisfaction of the County.

**7.15.10.6** Employees are limited to receiving one-hundred twenty (120) hours in the twelve months preceding the request. Employees are also limited to receiving no more hours than they would otherwise be regularly scheduled to work.

**7.15.10.7** In the event there are insufficient funds in the Pool to fully award all requests, awards will be paid *pro rata* to all recipients. Requests or solicitation of additional donations will then be made by the County Manager and/or HR Department or designee.

**7.15.10.8** Employees receiving disability, worker's compensation or other monetary benefits as a result of the event leading to a request from the Pool, are limited to receiving PTO from the Pool necessary to cover their employee benefits contributions (e.g. health insurance premiums) while the employee receives those benefits.

**7.15.11** When declared by the County Manager, Employees may sell back PTO to the County once per year according the terms and conditions set by the County Manager and approved by the BOCC.

**7.16 BEREAVEMENT LEAVE.** In the event of the death of an employee's spouse, domestic partner, parent, step-parent, parent-in-law, grandparent, grandparent-in-law, child, step-child, foster child, son-in-law, daughter-in-law, grandchild or sibling, the employee shall be entitled to bereavement leave with pay not to exceed five (5) days during any twelve (12) month period.

**7.17 ADMINISTRATIVE LEAVE.**

**7.17.1** Administrative Leave with Pay may be granted when deemed appropriate by the County Manager based on the totality of circumstances.

**7.17.2** Employees on Administrative Leave with Pay are subject to directives from the County Manager or designee during their regular work hours or designated hours for shift workers, including but not limited to directives to report to the workplace or other County office. Employees must use accrued PTO to be excused from such work directives while on Administrative Leave with Pay.

**7.17.3** Leave Without Pay (Voluntary) may be granted upon request by the County Manager or designee when deemed appropriate based on the totality of circumstances or imposed (Involuntary) when necessary based on allegations of misconduct are such that the ability to perform the job is severely compromised by the allegations and other such extraordinary circumstances as determined by the County Manager.

**7.17.4** An employee may submit a written request for Voluntary Administrative Leave Without Pay to the County Manager. The request shall include the reason for the request and the expected duration. Unless otherwise mandated by law, the County Manager, may grant regular employees leave without pay (LWOP) for a period not to exceed three (3) months on terms and conditions set by the County Manager when such leave without pay is in the best interest of Luna County.

**7.18 GENERAL PROVISIONS FOR ADMINISTRATIVE LEAVE WITHOUT PAY AND LEAVES OF ABSENCE.**

**7.18.1** If an employee returns to work within three (3) months of the commencement of Administrative Leave Without Pay, the employee shall either be returned to their former position, if available, or another county employment at their prior rate of pay unless such leave was the result of disciplinary action that included a demotion and/or reduction in pay.

**7.18.2** Unless prohibited by law, prior to commencing Administrative Leave Without Pay, an employee requesting such leave shall use all available PTO except for those going on military leave without pay and those granted a waiver of this requirement by the County Manager.

**7.18.3** An employee on Administrative Leave Without Pay for a full pay period will not accrue PTO and all employees on such leave will not receive Holiday Pay. An employee on Administrative Leave Without Pay will be responsible for timely payments of the employee's portion of any benefits, including but not limited to health insurance



premiums, supplemental life insurance premiums, disability insurance premiums. Luna County's employer contributions toward insurance premiums shall continue while the employee is on authorized leave PROVIDED the employee timely makes any mandatory contributions. No payments by either Luna County or the employee toward retirement benefits are made during Administrative Leave Without Pay.

**7.19 OCCUPATIONAL INJURY- WORKER'S COMPENSATION.**

**7.19.1 Worker's Compensation.** Employees injured on the job or suffering from occupational diseases as defined in the Worker's Compensation Act, Section 52-1-1 et seq., NMSA 1978, may receive Worker's Compensation benefits as prescribed by law.

**7.19.2 Leave Pay.** An employee injured on the job may use accrued PTO for each regularly scheduled work day after the injury occurs for all such days not paid by Worker's Compensation. Worker's Compensation payments to employees who used PTO shall be paid directly to Luna County by the Worker's Compensation carrier or by the employee, if received directly by the employee.

**7.19.3 Reporting Procedure.** All work-related injuries must be reported to the employee's Elected Official or Department Director immediately and necessary forms, including the Notice of Accident Form must be submitted to the Risk Management Department within (15) days of accident after which the injury may result in a loss of eligibility for compensation.

**7.19.4 Medical Procedures.** All medical procedures shall comply with the regulations of the New Mexico Workers Compensation Act.

**7.19.5 Return to Work.** An employee shall return to his or her former position or be reassigned to a comparable position if a physician certifies that the employee can return to work. All return to work procedures shall comply with the regulations of the New Mexico Workers Compensation Act.

**7.19.6 Modified Work Schedule.**

**7.19.6.1** An employee returning from worker's compensation disability may return to modified duty if an appropriate position is available and does not present a hardship, inconvenience or additional cost to Luna County. A physician must certify that the employee can return to the modified work schedule.

**7.19.6.2** As allowed by law, the conditions of modified duty will be determined by the employee's Elected Official or Department Director in consultation with the County Manager.

**7.20 CIVIC DUTY LEAVE.** An Employee shall be given necessary time off with pay for the following:

**7.20.1 Jury Duty.** Administrative Leave with Pay for jury duty shall be authorized only for those days that the employee is scheduled to work. If excused by the court during a working day, the employee shall return to duty if at least four (4) hours of work remain in that employee's work day. If the employee does not return to work when at least four (4) hours of work remain, the balance of the day will be charged to PTO or leave without pay.

**7.20.2 Court Appearance Time.** Administrative Leave with Pay for court appearances time shall be authorized when an employee is required by county duties or by subpoena to appear before a court to testify on job related matters.

**7.20.3 Voting.** For purposes of a national, state, or local election, an employee who is registered to vote will be granted up to two (2) hours Administrative Leave with Pay to vote between the time of opening and the time of closing polls. The employee's supervisor may specify the hours for the leave.

**7.21 MILITARY LEAVE.**

**7.21.1 Paid Military Leave.** Approved Leave with Pay for military service is granted for authorized active duty, Reserve or National Guard activities for a maximum of fifteen (15) working days during a one-year period corresponding to the Federal Fiscal Year. Military leave must be requested twenty (20) days in advance or as soon as such orders are received by the employee. The employee must furnish military orders or other official documentation prior to leave being granted unless the leave is for emergency purposes.

**7.21.2 Unpaid Military Leave.** Employees voluntarily or involuntarily serving on active duty for more than fifteen (15) working days shall be placed on Administrative Leave Without Pay for the duration of the service period and additional time as specified in the Uniformed Services Employment and Reemployment Act (USERRA). Subject employees may use accrued and accruing PTO during this period.

**7.21.3 Employees Returning from Unpaid Military Leave.** USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. A copy of the entire Act may be obtained through the HR Department.

**7.22 INCLEMENT WEATHER.** Luna County may close one or more offices and send employees home on Approved Leave with Pay due to inclement weather or other circumstances, as deemed appropriate by the County Manager. Employees who are sent home due to inclement weather or other circumstances shall not be charged PTO for all normal work hours missed. Hours paid pursuant to this provision shall not be counted as hours worked for the computation of overtime.

**7.23 FAMILY AND MEDICAL LEAVE.**

**7.23.1** Eligible employees are entitled to leave in accordance with the FMLA. Eligible employees are determined by law. A copy of the FMLA may be obtained in the HR Department.

**7.23.2** FMLA Leave may be comprised of any combination of PTO and/or Approved Leave. FMLA Leave must be requested and approved at least thirty (30) days in advance, except in the case of emergencies. Coordination of the use of PTO and Administrative Leave must occur prior to the commencement of FMLA Leave except in the case of emergency.

**7.23.3** No part of FMLA Leave shall be considered a break in employment for purposes of determining seniority or service time and shall not change an employee's anniversary date but is considered a break in employment for retirement benefits purposes when on unpaid FMLA Leave.

**7.23.4** Employees shall not accrue PTO or receive Holiday Pay while on unpaid FMLA leave.

**7.23.5** Employees that qualify are entitled to the FMLA benefit extensions provided in the National Defense Authorization Act.

## **SECTION 8 – EMPLOYEE DISCIPLINE**

### **8.1 BASIS FOR DISCIPLINE.**

**8.1.1 Discipline.** Disciplinary actions for employees are based on a showing of cause or just cause as defined in this Ordinance. Disciplinary actions will be consistent with governing laws, regulations and policies and will be taken without regard to race, age, religion, national origin, ancestry, gender or gender identity, familial status, veteran status, sexual orientation, genetic information, physical or mental disability or medical condition. No employee will be disciplined for refusing to perform an unlawful act.

**8.1.2 HR Department.** Requests for disciplinary action must be in writing and submitted to the HR Department by the appropriate supervisor. In consultation with the Elected Official, Department Head or supervisor, the appropriate level of discipline will be determined by the HR Department and all formal disciplinary documentation will be prepared by the HR Department.

**8.1.3 Consultation with County Manager.** Termination, involuntary demotion, and suspension without pay require final approval from the County Manager before implementation.

**8.2 PROGRESSIVE DISCIPLINE.** An employee shall be progressively disciplined when appropriate. Corrective action will depend on the severity of the infraction(s) and the employee's work record and performance. Because of the serious nature of some infractions, progressive discipline may be inappropriate and the first disciplinary action may be termination.

**8.2.1 Verbal Reprimand.** When determined by the Supervisor, in consultation with the HR Department, a verbal reprimand is used for minor infractions to inform employees that performance, actions, behavior or conduct needs to change. Supervisors will provide written notification containing details of verbal reprimands to the HR Department for placement in the employee's personnel file.

**8.2.2 Written Reprimand.** When determined by the Supervisor, in consultation with the HR Department, an employee shall receive a written reprimand because the efficiency or infraction is of a greater degree than that for which a verbal reprimand may be used or when a pattern of minor infractions exists. Written reprimands shall be placed in the employee's personnel file. The employee will be provided a copy of the statement after signing an acknowledgement of receipt. If an employee refuses to sign an acknowledgment of receipt, it shall be deemed insubordination and shall result in further progressive discipline. The employee may respond by noting on the reprimand that the employee does not agree with the reprimand.

**8.2.3 Suspension.** When determined by the Supervisor, in consultation with the HR Department, an employee may be suspended or placed on administrative leave without pay for a serious offense or for continued inadequate job performance or misconduct. Such suspension will not exceed ninety (90) working days per offense. Suspension of an employee is subject to the Level 3 Grievance procedure. The County Manager must give final approval of any suspension before implementation.

**8.2.4 Demotion or Reassignment.** An employee may be involuntarily demoted or reassigned for continued inadequate job performance or other cause. The demotion of an employee is subject to the Level 3 Grievance procedure. Reassignment is not subject to the Level 3 Grievance procedure unless it also results in a reduction in pay. The County Manager must give final approval of any demotion or reassignment resulting in a reduction in pay prior to implementation.

**8.2.5 Corrective Action.** Corrective Action may be imposed in conjunction with or in place of any of the preceding levels of discipline. The purpose of Corrective Action is to educate and prevent similar misconduct or infractions in the future. As such, the Corrective Action should be related to the misconduct or infraction and may include, but is not limited to, additional training, education, policy and/or review, revision or creation, certification, testing or other appropriate measures.

**8.2.6 Termination.** When progressive discipline has failed to change unacceptable behavior or performance, an employee may be subject to termination. Termination without progressive discipline may be appropriate when the employee has engaged in any behavior, misconduct or job performance that is serious and unacceptable for Luna County employees. Termination may also result from the loss of required certification or licensing or the ability to gain or maintain the required certification necessary to perform the essential functions of the assigned county position. Termination may also result from the inability to perform essential functions of the position. The termination of a regular employee is subject to the formal grievance procedure. The County Manager must give final approval of any termination prior to implementation.

**8.2.7 Performance Improvement Plans or Last Chance Agreement.** In lieu of termination, when deemed appropriate by the HR Department, an employee may be offered a Performance Improvement Plan or Last Chance Agreement. The terms and conditions of such Plans or Agreements are determined in the sole discretion of the HR Department, in consultation with the Department Head or Elected Official. Acceptance by the employee of a Plan or Agreement is voluntary and unsatisfactory completion or compliance will result in termination without any right to the grievance process.

**8.2.8 Forgiveness.** Verbal Reprimands and Written Reprimands may be removed from employee Personnel Files under the following circumstances:

**8.2.8.1** A written request from the Employee requesting removal after six (6) months for Verbal Reprimands or twelve (12) months for Written Reprimands;

**8.2.8.2** The Employee has not committed the same or similar infraction within the applicable time period;

**8.2.8.3** The Employee has not been subject to more severe discipline for any infraction or misconduct within the applicable time period; and

**8.2.8.4** No law, regulation, rule or licensing requirement prohibits the removal of the disciplinary action from the Personnel File; and



**8.2.8.5. Approval by the County Manager, HR Department and County Attorney.**

**8.3 PRE-DETERMINATION HEARING.** Only eligible employees who have completed the probationary period and are notified of possible suspension, demotion, reassignment with loss of pay or termination shall be entitled to a Pre-Determination Hearing before the appropriate Elected Official, Department Director, or designee.

**8.3.1 Notice.** An employee shall be notified in writing, at least three (3) business days prior to date and time of a Pre-Determination Hearing. The basis for the proposed disciplinary action, all supporting evidence, the time and place, and date of hearing shall be included in the notification.

**8.3.2 Administrative Leave/Administrative Reassignment.** An employee may be placed on administrative leave with or without pay or administrative reassignment pending the outcome of an investigation or hearing. All administrative reassignments will be administered by the HR Department in consultation with the County Manager.

**8.3.3 Hearing Procedure.** The Pre-Determination Hearing shall be informal and shall be conducted by the employee's Elected Official, Department Director or designee. The purpose of the hearing is to provide the employee with a reasonable opportunity to address or refute the basis for the proposed disciplinary action. The employee may be accompanied by a representative, however the representative may only observe and may not participate in any other manner unless expressly allowed by the Hearing Officer. The HR Department or other management employee may also be present at the hearing but may not participate unless expressly allowed by the Hearing Officer. The employee may respond to the notice of disciplinary action in writing prior to or on the date and time of the hearing in conjunction with or in lieu of appearing at the hearing.

**8.3.4 Waiver.** The Pre-Determination Hearing may be waived by the employee in which case the proposed disciplinary action takes effect immediately.

**8.3.5 Decision.** In consultation with the HR Department and/or County Attorney, the Hearing Officer shall render a final decision within five (5) business days of the hearing or receipt of the written response to the disciplinary hearing.

**8.3.6 Appeal.** An employee dissatisfied with the final decision may file an appeal as outlined in the formal grievance procedure.

**8.3.7 Consent to Discipline.** At any point in the disciplinary or grievance process, the employee and County Manager, through the HR Department, may enter into an agreement regarding resolution of pending disciplinary matters on terms and conditions agreeable to both parties but must include a waiver of grievance rights by both parties.

## **SECTION 9 – GRIEVANCE PROCEDURE**

**9.1 PURPOSE.** The purpose of the grievance procedure is to provide employees with a process for resolving complaints or problems related to violations of policies or procedures, unsafe, improper or illegal working conditions or disciplinary matters.

**9.2 ELIGIBILITY.** All classifications of Luna County employees have the right to avail themselves of the Grievance Procedure and to do so must submit a written grievance to the HR Department within fifteen (15) calendar days, in the absence of exigent circumstances, of the last occurrence or discovery of the action or inaction generating the grievance containing:

**9.2.1** The date, time and place of the action or inaction generating the grievance;

**9.2.2** All persons involved in or witness to the action or inaction generating the grievance;

**9.2.3** Policy or procedure being violated or the unsatisfactory working condition or disciplinary action imposed;

**9.2.4** The specific relief requested; and

**9.2.5** Be signed and dated by the employee.

**9.3 LEVEL 1 GRIEVANCE – HR DEPARTMENT OR DESIGNEE.**

Upon timely submission of a valid employee grievance, the HR Department, or designee, will have fifteen (15) calendar days to attempt to resolve the matter with the employee and appropriate Department Head or Elected Official. The HR Department may utilize any method deemed appropriate, including mediating, arbitrating or directive.

**9.4 LEVEL 2 GRIEVANCE – COUNTY MANAGER OR DESIGNEE.**

An employee or Department Head or Elected Official may appeal a Level 1 Grievance resolution, by timely submitting a Notice to the HR Department within fifteen (15) calendar days. The County Manager, or designee, will have fifteen (15) calendar days to resolve the matter by any method deemed appropriate, including mediating, arbitrating or directive.

**9.5 LEVEL 3 GRIEVANCE – GRIEVANCE HEARING.**

Level 3 Grievance procedure is only available to employees appealing a Level 2 Grievance resolution imposing or upholding serious disciplinary action, namely suspension, demotion, involuntary transfer resulting in loss of pay or termination. The Notice must be submitted to the HR Department within (15) calendar days identifying the specific provisions of the resolution being grieved, the relief requested and any policies, procedures, law or other persuasive material supporting the requested relief.

**9.5.1** The HR Department shall appoint an impartial hearing officer to act as the Grievance Hearing Officer. The Grievance Hearing Officer may be any person, including non-employees, except for a person in the aggrieved employee's chain of command.

**9.5.2** The HR Department, in conjunction with the Grievance Hearing Officer, shall issue a Notice of Grievance Hearing within five (5) business days of receipt of a Notice from the aggrieved employee setting a hearing date no later than thirty (30) calendar days after service of the Notice of Grievance Hearing on the aggrieved employee. The hearing date may be extended by written request for either party for reasonable cause.

**9.5.3** The Grievance Hearing shall be conducted in a semi-formal and professional Manner, the Rules of Evidence shall not apply and relevance shall be the sole basis for the admissibility of evidence and testimony. The aggrieved employee and Luna County may be represented by legal counsel, at their own expense.

**9.5.4** The aggrieved employee shall present its case first, including witnesses,

documentation and other evidence. Upon completion, Luna County shall then be allowed to present its case, including witnesses, documentation and other evidence. Both sides may cross-examine and will have one opportunity to present rebuttal evidence. Opening and closing statements may be made at the option of the Grievance Hearing Officer.

**9.5.5 Final Decision.** The Grievance Hearing Officer will issue a final written decision in writing within fifteen (15) business days of the conclusion of the Grievance Hearing unless extended in writing for reasonable cause. Notice of any extension shall be given to the aggrieved employee and Luna County. The Grievance Hearing Officer may accept, reject or modify the Level 2 resolution and, if modifying, impose any disciplinary action allowed by this Ordinance.

## **9.6 COMPLAINTS REGARDING DISCRIMINATION, SEXUAL AND WORKPLACE HARASSMENT.**

**9.6.1** Luna County expressly prohibits employees and visitors from engaging in conduct that constitutes sexual harassment, workplace harassment, discrimination or retaliation and perpetrators of such conduct will be subject to discipline, up to and including termination.

### **9.6.2 Responsibility to Report.**

**9.6.2.1** An employee who believes they have been subjected to retaliation, discrimination, sexual or workplace harassment is encouraged, but not required, to immediately let the offending person know the conduct is offensive and/or unwelcome.

**9.6.2.2** Employees who witness or become aware of retaliation, discrimination, sexual or workplace harassment are required to submit a complaint to the HR Department within fifteen (15) calendar days and failure to do so can result in disciplinary action, up to and including termination.

**9.6.3** Complaints regarding sexual harassment, workplace harassment, retaliation or discrimination based on race, age, religion, national origin, ancestry, gender, gender expression or gender identity, marital or familial status, veteran status, sexual orientation, genetic information, physical or mental disability or medical condition, shall be submitted to the HR Department in writing within fifteen (15) calendar days, in the absence of exigent circumstances, of the last occurrence or discovery of the conduct generating the complaint and must contain:

**9.6.3.1** The date, time and place of the action or inaction generating the complaint;

**9.6.3.2** All persons involved in or witness to the action or inaction generating the complaint;

**9.6.3.3** The specific relief requested, if any; and

**9.6.3.4** Be signed and dated by the employee.

**9.6.4** All complaints of retaliation, sexual harassment, workplace harassment or prohibited discrimination will be promptly investigated and, when appropriate, disciplinary action against the perpetrator will be initiated by the HR Department.

## **SECTION 10 – MISCELLANEOUS**

**10.1 DESIGNATED WORK AREAS.** All employees shall be ready to work at their designated work areas on time and continue working until the end of the work day.

**10.2 PERSONAL BUSINESS.**

**10.2.1** Excessive personal business or personal business which is disruptive to the work environment is prohibited during work hours and violation of this provision can result in disciplinary action, including termination, and loss of privileges such as the right to make or receive visitors or phone calls or to have a cell phone in their designated work area.

**10.2.2** Personal business conducted outside work hours that impedes or prohibits an employee's ability to perform their job duties or that creates a conflict of interest or the appearance of impropriety is also prohibited.

**10.3 COUNTY PROPERTY.** County property and equipment is intended for use in the performance of job duties and, except for de minimus personal use, the intentional misuse or use of county property or equipment for personal business is prohibited. Except in the ordinary course of business, Luna County property, equipment, records or other material should not be removed from the premises of Luna County offices except as allowed by applicable policies or practices or as permitted by the appropriate Elected Official or Department Director.

**10.4 RETURN OF COUNTY PROPERTY.** At the time that an Employee resigns or employment is terminated, the employee shall return all Luna County property to the appropriate Elected Official, Department Director, or HR Department, as directed by their supervisor.

**10.5 DRESS AND APPEARANCE.** Employees are constantly in the public eye, consequently it is important that employees present a professional image to the public. Employees must always be clean and appropriately dressed in clothing suitable for their work assignments. Elected Officials or Department Directors may promulgate reasonable and appropriate dress codes for their respective departments after consultation with the HR Department and with approval by County Manager.

**10.6 CONTENTS OF PERSONNEL FILE.** Subsequent to hiring, a separate record file shall be prepared and maintained on each employee. These records shall be kept in the HR Department or in a place designated by the County Manager. It is the responsibility of the HR Department to ensure that the records of the employees are completed; are up-to-date; and remain confidential. The file shall contain but is not limited to the following:

**10.6.1** The original Application form;

**10.6.2** The original Personnel Action Form showing occupation, date of hire and salary;

**10.6.3** Documentation related to disciplinary action;

**10.6.4** Performance evaluations and commendations;

**10.6.5** Letters, forms, memorandums and certificates;

**10.6.6** Other related actions/forms concerning PERA application and payroll deductions;



- 10.6.7 Employee benefits information; and
- 10.6.8 Any and all relevant personnel documentation.

**10.7 MAINTENANCE OF PERSONNEL FILES.** Public access to personnel files is restricted except as required by the New Mexico Inspection of Public Records Act. Physical access to an employee records is subject to the control of the HR Department but employees or persons with written authorization from the employee may be granted access to the personnel file on the terms and conditions set by the HR Department.

**10.8 WEAPONS IN THE WORKPLACE.**

**10.8.1** Subject to applicable law, Luna County employees are prohibited from carrying or possessing a handgun, firearm or other prohibited weapon on Luna County property, with the exception of law enforcement personnel, employees who possess a New Mexico Concealed Carry Permit and employees who have requested and received permission from the County Manager.

**10.8.2** Luna County employees permitted to carry or possess a weapon under this provision, must comply with all laws, rules, regulations and conditions of the permission.

**10.8.3** Luna County employees with New Mexico Concealed Carry Permits must notify the County Manager in writing prior to carrying or possession a weapon on County Property.

**10.8.4** Luna County employees, other than law enforcement, who wish to carry or possess a weapon on County Property must first request and receive authorization from the County Manager.

**10.8.5** Luna County reserves the right to refuse or disallow any employee from carrying a weapon in or on Luna County property and written authorization may be revoked without cause at any time.

**10.8.6 County Property.** This Ordinance covers all county owned or leased buildings and vehicles.

**10.8.7 Prohibited Weapons.** Prohibited weapons include any form of weapon or explosive device restricted under State or Federal regulations (chemical dispensing devices, such as pepper spray that are sold commercially for personal protection are exempt from this Ordinance).

**10.8.8 Searches.** Luna County reserves the right to conduct searches of any Luna County property.

**10.8.9 Violations.** Any employee who violates this Section shall be subject to disciplinary action, up to and including termination.

**10.9 ADDITIONAL RULES.** Employees shall adhere to all additional lawful rules, policies, directives and requests stated verbally or in writing by their supervisors. Employees are required to follow all standards, rules, procedures, and policies that are expected in the workplace. Failure to do so constitutes insubordination and can result in disciplinary action, up to and including termination.

**10.10 SEVERABILITY.** If any part of this Ordinance is found to be unconstitutional, invalid or otherwise in conflict with the laws of the State of New Mexico or the United States of America, the validity of the remaining portions of this Ordinance shall not be affected.

Salary Ranges Per Position Class				
	Range	Minimum	Midpoint	Maximum
<b>Administration</b>				
County Manager	84	\$117,144	\$137,817	\$158,489
Assistant County Manager	80	\$106,127	\$124,855	\$143,584
County Attorney	85	\$120,073	\$141,262	\$162,452
Chief Financial Officer	75	\$93,801	\$110,354	\$126,907
Human Resources Director	65	\$73,277	\$86,208	\$99,140
Budget/Procurement Director	65	\$73,277	\$86,208	\$99,140
Economic Development Director	60	\$64,766	\$76,196	\$87,625
Procurement Director	60	\$64,766	\$76,196	\$87,625
Emergency Services Director	70	\$82,906	\$97,537	\$112,167
Project Manager	44	\$20.98	\$24.68	\$28.38
Assistant to the County Manager	47	\$46,983	\$55,274	\$63,565
Executive Assistant to the County Manager Office	40	\$39,525	\$46,500	\$53,475
Administrative Assistant to County Manager Office	30	\$30,877	\$36,326	\$41,775
Community Projects Coordinator / KLCB	42	\$41,526	\$48,854	\$56,182
<b>Administration Support</b>				
Grants Administrator	48	\$48,157	\$56,656	\$65,154
Human Resources Benefits Coordinator	42	\$41,526	\$48,854	\$56,182
HR Training and Recruitment Coordinator	42	\$41,526	\$48,854	\$56,182
Procurement Specialist	42	\$41,526	\$48,854	\$56,182
Grants Specialist	38	\$37,620	\$44,259	\$50,898
Payroll Specialist	43	\$42,564	\$50,075	\$57,587
Accounts Payable specialist	34	\$34,082	\$40,097	\$46,111
Indigent Coordinator	42	\$41,526	\$48,854	\$56,182
<b>Executive Support</b>				
Chief Deputy Treasurer	52	\$53,157	\$62,537	\$71,918
Chief Deputy Assessor	52	\$53,157	\$62,537	\$71,918
Chief Deputy Clerk	52	\$53,157	\$62,537	\$71,918
Certified Appraiser	44	\$43,628	\$51,327	\$59,026
Election Specialist	38	\$37,620	\$44,259	\$50,898
Appraiser-Associate	32	\$32,440	\$38,165	\$43,889
<b>Office Support</b>				
Executive Assistant	40	\$39,525	\$46,500	\$53,475
Administrative Assistant-Senior	35	\$34,934	\$41,099	\$47,264
County Services Specialist-Senior	35	\$34,934	\$41,099	\$47,264
County Services Specialist	30	\$30,877	\$36,326	\$41,775
Administrative Assistant	30	\$30,877	\$36,326	\$41,775

Salary Ranges Per Position Class				
	Range	Minimum	Midpoint	Maximum
<b>Office Support - Specialized</b>				
Data & Records Specialist	34	\$34,082	\$40,097	\$46,111
Legal Secretary	32	\$32,440	\$38,165	\$43,889
Training & Compliance Officer	42	\$41,526	\$48,854	\$56,182
<b>Technology Support</b>				
Chief Information Officer	75	\$93,801	\$110,354	\$126,907
IT Director or Manager	62	\$68,045	\$80,053	\$92,061
IT Network Administration	54	\$55,848	\$65,703	\$75,559
IT Technician	40	\$39,525	\$46,500	\$53,475
Help Desk/IT Tech Assistant	34	\$34,082	\$40,097	\$46,111
<b>Planning &amp; Land Use</b>				
Planning Supervisor	56	\$58,675	\$69,029	\$79,384
Building Official	52	\$53,157	\$62,537	\$71,918
Code Compliance Supervisor	46	\$45,837	\$53,926	\$62,015
Code Compliance Officer	40	\$39,525	\$46,500	\$53,475
Planning Technician	36	\$35,808	\$42,127	\$48,446
<b>GIS Department</b>				
GIS Director	58	\$61,645	\$72,524	\$83,403
GIS Coordinator	44	\$43,628	\$51,327	\$59,026
GIS Technician / Cartographer	38	\$37,620	\$44,259	\$50,898
<b>Community &amp; Health Services</b>				
Community Program Manager	48	\$48,157	\$56,656	\$65,154
Community Program Administrator	38	\$37,620	\$44,259	\$50,898
Program Case Manager	38	\$37,620	\$44,259	\$50,898
Program Educator	32	\$32,440	\$38,165	\$43,889
Program Coordinator	38	\$37,620	\$44,259	\$50,898
Community Development Liasion	38	\$37,620	\$44,259	\$50,898
<b>Community &amp; Health Programs Operations</b>				
Health Equity Manager	48	\$48,157	\$56,656	\$65,154
DWI Preventionist Certified	38	\$37,620	\$44,259	\$50,898
Shelter Advocate	32	\$32,440	\$38,165	\$43,889
CASA Program Manager	44	\$43,628	\$51,327	\$59,026
CASA Case Manager	32	\$32,440	\$38,165	\$43,889
<b>Facilities &amp; Infrastructure Maintenance</b>				
Facilities & Maintenance Director	60	\$64,766	\$76,196	\$87,625
Maintenance Supervisor	46	\$45,837	\$53,926	\$62,015
Maintenance Technician-Senior	36	\$35,808	\$42,127	\$48,446
Maintenance Technician	32	\$32,440	\$38,165	\$43,889
Maintenance Worker	28	\$29,389	\$34,575	\$39,762
Custodian	22	\$25,480	\$29,814	\$34,286




Salary Ranges Per Position Class				
	Range	Minimum	Midpoint	Maximum
<b>Detention Center Maintenance</b>				
Maintenance Supervisor	46	\$45,837	\$53,926	\$62,015
Maintenance Technician	32	\$32,440	\$38,165	\$43,889
Maintenance Worker	28	\$29,389	\$34,575	\$39,762
<b>Road Department</b>				
Road Director	60	\$64,766	\$76,196	\$87,625
Road Supervisor	46	\$45,837	\$53,926	\$62,015
Equipment Operator	34	\$34,082	\$40,097	\$46,111
Equipment Mechanic	34	\$34,082	\$40,097	\$46,111
Truck Driver	30	\$30,877	\$36,326	\$41,775
Sign Shop Technician	30	\$30,877	\$36,326	\$41,775
Laborer	26	\$27,973	\$32,909	\$37,846
<b>Public Safety</b>				
Emergency Management Coordinator	48	\$48,157	\$56,656	\$65,154
Safety & Risk Coordinator	44	\$43,628	\$51,327	\$59,026
<b>Law Enforcement</b>				
Sheriff Captain	62	\$68,045	\$80,053	\$92,061
HIDTA Investigator	40	\$39,525	\$46,500	\$53,475
HIDTA Grant Secretary	30	\$30,877	\$36,326	\$41,775
<b>Corrections Management</b>				
Detention Director	70	\$82,906	\$97,537	\$112,167
Deputy Detention Director	66	\$75,109	\$88,363	\$101,618
Chief of Security	64	\$71,490	\$84,106	\$96,721
Detention Captain	62	\$68,045	\$80,053	\$92,061
<b>Central Dispatch</b>				
Dispatch Services Director	60	\$64,766	\$76,196	\$87,625
Dispatch Operations Manager	48	\$48,157	\$56,656	\$65,154
Dispatch Shift Supervisor	40	\$39,525	\$46,500	\$53,475
Dispatcher Certified	36	\$35,808	\$42,127	\$48,446
Dispatcher Trainee	30	\$30,877	\$36,326	\$41,775

Salary Ranges Per Position Class				
	Range	Minimum	Midpoint	Maximum
<b>County Enterprise</b>				
General Manager	60	\$64,766	\$76,196	\$87,625
Assistant General Manager	50	\$50,595	\$59,524	\$68,452
Bowling Manager	36	\$35,808	\$42,127	\$48,446
Food & Beverage Manager	34	\$34,082	\$40,097	\$46,111
Bowling Mechanic	26	\$27,973	\$32,909	\$37,846
Floor Supervisor	28	\$14.13	\$16.62	\$19.12
Shift Lead Worker	26	\$13.45	\$15.82	\$18.20
Cook	22	\$12.25	\$14.33	\$16.48
Concession Worker	22	\$12.25	\$14.33	
Bartender	22	\$12.25	\$14.33	


AMENDED THIS 19TH DAY OF DECEMBER, 2022.

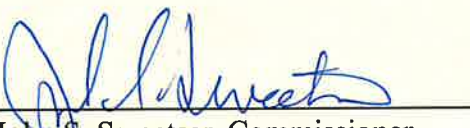
**BOARD OF COMMISSIONERS OF LUNA COUNTY:**

**ATTEST:**

  
Linda M. Smrkovsky, Chair  
District 2

  
Berenda McWright,  
County Clerk

  
Barbara Reedy, Commissioner  
District 1

  
John S. Sweetser, Commissioner  
District 3

