PERSONNEL POLICIES

Village of Ruidoso

313 Cree Meadows Drive
Ruidoso, NM 88345

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These Personnel Policies replace (supersede) any and all previous Village of Ruidoso personnel policies whether written or oral. If any term, covenant, condition, or provision of this policy is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

These Personnel Policies are established to provide basic information about the Village of Ruidoso policies for employees. This manual does not represent all of the policies of the Village of Ruidoso. It is designed only to give guidance to the Village personnel policies. These policies are enacted by the Village of Ruidoso for those employees not covered by a collective bargaining agreement.

None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the Village to repeal or modify these policies. The policies are not to be interpreted as promises of specific treatment. Either the employer or the employee may terminate the employment at any time, subject to the provisions within this manual.

The Village of Ruidoso reserves the rights to interpret, modify, revoke, suspend, terminate, or change any or all of these policies or procedures, in whole or in part, at any time, with or without notice, without consent of employees. In the event of the amendment of any ordinance, rule, law, or policy incorporated in this document or upon which these provisions rely, these rules shall be deemed to be amended in conformance with those changes.

These Village of Ruidoso Personnel Policies were approved by the Village Council on July 29, 2014.

Questions concerning these policies should be addressed to the Village of Ruidoso Human Resources Department, 313 Cree Meadows Drive, Ruidoso, NM 88345, (575) 258-4343.

INTRODUCTION

The Village of Ruidoso's Personnel Ordinance establishes the framework for the administration of the Village's personnel system. The Personnel Ordinance was adopted as Chapter 66 of the Village of Ruidoso's Municipal Code by the Village of Ruidoso Council in July, 2014.

The following policies and procedures were developed to interpret and implement this ordinance.

Principles for Human Resources Management at the Village of Ruidoso

The following reflects the values and principles to which the Village of Ruidoso leaders aspire in their daily activities and interactions with the employee.

The Village believes that the strength of the organization is in its people.

The Village values integrity and honest communication, and declares them to be guiding principles in managing the human resources of the Village.

The Village values and embraces differences in people and cultures, recognizing that such differences are vital to the success of the Village, its citizens and employees.

The Village values a healthy and safe work environment that supports people working together to achieve the goals of the organization.

The Village is committed to providing a fair pay structure for employees.

The Village values every employee's contributions, expects every employee to meet established performance expectations, and works to encourage excellence in a variety of ways:

- All Officials and employees shall treat every person with respect.
- The Village strives to give ongoing informal feedback about performance.
- The Village strives to give formal feedback about performance at least once each year.
- The Village supports career and professional growth by allowing reasonable time away from work to attend workshops and seminars and by encouraging employees to attend academic classes.
- The Village recognizes that work is only one aspect of a person's life, and supports employee efforts to balance personal and professional lives.
- The Village supports employee efforts to maintain good physical, mental, and emotional health.

CHAPTER 1. GENERAL

1-1 Statement of Purpose

The following personnel policies are established to promote and bring into the service of the Village of Ruidoso, the high degree of understanding, cooperation, efficiency, and unity, which come through systematic application of good procedures of personnel administration and to provide a uniform policy for all employees with all the benefits such a program ensures. The following personnel policy ensures that recruitment; selection, placement, promotion, retention, and separation of Village employees are based on employees' suitability and comply with Federal and State laws.

1-2 Authority

The Village of Ruidoso Council is the source of authority for the administration of the Village of Ruidoso. The Council specifically delegates to the Village Manager the authority and responsibility for the administration of the Village of Ruidoso, retaining for itself the power to establish goals and priorities and to issue broad policy statements for the direction of the Village Manager. The Village Manager has the sole authority to approve or disapprove personnel actions of all Village of Ruidoso employees and to maintain appropriate employee levels in each department within approved budget levels. The Village Manager acts in accordance with Village of Ruidoso policy consistent with provisions of the personnel ordinance

The Village Manager may impose Management Standard Operating Procedures (MSOPs) related to the operational procedures for policies established for the Village of Ruidoso.

1-3 Management Chain

The Village Manager serves as the appointed Chief Administrative Officer of the Village Government and is subject to direction by the Mayor and Council in a duly described Mayor Manager form of Government. The Deputy Village Manager works under the Village Manager's supervision. The Department Directors and Managers work under the supervision of the Village Manager. The employees work under supervision of their Department Directors/Managers or Supervisors.

1-4 Organizational Charts

Each Department Director/Manager keeps a current copy of the department's individual organizational chart showing the chain of command in that department. Each Department Director/Manager will supply the employees in his/her department with a current copy of the department's organizational chart annually. The Department Director/Manager is also responsible for supplying the Human Resources Department with a current organizational chart of the department as changes are made in the department.

1-5 Coverage

These policies apply to all employees of the Village of Ruidoso except employees under contract or covered by a collective bargaining unit.

1-6 Dissemination

Each employee, upon their employment by the Village of Ruidoso, shall be furnished a copy of the personnel policies or instructions on how to access these policies on the Village of Ruidoso website. Every Department shall have a physical copy of the Personnel Policy in their respective departments. Upon adoption of this policy, every employee shall sign that the policy has been updated and that they have a responsibility to review and understand it.

1-7 Equal Employment Opportunity (EEO)

The Village of Ruidoso is an equal opportunity employer and makes employment decisions on the basis of qualifications. The goal is to have the best available person in each job. Village policy prohibits unlawful discrimination based on race, sex, age, color, national origin, religion, disability, genetics, veteran status, marital status, political affiliation, sexual orientation, or any other consideration made unlawful by federal or state laws.

Where necessary, however, the Village of Ruidoso is allowed to establish bona fide occupational qualifications (e.g. age, sex, or physical or mental conditions). Equal Employment Opportunity (EEO) laws allow employers to base employment decisions for a particular job on such factors if the employer is able to demonstrate that such factors are an essential qualification for performing a particular job.

In addition, the New Mexico Human Rights Acts (§28-1-1 to 28-1-15, NMSA 1978) prohibits discrimination in employment, housing, credit, and public accommodation on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, spousal affiliation, age, physical or mental impairment, or serious medical condition.

These obligations include hiring, placement, upgrading, transfer or demotion, recruitment, advertising, or solicitation for employment. The objective of the Village of Ruidoso is to hire individuals most qualified for positions by virtue of education, training, experience, and personal qualifications.

Treatment during employment includes fair rate of pay or other forms of compensation, selection for training, and lay-offs or termination.

The Village of Ruidoso is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Village and prohibits unlawful discrimination of any employee of the Village of Ruidoso. All employees have a personal responsibility to conduct themselves in compliance with this policy and to report any observations of discrimination and/or harassment immediately to the Human Resources Director or Village Manager.

This policy of the Village of Ruidoso is consistent with the requirements and objectives set forth by the Presidential Executive Order 11246, Section 402, of the Vietnam Era Veterans Readjustment Act (VVERA), the Americans with Disabilities Act (ADA), Americans with Disabilities Act Amendments (ADAAA), and the Fair Labor Standards Act (FLSA). Each Director, Manager, and Supervisor is responsible for ensuring

compliance with and continued implementation of the Village of Ruidoso's policy on equal employment opportunity.

While management has the overall responsibility for assuring compliance with this policy, all Employees, by their personal actions, are responsible for supporting the concepts of equal opportunity for all. Any incident or situation that an Employee believes violates this policy shall be brought to the immediate attention of management.

As provided throughout these policies, the Village prohibits retaliation against anyone who in good faith reports discrimination. The reporting of any alleged discrimination will not result in any type of disciplinary or retaliation of any nature.

CHAPTER 2. RECRUITMENT, SELECTION, AND HIRING OF EMPLOYEES

2-1 Principles for Human Resources Management

Hiring, appointments, and promotions shall be made on the basis of the best qualified applicant that meets the job requirements. Employees will be chosen based on their capability to discharge duties with competence and integrity. Employees are promoted or advanced under impartial procedures designed to improve the Village's performance and effectiveness.

Applicants shall be advised on the application form that they are subject to reference checks. All such inquiries, whether made by person, telephone, or written contact, shall be documented. All responses, which constitute personal references, or statements which are a matter of opinion, shall be held as confidential and shall not be open to public inspection.

2-2 Vacancy

In order for a position to be vacated, the Human Resources Department must be in receipt of one of the following:

1. notice of termination;
2. letter of resignation from employee, or;
3. if the resigning employee does not submit a written resignation, then a letter documenting the resignation submitted by the Department Director/Manager.

2-3 Recruiting and Selection

2-3-1 Regular (full-time and part-time) vacancies or anticipated vacancies shall be reported to the Human Resources Department using the Personnel Requisition Form. At the discretion of the Department Director whose department has the vacancy, the position may be posted:

a. within the department first or within the department's volunteer or auxiliary program that the department maintains. This allows Fire and Police or other departments that maintain a volunteer program to recruit from within the volunteer program first, if the department designates that option. All departmental employees or volunteers who submit an application on time shall be interviewed as long as the employee or volunteer has the proper certification(s) and/or license(s); or

b. within all the Village departments. All Village employees who submit an application on time shall be interviewed as long as the employee has the proper certification(s) and/or license(s); or

c. externally.

2-3-2 For all positions, completed applications will only be accepted for vacancies that have been published internally or externally. Resumes are

expected in addition to the standard application form for certain positions. If applicable, copies of certificates, diplomas, licenses, transcripts, or other required credentials shall be submitted with the application form.

a. In cases where applicants have been solicited through external posting and a Village employee submits an application, the employee will be afforded an interview without going through the rating process as long as the employee who meets the minimum qualifications, has the proper certifications and/or licenses needed for the position.

2-3-3 The Human Resources Department and the Department Director/Manager having a job vacancy share responsibility for recruiting and hiring. The Village of Ruidoso is committed to:

a. Providing equal opportunities to all employees and applicants without regard to race, sex, age, color, national origin, genetics, religion, disability, veteran status, marital status, political affiliation, sexual orientation, or any other consideration made unlawful by federal or state laws.

b. Promoting from within whenever possible with adequate review and input.

c. Fully and timely considering all applicants that meet the minimum training, experience, education, skill requirements, and personal qualifications, as established for the position.

d. Evaluating all candidates for a vacant position against the same requirements, which are the requirements in the posted job description.

e. Police Officer positions will be according to their hiring policy.

2-3-4 For each job opening, the list of rated applicants will be kept by the Human Resources Department for 120 days from the day the chosen applicant begins work with the Village of Ruidoso. This list may be used as a source of new hiring for the same type position. Should the new-hire not work out or should an additional vacancy occur for the same type position, these same applications may be used for a period of 120 days. The Department Director or designee will be able to choose from this list and may conduct follow-up interviews. However, the Department Director is not obligated to use this list and may choose to solicit new applications.

A. When the Police Department recruits non-certified patrol officers or certified patrol officers a hiring list will be developed on the candidates that successfully pass the police department hiring process. The hiring list will be maintained for one year from the date of hire of selected candidate.

B. When the Fire Department recruits an entry level firefighter a hiring list will be developed on the candidates that successfully complete the hiring assessment. The hiring list will be maintained for one year from the date of hire of selected candidate.

Job postings will be posted in places available to the general public and all Village employees. Such places include the Village website and being posted in Village of Ruidoso departments.

2-4 Employment Applications

A. Applications for employment with the Village of Ruidoso shall be submitted online on the Village of Ruidoso website. Resumes are expected in addition to the standard application form for certain positions. If applicable, copies of certificates, diplomas, licenses, transcripts, or other required credentials shall be attached to online application.

B. For all positions completed applications will only be accepted for vacancies that have been published. Applicants can submit an interest card electronically on the Village of Ruidoso job opportunities website. Any applicant that fills out an interest card will receive an email when the job becomes open.

2-5 Examinations

All applicants for positions in the Village's service may be subject to competitive examination. Examinations shall be confined to those matters which test the candidate's ability for the position and which are directly job related.

2-6 Education Qualifications

Education qualifications should be determined by each position in the job description and modified as necessary when advertised for a vacancy. Unless provided otherwise in the job description, when a position requires a college degree, the Village of Ruidoso may allow two years of directly related experience to be substituted for one year of college.

2-7 References

The Department Director/Manager shall determine the extent to which employment, personal references, and other information provided by the applicant shall be verified. Applicants shall be advised on the application form that they are subject to such reference checks. All such inquiries, whether made by person, telephone, or written contact, shall be documented. All responses, which constitute personal references or statements, which are a matter of opinion, shall be held as confidential and shall not be open to public inspection.

2-8 Disqualification of Applicants

Disqualification from further consideration may occur if the applicant:

A. Does not meet the minimum qualifications for the position;

B. Is under the legal minimum age for employment in the position applied for;

C. Submitted an incomplete application and/or failed to provide copies of documents cited in the job announcement prior to a final decision on hiring;

D. Has falsified, omitted, misrepresented or provided misleading information on an application or resume. (Employees who violate this section shall be subject to disciplinary actions, up to and including dismissal).

C. Is unable to perform the essential functions of the position, with or without reasonable accommodations.

D. Has been convicted of a crime that renders him/her unqualified for the position to which he/she has applied

E. Has established an unsatisfactory employment record, was dismissed from duty, or did not give a two-week notice before termination.

F. Advocates the overthrow of the government of the United States by force or violence;

G. Submitted an application after an announcement closed or submitted an application for an unannounced position;

H. Receives a positive test result on a pre-employment drug test for a substance that is illegal under either State or Federal law, or for which the applicant does not have a valid prescription;

I. Failed background investigations.

2-9 <u>Evaluation and Referral of Candidates</u>

All candidates for a vacant position should be evaluated against the same requirements. The requirements shall be taken from the posted job description. Refer to the Village of Ruidoso's Human Resources Department Procedures for details related to internal and external postings and the evaluation process.

Summer/Temporary and other difficult to fill positions: Historically, some positions are difficult to fill and/or keep filled. In this case, the Village of Ruidoso may open the acceptance of applications for an indefinite period of time. These positions shall be filled as needed. Applications shall be submitted to the Human Resources Department. The Human Resources Department shall then send the finalists applications to the proper department as long as the applicants meet minimum qualifications, have the proper certification and/or license.

Other positions: Village Manager, Village Clerk, Emergency Manager, and Police Chief Positions shall be filled as appointed by the Mayor and Council.

2-10 Recruitment of Executive Level Positions

Department Director positions may circumvent the above stated employment process and be hired in the way that best benefits the Village of Ruidoso and is regarded as suitable by the Village Manager. The Village Manager may negotiate benefit packages at levels needed to attract the best candidate for the position. In recruiting employees, the Village Manager may also negotiate items such as relocation expenses, based on the needs of the situation and in order to hire the most appropriate person for the position. The Village Manager may also approve/negotiate salaries within the established range when flexibility is needed for positions, with the exclusion of insurance and retirement benefits for especially difficult executive positions to recruit or retain.

2-11 Selection of Candidates

Upon completion of the personal interviews, the Department Director/Manager will complete the Personnel Action Notice and return it to the Human Resources Department indicating the candidate selected to fill the position. Department Director/Manager may recommend a salary that is within the salary ranges established for that position. The Department Director/Manager may not notify any candidate to make a job offer. The Human Resources Department will notify the selected candidate and offer the position contingent upon passing a drug and alcohol screening and all appropriate background checks such as criminal history and Motor Vehicle Records (MVR).

After all screenings are satisfactorily completed, Human Resources will coordinate with the Director and schedule candidates first day of employment.

In the event that no candidate is deemed suitable for the position, the Department Director/Manager may request that recruitment be continued.

The Human Resources Department will notify candidates who were interviewed but were not selected. Candidates who did not receive an interview will also be notified.

2-12 Employment Date

The employment date of a full-time or part-time employee shall be the date that the employee first reports to work after all conditions for pre-employment have been satisfied. If a temporary employee is hired in a full-time or part-time position, then the employment date is the date that the employee is placed into the full-time or part-time position.

2-13 Probationary Period

Every employee who fills a full-time or part-time position shall serve a probationary period of 12 complete calendar months.

Should the employee leave before completing the probationary period, for any reason including dismissal or lay off, they will be paid for accumulated vacation time.

Full-time employees are eligible for vacation leave, sick leave, and holidays beginning the first day of employment.

Part-time employees who work 20 hours per week or more are eligible for vacation leave and sick leave beginning the first day of employment. Part-time employees who work

less than 20 hours per week are ineligible for sick leave, vacation leave, and holiday benefits.

For eligible employees, insurance benefits will begin the first of the month after a 30 day waiting period.

The probationary period shall be an integral part of the evaluation process and shall be utilized for close observation of the employee's work.

If circumstances arise where the probationary employee is off work for longer than two weeks, the probationary period will be extended for the length of time the employee was off.

When a probationary employee is promoted, or demoted during the introductory period, the employee shall continue to serve the introductory 12 month period and/or the status change period, whichever is longer.

The probationary period can be extended, but documentation must be in place to justify this action. Documentation shall include an improvement plan with objective and measurable performance criteria. The documentation must also include a description of the counseling or evaluations given to the employee that indicates where improvement is needed and reasoning of why time beyond the introductory period is needed for the improvement. (If the probationary employee doesn't meet the improvement plan for the extended probationary time, then the employee shall be terminated unless extended.)

A pay increase of 5% will be awarded upon successful completion of the probationary period, except for sworn Fire Fighters and sworn Police Officers excluding the Police Chief, and Fire Chief. Pay increases for Fire Fighters and Police Officers are based on the current progression schedule.

When a probationary employee is terminated, they will receive their final paycheck within five (5) business days and will be paid for any unused vacation balance they may have. A probationary employee is an unclassified employee who is employed at the convenience of the Village of Ruidoso, and may be demoted or terminated by the Village Manager, at any time, without cause, and without the right to a hearing.

2-14 <u>Status Change Period</u>

The status change period shall be for promoted, transferred, or demoted non-introductory employees and for non-probationary part-time employees filling full-time positions. The status change period shall be for a period of three (3) months or twelve (12) weeks.

A. During the status change period, an employee shall be evaluated once after six (6) weeks, and again during week eleven (11) of employment.

B. If circumstances arise where the employee on a status change period is off work for longer than two weeks, the introductory period will be extended for the length of time the employee was off work.

C. At the discretion of the Department Director/Manager and with approval of the Village Manager, if the employee is not successfully meeting the criteria of the new position, the employee may be:

- Placed on an extended status change period; or
- Transferred to an open position that they are qualified for; or
- Termination is subject to the provisions listed to due process procedures included is this policy.

Under all circumstances, reasonable effort will be made to determine if the employee can be successful in the new position before steps to terminate proceed.

2-15 Promotion

A promotion is defined as a change of position from one salary range to another position in a higher salary range. The Village encourages employees to apply for promotions to positions at higher levels than those in which they are currently employed and encourages its employees to develop the skills necessary in order to be promoted.

Promotion within the Fire and Police Department, for certain positions, shall be handled according to the Fire and Police Promotional Policy.

2-16 Transfers (Lateral Transfer)

A transfer also known as a lateral transfer is defined as a change from one position to another position within the same range or from one department to another department, in the same range. Transfers are subject to the approval of the Village Manager. Probationary employees with three (3) months or less service with the Village of Ruidoso are not eligible for transfer.

An effective date of transfer will be negotiated between the affected departments. A department from which an employee is transferring shall not require the services of that employee beyond a period of two (2) weeks unless there are extenuating circumstances. The transfer must be at the beginning of a pay period.

2-17 Demotion

A demotion is defined as being placed in a lower position in a lower salary range.

A. An employee may be demoted according to (but not restricted to) these criteria:
   1. by voluntary request;
   2. would otherwise be laid off because of job abolishment;
   3. the position has been reclassified to a lower range;
   4. does not possess the necessary qualifications to perform satisfactorily in the present position;
   5. is unable, for medical reasons, to perform duties of the current job or:
   6. based on the department's policy

B. See Chapter 11 for due process procedures upon demotion.

2-18 Reclassification & Reorganization

A. Reclassification is the reassignment of a position from one range to a different class range to correct an error in the original assignment or to recognize a change in the duties and responsibilities of a position, or reorganization. Reclassification is not retroactive. Reclassification is subject to the approval of the Village Manager.

B. Although there may be various instances when a position is reclassified, such as during reorganization or when directed by the Village Manager, the customary time for submitting a request is during preliminary budget preparations. The ideal time is when a position is vacant.

C. When an employee is reclassified, there may be a salary adjustment. In reclassification to a lower range, an employee's salary may or may not be reduced. The Village Manager shall make the final determination. Reclassification shall not be used as a method of awarding an employee a salary increase.

D. Reorganization is defined as elimination, creation, or realignment of Village departments, offices, or positions. Reorganization is subject to the approval by the Village Manager. Reassignment due to reorganization can be either voluntary or involuntary.

2-19 <u>Rehire</u>

A vacancy may be filled by rehiring a former employee who qualifies for the position and who resigned or was terminated in a current position while retaining their right for rehire with the Village of Ruidoso. An employee that was not eligible for rehire may request in writing to be reconsidered for rehire providing they submit justification as to why their status should be changed and the request must be approved by the current Director and Village Manager

2-20 <u>Persons Ineligible for Hire by the Village of Ruidoso</u>

It is the policy of the Village of Ruidoso to give the municipality as many options for hiring and placement of qualified and capable employees as possible while avoiding the appearance of nepotism.

The following persons are ineligible for employment with the Village of Ruidoso:

A. If previously terminated by the Village of Ruidoso and didn't retain their right for rehire status.

B. Any person who serves as a voting member of the Village Council and for a two-year period thereafter.

C. Family of the Mayor, Councilors, or Village Manager for the Village of Ruidoso will not be hired. Family is defined as any relationship of consanguinity or affinity within the first degree, including but not limited to any legal dependent, significant other, or a parent, spouse, sibling, child, (including step relatives or in-laws that parallel this list). If they are applying for a seasonal or temporary position the Village Manager can approve on a case by case basis.

D. Persons shall not be hired, promoted, or transferred to a position which is under the supervision of an immediate relative. For the purpose of this section, immediate relative is defined as the first degree by blood or marriage and step family.

Relatives of employees of the Village as defined above cannot work in the same department. Relatives of employees of the Village who do not meet the above definition may be considered for hire within the Village, but would be restricted in any instance where one relative would have responsibilities relating to the selection, hiring, or supervision of that employee, or have a real or perceived position of authority over the employee. This definition may also include individuals who may be determined as "a person of significance" to the employee, such as a domestic partner or other special relationship.

If, after a thorough recruitment and search, the only qualified applicant(s) found are exceptions to this definition, the Village Manager may review the situation and grant an exception. This exception must be in accordance with §10-1-10, NMSA 1978, as stated below. This situation may occur in small communities with limited qualified applicants.

§10-1-10, NMSA 1978 states: It shall be unlawful for any person elected or appointed to any public office or position under the laws of this state or by virtue of any ordinance of any municipality thereof, to employ 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 Council, whose duty it is to approve the bond of the person giving such employment; provided, that this act (§10-1-10 to10-1-11, NMSA 1978) shall not apply where the compensation of such clerk, deputy, or assistant shall be at the rate of $600.00 or less a year.

2-21 <u>Background Investigation</u>

The Village of Ruidoso reserves the right to conduct criminal history checks, driving record checks, education verifications, employment verifications, and any other such background checks determined to be appropriate by the Village. All applicants are subject to such investigation, and will be required to sign an authorization for such investigation. Failure to authorize such investigation shall disqualify such applicant from further consideration.

The following factors will be considered for those applicants with a criminal history: the nature of the crime and its relationship to the position; the time since the conviction; the number (if more than one) of convictions; and whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the Village.

The Department Director/Manager (or designee) will conduct pre-employment reference checks. Human Resources employees will conduct all other background checks, as necessary. The Police Department have more restrictive hiring policies and background check requirements, as established in their Police Department Policy.

2-22 <u>Immigration Reform and Control Act (Form I-9)</u>

Upon selection of an applicant, the Human Resources Department shall verify and document the identity and immigration status of the individual. The applicant shall be required to complete the Form I-9 and provide the necessary documentation within three (3) days of their first day of employment. Failure to supply documentation of legal authorization to work in the United States will result in dismissal from employment.

Non-citizen employees, whose work authorization has expired, will not be scheduled to work and will be placed on Leave without Pay. The employee is responsible for obtaining Immigration and Naturalization documents verifying eligibility to work in the United States. Upon receipt of proper immigration documents, the I-9 form will be updated and the employee may be eligible for re-instatement.

CHAPTER 3. CLASSIFICATION OF EMPLOYEES

3-1 Categories of Employment

It is the intent of the Village of Ruidoso to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The following employment status categories shall be used for personnel employed by the Village:

A. **Unclassified Employees:** are at will employees who are employed at the convenience of the Village of Ruidoso and may be demoted or terminated by the Village Manager, at any time, without cause, and without the right to a hearing and shall include: Probationary Employees, Temporary Employees, and employees who are in a ninety (90) day status change period.

B. **Classified Employees:** are employees, not including the Village Manager and appointed positions, who work in a regular position, have completed the probationary period, whose employment may only be terminated for cause, layoff, or abolishment of position.

C. **Appointed Positions:** The Governing Body appoints the following positions: the Village Manager, Village Clerk, Emergency Manager, and Police Chief. The Mayor makes recommendations for these positions and the Council has final approval. If employees are not re-appointed at the end of an election or contract term then they are terminated and have no appeal or hearing process. The appointed positions shall be subject to all other provisions in the personnel policy and may have a severance agreement approved by the Governing Body. Appointed employees that are not re-appointed will retain their rehire status with the Village of Ruidoso for future employment as long as misconduct or gross neglect were not the cause for not being re-appointed. Appointed employees have the same benefits as classified employees in regards to vacation accrual, sick accrual, vacation and sick balances and leaves, Family Medical Leave Act (FMLA), Public Employees Retirement Association (PERA), and Insurance benefits as stated in this personnel manual.

D. **Grant Funded Employees:** is a full-time or part-time employee hired and compensated under a grant obtained by the Village of Ruidoso for a specific program. If provided for in the grant, these employees are eligible for benefits based on budgeted hours. Grant funded employees shall not have access to the grievance procedures when the adverse action is a result of a change in the grant provisions. If grant funds are no longer allocated for the program or positions then that position will be eliminated.

3-1-1 **Full-Time Employee:** A regular full-time position is a position held by a probationary or non-probationary employee who is scheduled to work a 40 hour/7day work period on a recurring basis. A regular full-time firefighter is a position held by a probationary or non-probationary

firefighter who works the approved schedule in a fourteen (14) day work period.

3-1-2 **Contract Employee:** The Village Manager is a contract employee and the contract is subject to the approval of the Governing Body.

3-1-3 **Part-Time Employee:** A regular part-time position is a position held by a probationary or non-probationary employee who is scheduled to work at least 20 hours but less than 40 hours in a seven (7) day work period on a recurring basis. Under very limited circumstances as determined by the Department Director and Manager, the Department Director may request that an employee holding a part time position, work more than 32 hours in the seven (7) day work period. The written request must be for a specific and limited time period and shall be subject to the approval of the Manager. The employee is not eligible for full-time benefits during this temporary period. Employees who work at least 1040 hours per year are eligible for prorated benefits as described in this manual.

3-1-4 **Temporary Employee:** A temporary is an employee who works in a position designated as "seasonal" or "temporary" created to last no more than nine consecutive months. A temporary employee is one who is hired as an interim replacement, to temporarily supplement the work force, or to assist in the completion of a specific project, and is not furnished by a personnel service. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. A temporary employee retains that status until notified in writing of a change. Temporary employees (including student employees) are not eligible to participate in Public Employees Retirement Association (PERA). Temporary positions are **not** eligible for benefits in this policy such as but not limited to vacation, sick, holiday pay, group insurance, longevity, etc.

3-1-5 **Interim Appointment/Positions:** An employee who has been appointed to serve in an interim position will return to his/her previously held position once the Interim period is over. The employee may receive compensations as stated in section 4-2-E-5 of this policy.

3-2 Exempt Status

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime compensation under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. Each employee will be informed of their status as an exempt or non-exempt employee by their supervisor as approved by the Human Resources Department. If an employee changes positions during their employment as a result of a promotion, transfer, or otherwise, they will be informed by the Human Resources Department and their supervisor of any change in their exempt status.

A. **Exempt Employee:** Employee who is not eligible for overtime wages under the Fair Labor Standards Act.

B. **Non-Exempt Employee:** Employee who is entitled to overtime wages under the Fair Labor Standards Act.

Pursuant to principles of public accountability, for employees who accrue annual leave, vacation leave and sick leave, deductions from pay of exempt employees shall be taken for absences for personal reasons, or illness or injury when leave is not used by the employee because:

A. Permission for leave has not been sought or has been sought and denied;
B. Accrued leave has been exhausted; or
C. The employee chooses to use leave without pay.

3-3 <u>Job Descriptions</u>

Each employee will have a job description outlining the essential job functions and other responsibilities, job qualifications, physical demands, work environment specifications, and travel requirements. The job descriptions will also show if the employee is exempt or non-exempt and the Equal Employment Opportunity job classification. If the job duties of an employee are significantly changed, the Department Director/Manager is responsible for the development of a new job description. The original, signed job description must be placed in the official personnel file in the Human Resources Department.

CHAPTER 4. POSITIONS AND PAY

4-1 Compensation Policy

A. The Village of Ruidoso believes that the strength of the organization is in its people. The Village is committed to providing a fair pay structure to the employees. The Village of Ruidoso believes that it is in the best interest of the Village and employees to fairly compensate them for the value of services provided. It is the Village's intention to use a compensation system that will determine the current market value of a position based on the skills, knowledge, and abilities required of a fully competent individual. The system used will be objective and non-discriminatory in theory, application, and practice. This will be accomplished by using a combination of compensation philosophies, external competitiveness, internal equity, and employee qualifications and contributions.

   The Village's compensation system and/or changes shall be approved by the Village Council as part of the budget process. Professional support and consultation may be used to evaluate the system and provide on-going assistance in the administration of the program if necessary.

   The compensation system must be flexible enough to ensure that the Village is able to recruit and retain a highly qualified workforce, while providing the structure necessary to effectively manage the Village of Ruidoso.

B. The Village Council shall set the position level, pay range, benefits, and specific components of the total compensation package for the Village Manager.

C. The Village Manager is responsible and accountable to the Mayor and Council. In that capacity, the Village Manager is charged with ensuring that the Village of Ruidoso is staffed with highly qualified, fully competent employees, and that all departments are administered within appropriate guidelines and within the approved budgets.

D. The Village Manager is responsible for ensuring that all departments are staffed at the level necessary to accomplish required tasks and services. Therefore, the Village Manager may create additional positions or delay filling existing positions, based on the specific needs of the Village of Ruidoso and the changing environment.

E. The Village Manager and/or Human Resources Director shall ensure that salary ranges are reviewed at least annually and that all individual jobs are market priced at least once every five years, and that pay equity adjustments are administered in an efficient, fair, and equitable manner.

F. The Village Manager is charged with the responsibility to ensure that the total compensation program is managed for consistency and equity.

4-2 Pay

A. No employee shall be paid at a rate lower than the Federal or State minimum wage. The Village of Ruidoso complies with the Fair Labor Standards Act.

B. A person newly hired to a position shall be paid at least the minimum rate for the pay range to which the position is assigned. Only the Village Manager can approve wages above the entry level pay range for any position based on experience, certifications, or qualifications

C. Salary increases for performance and incentive pay may be granted based on pre-established criteria and availability of funds.

D. Salary ranges for each classification are intended to furnish flexibility in recognizing individual differences among positions allocated to the same class in providing employee incentive for growth and improved performance and in rewarding employees for meritorious service.

E. When an employee is ***promoted, demoted, transferred***, or placed in an ***interim position*** their rate of pay in the new position shall be in accordance with the following:

1. An employee who is ***promoted*** shall be paid the hiring rate for the new class or a higher rate in the new pay range.

2. An employee who is ***demoted*** shall be paid at a rate in the pay range, which is, in the judgment of the Village Manager, most appropriate under the circumstances of the demotion.

3. An employee who is ***transferred*** from one job to another job at the same pay range shall continue to be paid at the same rate.

4. If an interim employee is eligible for benefits under their pre and post interim positions, then they continue to receive benefits during the interim position. If the employee is not eligible for benefits pre or post interim placement, the interim employee shall not be eligible for benefits during that position even though the position for which the employee is acting as interim might normally receive benefits.

5. An employee may be placed in an ***interim position***, which is a non-competitive appointment of an incumbent to temporarily assume the duties of a vacant position. The interim position must be for thirty or more consecutive calendar days to receive a pay increase. An employee in an interim position will be paid at least the minimum in the salary range for the position in which the employee is acting. The Village Manager

may remove an employee from the interim position at any time with or without cause or reason.

F. Pay changes shall become effective at the beginning of the next pay period after the action causing the change.

G. The Police and Fire Departments shall follow the established Progression Policy for pay increases.

4-3 Merit Increase and One Time Merit (Merit) -Performance Pay

A. Only classified employees with twenty-four or more months of satisfactory, continuous Village employment shall be eligible for consideration for Merit Pay.

B. Merit Pay are distributed as follows:

1. **Merit increase:** consists of an amount based on performance and measurable outcomes as approved by the Village Manager. This amount shall become part of the hourly wage.

2. **One-Time Merit:** is a lump sum adjustment based on performance and measurable outcomes as approved by the Village Manager. This amount shall be a one-time payment. It shall not be considered ongoing.

3. Final distribution is approved by the Village Manager.

C. At least twelve months must lapse before any individual shall be eligible to be considered for another Merit Pay.

D. Merit Pay cannot be paid retroactively.

E. Criteria for awarding employee merit pay:

1. The employee shall be evaluated against his/her own previous evaluations and merit pay. At least one performance evaluation from the employee's recent work history, which reflects satisfactory or above ratings shall be included as support documentation.

2. The employee's performance shall have been meritorious over a sustained twelve-month or longer period.

3. For an employee to be considered for merit pay, an employee must demonstrate increased performance above that noted for a previous merit pay award.

F. The written justification shall cite sustained above average performance supported by data, specific circumstances, with measurable outcomes or other tangible data which accurately describes one or more of the following

sets of conditions:

1. During the past 12 months, an employee has devised and/or implemented a method or routine which resulted in a significant reduction in operating cost.

2. During the past 12 months an employee has devised and/or implemented a procedure which significantly enhanced, multiplied or increased efficiency of operations.

3. An employee has regularly been available to respond when called upon to restore or ensure municipal services.

4. An employee has regularly been willing to take on additional duties in order to enhance operations.

5. An employee has consistently met deadlines, completed one or more major projects, or performed duties not generally regarded as part of the job so as to demonstrate dedication to public service.

6. An employee has performed (based on his/her own merit) regularly assigned duties in an outstanding and dependable manner.

4-4 <u>End of Probation Increases</u>

Employees that complete their initial twelve (12) month probationary period with the Village of Ruidoso will receive a 5% end of probation increase. This doesn't apply to fire fighters or police officers; they will follow their progression schedules.

4-5 <u>Cost of Living Adjustment (COLA)</u>

The Village Manager shall evaluate available funding annually during preliminary budget process and may recommend to the Village Council a Cost of living adjustments (COLA) based on the Consumer Price Index (CPI) not to exceed 5%. Cost of living adjustments are included in the personnel schedule in the budget and must be approved by the Governing Body.

4-6 <u>Call Back</u>

Employees called back to work outside of their regularly scheduled shift hours to perform non-scheduled work shall be paid for a minimum of two hours regardless of the number of times that you are called back during your shift. This time includes reasonable travel time. This provision does not apply to assignments that immediately follow or are connected to the employee's regular scheduled work time. This doesn't apply if a Department Director/Manager or Supervisor changes an employees work schedule due to weather, deadlines, or short staffing (i.e. scheduling people to work days off or changing time for snow removal).

The first two hours of any call back hours, outside of the regularly scheduled shift hours, shall be paid at premium pay. The premium pay should be at 1 ½ times the employee's

regular hourly wage for those call back hours, plus payment at the appropriate FLSA level for all additional hours worked.

4-7 Standby Pay

Standby is when an employee is scheduled to be available to answer service requests. When an employee is scheduled to be on standby, the employee will be required to make sure they are available for work during the standby hours scheduled.

Employees required to be on standby shall be paid at the rate of:

- One hour for each sixteen hours of standby time completed Monday through Friday.
- Three hours for each Saturday.
- Three hours for each Sunday.
- Three hours for each holiday

If the employee fails to respond to emergency calls while required to be on standby, the employee will not be considered to have been on standby and therefore the hours will not be used to compute standby pay.

4-8 Overtime/Compensatory Time

All employees are subject to the provisions of the Fair Labor Standards Act (FLSA), as amended. You can access the Act on the internet or request a copy from Human Resources. All timekeeping records for non-exempt employees are to reflect the actual hours worked. If an employee works overtime, the decision of whether to give the employee overtime pay or time off is at the discretion of the Department Director/Manager and funds for overtime are budgeted in each particular department. The employee must complete a request for overtime and state if pay or compensatory time is requested. All overtime or compensatory time must be approved by the Department Director/Manager.

All non-exempt employees who are required to work more than the regularly scheduled work week, may be compensated at one and one-half (1 ½) times their regular hourly rate of pay according to section 5-4. Overtime shall be paid as provided under the Fair Labor Standards Act.

A. Overtime for:
   1. full-time non-exempt employees (except police officers and Fire) is time worked in excess of 40 hours in a seven day period.
   2. non-exempt police officers is time worked in excess of 40 hours per seven-day work period.
   3. non-exempt fire employees is time worked in excess of 106 hours per fourteen-day work period.
   4. part-time employees is time worked in excess of 40 hours in a seven day period. A part time employee shall receive the regular hourly rate for all time worked up to 40 hours per seven-day work week.

B. Absences including, but not limited to sick leave, vacation leave, holiday, standby, leave without pay, FMLA, military leave, jury duty, and voting time or

other non-worked hours are not counted as time worked for the purposes of computing overtime pay or compensatory time off.

C. Overtime worked shall be compensated either with pay computed at 1½ times the hourly rate of pay or with paid time off (Compensatory Time) at 1½ times the number of overtime hours worked. Overtime work shall be kept to a minimum and must be authorized by the Department Director or designee, as authorized in the operating budget. The Village Manager shall approve overtime during emergency circumstances, which call for immediate action or in special situations required by the nature of the operation.

Those Village positions that are determined to be non-exempt as defined by FLSA are entitled to compensation for overtime worked but only those departments and positions that have approved budgeted funds will pay overtime. If funds are not budgeted, the employee will accrue compensatory time for hours worked. It is the responsibility of the Department Directors to ensure that their employees do not work on an overtime basis unless funds are allocated and the Village Manager approves the work and arrangements for payment.

D Overtime is for the benefit of the Village. The employee, whether requesting pay or time off, must obtain verbal or written approval for overtime compensation, prior to the time the work is performed. Any unauthorized overtime shall be subject to disciplinary action, except in cases of an emergency.

E. **Compensatory Time Off**

If not paid for overtime work, compensatory time off shall be given in conformance with the Fair Labor Standards Act. The law authorizes state and local governments to provide compensatory time (comp time) off in lieu of monetary overtime compensation, at a rate of not less than 1 ½ hours of compensatory time for each hour of overtime worked.

Compensatory time may be used at any time with the prior written approval of the supervisor or department director authorized to approve time off, but approval shall be subject to the work needs of the Village of Ruidoso.

Upon termination of employment, any unused balance of compensatory time owed shall be paid at a rate not less than the employee's final regular pay rate.

Department Directors/Managers shall monitor overtime worked and compensatory time accrued and shall encourage the use of compensatory time to be used within three (3) months or as the opportunity arises, in order to minimize the Village's overtime pay liability.

Compensatory time balances will be reviewed by the Village Manager after the first payroll in June of each year.

Employees may accumulate compensatory time off as follows:

1. Public Safety Employees: Employees who work in a public safety activity or emergency response activity may accumulate up to 96 hours of comp time.

2. General Employees: All other nonpublic safety employees may accrue up to 60 hours of comp time.

4-9 Shift Differential

The Village of Ruidoso recognizes that some departments are operating 24 hours a day with employees working on different shifts during the 24-hour period. Shift differential is payment to employees who work difficult and unpopular shifts for the Village of Ruidoso. It shall be the policy of the Village of Ruidoso to pay eligible employees a premium for working swing shift and grave shift. The premium payment shall be added to the hourly wage.

Different shifts have different premium payment amounts ranging from .25 to .50 per hour added to the regular hourly salary.

Eligible shifts are commonly called swings and graves. Swings shift begins between 1:45 p.m. – 7:44 p.m. Graves shift begins between 7:45 p.m. – 3:30 a.m.

Shift differential will not be paid for schedules beginning between 3:31 a.m. - 1:44 p.m.

Shift differential will be paid to an employee only when the employee is scheduled to work the qualified shift for 30 days or more.

It is the Department Director/Manager's responsibility to complete a Personnel Action Notice to initiate the change in the hourly wage. Shift differential will not be paid without a completed Personnel Action Notice filled out with the correct information including hourly rate. The Village Manager will have final approval for all shift differential changes.

4-10 Service Credit Pay

The Village of Ruidoso is committed to its employees and has laid out a policy by which classified employees will receive a five percent (5%) increase each fifth consecutive year of service with the Village of Ruidoso.

Service credits are given only for continuous service. Any break in service will require an employee to start over in the service time counted. A break in service means any time an employee terminates with the Village and is then re-hired.

Temporary time worked for the Village is not considered time in service for calculating the service credits.

Service credit pay is allocated on the next pay period beginning after the employee has reached his/her fifth year of continuous service with the Village. Service credit pay is allocated as stated for the fifth, tenth, fifteenth, twentieth, etc.

Service credit pay shall be five percent (5%) added on to the employee's current rate of pay.

The positions of Patrol Officer, Corporal, Sergeant, CID, and Lieutenant/Deputy Chief in the Police department are eligible for automatic increases based on the certifications obtained through the State of NM. Therefore, these positions are not eligible for service credit increases until after reaching the maximum certification offered by the New Mexico Law Enforcement Academy (NMLEA) and the Village of Ruidoso. The Village of Ruidoso allows officers in lower positions to continue their training to receive the maximum certification level a police officer can receive even though the NMLEA may not recognize the training due to the officer's rank within the police department. Service credit will be counted starting from the date the employee has reached the maximum increase for that position which is the Executive Certification level.

The positions of Fire Fighter, Fire Lieutenant, Fire Captain, and Assistant Chief are eligible for automatic increases based on the hours of training; these positions are eligible for service credit increases. Service credit will be counted starting from the date the employee has reached the maximum increase for that position. This is Step 11 for Firefighters and Step 10 for Fire Officers.

4-11 <u>Policy on Exempt Employee Pay</u>

Exempt employees who are required to be paid in accordance with the Fair Labor Standards Act.

A. Provisions Mandated by the Salary Basis Rules:

1. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the Village.

2. Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by the Village of Ruidoso regardless of the circumstances. Directors, Managers, or Supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures.
   - Jury duty
   - Attendance as a witness
   - Temporary military leave
   - Absences caused by the employer
   - Absences caused by the operating requirements of the business
   - Partial day amounts other than those specifically discussed below

3. Pursuant to principles of public accountability, exempt employees are expected to work a minimum of 40 hours per work week. Exempt employees who accrue annual leave and sick leave and who take more than two (2) hours of time off during a work week for personal

reasons or because of illness or injury shall charge this time to the appropriate accrued vacation or sick leave time. Additional time worked in a work week can only be applied to the actual work week.

B. The few exceptions to the requirement to pay exempt employees on a salary basis are listed below and in accordance with Village of Ruidoso Policy. The Fair Labor Standard Act allows for the following pay deductions for exempt employees:

1. Absences of two (2) hour or more due to personal reasons, sickness, or disability when the employee is not yet eligible for vacation or sick leave, or has exhausted the paid leave benefits provided by the Village.

2. Fees received by the employee for jury duty or military leave may be applied to offset the pay otherwise due to the employee for the week. No deductions can be made for failure to work for jury duty or military leave.

3. Penalties imposed for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees.

4. Unpaid disciplinary suspensions of one or more full days for infractions of serious work place conduct rules including discrimination, harassment, violence, or violation of law in accordance with Village of Ruidoso's disciplinary policy.

5. Partial work weeks during the initial or terminal week of employment. In these allowable situations, the Village will pay a proportionate part of the employee's full salary for any time actually worked based on the hourly equivalent of the employee's full salary. This practice will be consistently applied to all exempt employees in the same circumstances.

6. Leave without Pay while using FMLA for a qualifying event.

7. Absences for personal reasons or illness or injury when leave is not used by the employee because:

   a) Permission for use of accrued leave has not been sought or has been sought and denied;

   b) Accrued leave has been exhausted; or

   c) The employee chooses to use leave without pay

4-12 Complaint Procedure for Exempt or Non-exempt Employees Regarding Payroll Deductions

Employees who believe their pay has been improperly reduced should contact the Human Resources Director immediately to request an investigation.

Human Resources Director
313 Cree Meadows Drive
Ruidoso, New Mexico 88345
(575) 258-4343 Ext. 1031

A. The employee will be asked to specify in writing, using the guidance provided in Chapter 4, the circumstances of the pay deduction, and whether it has occurred on other occasions.

B. The Village of Ruidoso will review pay records and interview the supervisor or manager, as well as the payroll representatives handling the employee's pay, to determine if the allegation is correct.

C. If the deduction was in fact improper, the Village will reimburse the employee as promptly as possible (but in no case longer than two pay periods from the identification of the problem).

D. The individual(s) responsible for the error will be investigated further to determine if this was an isolated incident or a pattern of conduct that requires further action on the part of the Village. If warranted, the responsible person(s) will be held accountable for the error(s) made consistent with the Village's disciplinary policy.

E. The resolution of the situation will be documented (including confirmation on the part of the employee that the situation has been resolved) and placed within the employee's personnel file.

F. Following the identification of such a problem, the Village will establish a practice to regularly audit employee pay records to ensure no further issues arise until such time as it is determined the issue is resolved.

CHAPTER 5. PAYROLL/WORK SCHEDULE

5-1 Pay Periods

Pay periods will be every two weeks. Each department will establish deadlines for time documentation to be submitted to supervisors for approval. However, all departments must have approved time documentation submitted to Payroll by 10:00 AM on Monday after the end of each pay period. The only exception to this is when there is a holiday. In this case, departments will be notified when approved time documents are due.

It is the responsibility of each employee to insure the payroll record and document reflect the actual hours worked for each pay period. Altering, falsifying, or tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

5-2 Deductions

The employer will deduct from each employee's paycheck those amounts required by law plus those amounts authorized by the employee for fringe benefit plans as determined by the Village Council.

If employees are on unpaid leave, they are still responsible for employee portion of paid deductions. Arrangements must be made in advance as to how deductions will be covered by the employee during their absence.

5-3 Allowances and Advances for Work-Related Items

Advances for items including uniforms, tools, equipment, and related items will be allowed. The amount of the allowance or advance shall be allocated as part of the budget process.

5-4 Workweek

The normal work schedule shall be determined by the requirements of the job. The workweek (except for Fire Department shift workers) shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday. Each workweek stands alone for totaling work hours. A normal workweek shall consist of 40 hours and is established by the Department Director/Manager. Time and attendance records will be kept based on actual hours worked as prescribed by the Village. The normal workweek may be modified to meet the needs of a specific department as required. All work hours are accounted for on the day that the shift starts.

The Village of Ruidoso designates the workweek for Fire Departments shift workers on a 14 day period. The 14 day work period is designated pursuant to FLSA section 7(k). Shift workers in the Fire Department are Firefighters, Lieutenants, and Captains. The maximum number of hours per 14 day work period, which can be worked by non-exempt employees without incurring overtime liability under the Act, is 106 hours. The workweek shall begin at 12:00 a.m. Sunday of the first week and end at 11:59 p.m. Saturday of the second week. Work hours start when the shift starts and all hours are accounted for on the day that the shift starts.

Salary position workweek is a 14 day work period begins at 12:00 a.m. Sunday of the first week and end at 11:59 p.m. Saturday of the second week. All work hours are accounted for on the day that the shift starts.

If vacation or sick leave is used during a week in which an employee has already worked 40 hours (or 106 hours for Fire) then vacation and sick leave will not be deducted from the employees leave balance. Vacation and sick leave is only to be used to get an employees work hours to equal 40 hours (or 106 hours for Fire).

5-5 Time and Attendance

All non-exempt employees shall log time and attendance records through the approved time documentation process. Any unauthorized work is subject to disciplinary action up to and including termination. The time and attendance documentation will be submitted each pay period to the employee's supervisor for approval. The record is then forwarded to Payroll. The approved time documentation must be received in Payroll no later than 10:00 am on Monday following the end of the pay period. The only exception to this is when there is a holiday. In this case, departments will be notified when approved time documents are due.

All exempt employees will log hours and attendance records through the approved time documentation process. This record will be logged to indicate the number of hours an exempt employee works each day. This documentation will be submitted to the employee's supervisor for approval. The record is then forwarded to Payroll. The approved time documentation must be received in Payroll no later than 10:00 am on Monday following the end of the pay period. The only exception to this is when there is a holiday. In this case, departments will be notified when approved time documents are due.

5-6 Scheduling

The Department Director/Manager or direct supervisor will determine the reporting time and leaving time for the employees of each department so as to achieve **maximum effectiveness of the department**.

The regular full-time Fire positions work 48 hours on, then 96 hours off.

5-7 Relief Periods

Each employee is granted relief periods up to 15 minutes every four hours. These relief periods may be taken in shorter increments but may not exceed 15 minutes at a time. Relief time shall be taken only after having been on the job for a minimum of two hours and shall be scheduled by the Department Director/Manager. Relief time cannot be accumulated for other purposes such as vacation, compensatory time off, or as a means of leaving the job early, except when this would be in the best interest of the Village and the employee(s) and when approved by the Department Director/Manager. Abuse of relief time is grounds for disciplinary action. Relief period policy for the Police and Fire Departments is contained in the respective department guidelines.

5-8 Nursing Mothers Breaks

The Village of Ruidoso follows the FLSA rules for allowing time for nursing mothers to express milk. The Village shall provide a space that is shielded from view and free from

intrusion from coworkers and the public for nursing mothers to express milk. A bathroom facility even if private is not a permitted location according to the Department of Labor. If a private place is not available then the nursing mother will be allowed to go home to express milk. These breaks are not compensable and an employee will need to use their personal leave. Unless the employee is using their standard relief period as mentioned in section 5-7 of this policy.

5-9 Meal Time

A Village employee shall be entitled to time off to eat during each work shift, to be scheduled by the Department Director/Manager. Meal breaks are normally one hour, except for departments with established 30 minute meal breaks. Such meal time shall be unpaid time. However, occasionally circumstances may require the employee to remain at the work site to be ready for work or require the employee to continue working, in which case the meal period would be considered time worked. Meal time policy for the Police and Fire Departments is contained in the respective department guidelines.

CHAPTER 6. EMPLOYEE BENEFITS

6-1 Benefit Participation

Employee benefits, unless otherwise prescribed by law, are available only to active, appointed, full-time, and part-time employees. For this purpose, active, appointed, or full-time employees are those scheduled to work 40 hours per week. Part-time employees are those scheduled to work at least 20 hours but less than 40 hours per week receive pro-rata benefits. Part-time employees who regularly work less than 20 hours in a 40 hour scheduled workweek are excluded from PERA membership, medical, dental, and vision insurance.

Benefits for the position of the Village Manager are based on the contract for that position.

It is the responsibility of the employee to request participation in writing in any and all employee benefit programs unless the specific benefit is prescribed by law (e.g. Social Security, PERA). Each employee has the further responsibility to ascertain their own coverage or participation in the various benefits available. Forms and/or plan contact information to request participation are available from the Human Resources Department and will be furnished for the convenience of employees.

6-2 Benefit Administration

The Human Resources Department administers the Village of Ruidoso's benefits programs.

6-3 Employee Leave Benefits

Leave is any authorized absence, with or without pay, during regularly scheduled work hours which is approved in advance by proper authority. All leave is subject to the approval of the Department Director/Manager and in some instances, the Village Manager. Requests for leave shall be submitted to the Department Director/Manager through the approved request process.

When an employee is absent before prior approval has been obtained, the employee is responsible for notifying their immediate supervisor and explaining circumstances of the absence. Upon return to work, the employee will then complete the approved "Request for Leave" process

Leave requests are not guaranteed approval. Supervisors shall consider each request on a case-by-case basis. Approval shall be considered in terms of workload, staffing levels, availability of personnel, timeliness and other job related factors.

Absence without approved leave is considered an unauthorized absence, subject to disciplinary action up to and including dismissal.

6-4 Sick Leave

Sick leave is an employee benefit provided by the Village which provides time off from regular duty, with pay when an employee is unable to work due to illness/injury, well care, medical/dental appointments, exposure to contagious diseases which would endanger the health of other employees, or the first week of an on-the-job injury that is

not paid by Worker's Compensation (waiting period). Sick leave may also be used for illness/injury or well-care for the employee's immediate family. Family is defined as any legal dependent, domestic partner, parent, spouse, sibling, child, stepchild, step grandparent, grandparent, step grandchild or grandchild.

Sick leave may be used by appointed, full-time, and part-time employees

6-4-1 Sick Leave Policy

If the department or operation is employed 24 hours a day and if the department has a written procedure that requires at least a two-hour prior notification for a sick leave request, the Department Director/Manager may require the time off to be unpaid.

At the discretion of the Department Director/Manager an employee may be sent home on sick leave or unpaid leave if the employee seems to be too sick or injured to perform their job duties.

Sick leave is earned starting the first day of employment.

Sick leave benefits are not available to temporary employees.

Sick leave may not be granted or used and charged against future accruals (there is no advancement of sick leave except for as mentioned in the sick leave donation policy).

When sick leave extends beyond the duration of three (3) working days or 24 hours (one (1) duty day for Fire), (12 hours for part time) a doctor's certification verifying that the absence was due to illness/injury and that the employee may return to work. If the employee does not submit proof to the supervisor for the sick leave taken, then the absence shall automatically be considered leave without pay and is subject to disciplinary action.

6-4-2 Sick Leave Accrual

Sick leave is credited to an employee on the last day of each pay period.

- Appointed, Classified, and Probationary Full-time employees shall accrue sick leave at the rate of four (4) hours per pay period (4.98 hours for Fire).

- Classified and Probationary Part-time employees (must be scheduled twenty (20) to thirty-two (32) hours each week on a continuing basis) shall accrue two (2) hours per pay period.

6-4-3 Sick Leave Maximum Accumulation Allowance

No more than 1560 hours of sick leave may be carried forward from one calendar year to the next.

6-4-4 Retirement Provisions

Upon retirement, an employee will be paid for unused sick leave not to exceed 1560 hours providing the employee is retiring through PERA or Social Security.

6-4-5 Voluntary Termination Provisions

- A classified employee, who has not met his tenth year of continuous full-time/part-time employment, shall not be paid any of his/her sick leave balance.

- A classified employee who has worked at least ten years but has not completed his/her fifteenth year of continuous full-time/part-time employment shall be paid up 50% of his/her sick leave balance not to exceed 260 hours.

- A classified employee who has worked at least fifteen years but has not completed his/her twentieth year of continuous full-time/part-time employment shall be paid up 75% of his/her sick leave balance not to exceed 390 hours.

- A classified employee who has worked at least twenty years of continuous full-time/part-time employment shall be paid up 100% of his/her sick leave balance not to exceed 520 hours.

6-4-6 Involuntary Termination Provisions

- Involuntarily terminated employees will not receive any sick leave payment for unused sick leave regardless of balance.

- If involuntarily terminated, appointed positions will be paid sick leave according to their approved severance agreement.

6-5 Sick Leave Buy Back

Sick leave is intended to be used for employees and certain family members who are genuinely sick or have a doctor's appointment. Sick leave is not intended to be used as vacation or for slight indispositions that do not keep the employee from doing his or her job. The buyback policy is to encourage employees to not use their sick leave for purposes other than stated in the Personnel Manual.

Policy:

It shall be the policy of the Village of Ruidoso to offer to pay eligible employees for sick leave at certain periods of the year. The payments shall be called a "sick leave buy back." This "buy back" shall be a two for one. During the buy back period, the employee can choose to be paid one hour for every two hours of sick leave over 520 hours (689 hours for 48 on/96 off firefighters). The buy back period shall be in April and September unless another time is specified by the Village Manager. Paperwork needs to be submitted by March for April's buy back period and August for September's buy back period.

Procedure:

A. The Personnel Manual explains what sick leave is and when it is to be used.

B. Eligible employees are those employees who have a balance of at least 520 (689 hours for 48 on/96 off firefighters) sick leave hours on the pay period prior to the buy back period and are not currently on sick leave. Employees, who have submitted their resignation notice to the Department Director by the date the buy back is paid, shall not be eligible for the buy back.

C. Prior to the buy back period, the Human Resources Department will send out notices announcing when the buyback period will take place and the deadline for submitting the request to participate. The eligible employee wishing to take advantage of the buy back is responsible for notifying the Human Resources Department, filling out the proper paperwork, and submitting the proper paperwork by the deadline.

D. Employees can sell any amount over 520 (689 hours for 48 on/96 off firefighters) hours.

Example 1: The employee has 580 hours of sick leave balance. The employee decides to sell 40 hours. The employee will be paid for 20 hours and the sick leave balance will be lowered to 540. This is 580 - 40 =540 hours. 40 hours / 2 (2 for 1) = 20 hours of buy back paid to the employee.

Example 2: The employee has 580 hours of sick leave balance. The employee decides to sell 60 hours. The employee will be paid for 30 hours and the sick leave balance will be lowered to 520. This is 580 -60 =520. 60 hours / 2 (2 for 1) = 30 hours of buy back paid to the employee.

E. Employees are not obligated to participate in the buy back.

F. Employees cannot sell any sick leave at any time other than during the buyback period.

6-6 Sick Leave Donations

Purpose: Sick leave is intended to be used for genuine sickness, injury, or doctor's appointment. Sick leave is not intended to be used as vacation or for slight indispositions that do not keep the employee from doing his or her job. Sick leave should not be used frivolously by the employee. However, the Village of Ruidoso realizes that major illnesses or injuries can cause an employee to use up sick leave in one round of recuperating or when needed to be the primary care taker for his or her child, spouse, domestic partner, or parent during a major illness or injury. The Village of Ruidoso realizes that some employees may want to help co-workers during this convalesce period.

Policy: When an employee has used all his/her paid leave (sick, comp, vacation) and is still out of work due to the employee's off the job illness or injury or due to the employee

needing to be the primary care taker of his or her child, spouse, domestic partner, or parent due to an illness or injury, the employee can, on a voluntary basis, in writing to the Village Manager, request sick leave donations from the employees of the Village of Ruidoso.

Any eligible FMLA leave runs concurrent with any donated paid sick leave.

Procedure:

A. Eligible employee is the employee who:

1. is not able to work due to a personal injury or illness (not worker's comp) for an extended period of time; or is not able to work due to a personal injury or illness of the employee's spouse, domestic partner, child, or parent and the employee is to be the primary care taker for an extended period time;

2. has used all his/her paid time (sick, vacation, comp) and will still be out of work for forty hours or longer;

3. is eligible for FMLA or personal leave see (Section 6-3-12 unpaid leave);

4. has requested in writing, a request for sick leave donations. This written request shall contain;

a) approval for his/her attendance records to be made public to those employees who are thinking about donating sick leave time (the attendance record does not show reasons why the employee has taken off, it just shows when the employee has taken off),

b) the attending physician's written reasons as to why the time off from work is needed and the estimated length of time off; and

c) the Village Manager's approval of the request.

B. Once approved, the Human Resources Department will send out requests for sick leave donations for that particular employee. If time allows, the notice of the request will be sent with the next pay check.

C. Employees who have over 120 hours can, on a strictly voluntary basis, donate any amount up to ten percent as long as that employee does not fall below 120 hours.

D. Donations will be strictly confidential. Employees wishing to donate will come to the Human Resources Department and request a voluntary donation form.

E. The employee requesting donations shall not be permitted to know who has donated time or how much time has been donated.

F. Donated time will not be used retroactively. This means it cannot be used for any back pay to an employee.

6-7 <u>Holidays (Effective 01/01/2015)</u>

Full-time and Appointed employees shall be entitled to the benefit of twelve (12) holidays annually.

<u>Village offices will be closed on the following eight (8) designated holidays;</u>

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Eve
- Christmas Day

a. If an employee works a Monday through Friday schedule, regardless of department, and a holiday falls on a Saturday, the prior Friday will be considered the designated holiday and if holiday falls on Sunday then Monday will be designated holiday. If an employee works in a department that provides 24/7 services (such as fire, water, wastewater, wastewater treatment, airport, police, parks, or solid waste) then the holiday is the actual day of the holiday and is designated by when the employees shift starts, not when it ends.

b. Holidays must be observed as they occur. They may not be accumulated or be used as termination pay.

c. Employees on unpaid leave shall not be paid for the designated holidays. Full-time employees are immediately eligible for paid holidays upon employment. Part-Time employees are not eligible for paid holidays.

d. When the employee is required to be on duty during a paid holiday, they shall receive holiday pay computed at the regular rate plus one (1) times the base rate for all time worked on the holidays.

e. If the holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to another paid day off during the same pay period as the holiday. If another day off within the same pay period cannot be scheduled then the Department Director will need to provide a list of those employees to the payroll department with their approved payroll documents. Payroll will then accrue the 8 hours in a leave bank for the employees to use at another time. No one can accrue more than 64 hours of holiday leave in a fiscal year and all time must be used before the end of the fiscal year. All leave must be approved in accordance to this policy. The holiday leave bank time will not be paid out upon separation from the Village of Ruidoso.

f. When a designated holiday falls within an employee's vacation or sick leave, that day shall be paid as a holiday at straight time and not deducted from the vacation or sick leave bank.

Floating Holidays are personal days off that allow the employee to honor other events. These personal days are chosen by the employee and the choices are subject to the approval of the Department Director. The four (4) floating holidays equal thirty two (32) hours of time off that will be given to full time employees in January of each year. The thirty-two (32) hours of floating holidays must be used by December 31st of each year. If the time is not used then the employee will lose the balance of the hours for that year.

New hire full time employees for the first calendar year will receive their floating holidays as listed below:

Starting prior to April 1st, the employee shall be eligible for 32 hours of Floating holidays,

Between April 1st and August 31st, the employee shall be eligible 16 hours of floating Holidays,

After August 31st the employee shall not receive any floating Holiday hours.

Floating Holiday hours will not be paid out to anyone who separates employment with the Village of Ruidoso at any time.

6-8 <u>Vacation</u>

Vacation leave is intended primarily to provide each employee with paid vacation each year, although it may be used for other employee needs requiring absence during work hours. Each employee is expected to use vacation leave each year in order to take time off for the good of their physical and emotional well-being. Leave should be planned and requested as far in advance as practicable, in order to allow the Department Director/Manager to plan for operation of the department.

Each full-time employee shall accrue leave based on length of service, in accordance with the following rate table. Each classified part time employee, who is scheduled for twenty (20) to thirty-two (32) hours each week on a continuing basis, shall accrue one half of the same table.

Months of Service	All Employees (except Fire). Part time employees receive ½ of these hours	24- Hour Shifts (Fire)
1 thru 36 months continuous service	4 hours/pay period	5.30 hours/pay period
37 thru 60 months continuous service	5 hours/pay period	6.15 hours/pay period
61 thru 119 months continuous service	6.50 hours/pay period	7.75 hours/pay period
120 thru 149 months continuous service	7 hours/pay period	9.15 hours/pay period
150 thru 239 months continuous service	7.5 hours/pay period	10.30 hours/pay period

240 months or more	8.50 hours/ pay period	11.20 hours/pay period

- Vacation leave balance shall not exceed 260 hours (330 hours for Fire employees).
- Vacation leave is credited to an employee on the last day of each pay period.
- Vacation leave may be used for sick leave if needed.
- All terminating employees will be eligible for payment of accumulated vacation leave.
- Vacation leave will be scheduled to allow minimum interference with the employee's work requirements. The Department Director/Manager will determine approval.
- Vacation leave is earned from the starting employment date.
- Vacation leave benefits are not available to temporary employees.
- The Village Manager has the discretion to adjust vacation accrual if needed to recruit and retain qualified employees for management positions.

6-9 Family and Medical Leave Policy (FMLA)

FMLA is available to employees who have completed 12 months of service and worked at least 1250 hours in that 12-month period. These hours shall include actual worked hours and any paid leave taken for calculating hours toward service. This policy covers all extended leaves due to illness, injury, or family leave under the Family and Medical Leave Act (FMLA), including any such leaves granted by the Village.

This policy covers all extended illness and injuries beyond the duration of three working days (1 duty day for Fire). Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Substance abuse is covered when the employee is seeking treatment, and not just impaired by substance abuse. To be eligible for FMLA, the employee must have a condition that makes them unable to perform essential job functions.

An eligible employee will be granted up to 12 unpaid workweeks of leave during any 12-month period for the following reasons. The 12-month period begins on the first day of the employee's FMLA leave.

1. Due to the birth of a son or daughter and the decision to provide care for that infant;

2. Due to the placement of a son or daughter with the employee for adoption or foster care;

3. In order to care for the spouse, son, daughter, or parent of an employee who has a serious health condition; or

4. Due to a serious health condition that makes the employee unable to perform the essential functions of their job.

In any case where the necessity for FMLA, as provided for under items 1 and 2 above, is foreseeable, and based on an expected birth or child placement, the employee shall provide the Human Resources Department with not less than thirty (30) days notice, before the date leave commences, of the intention to take leave under FMLA. Where the birth date or placement requires the leave to begin in less than 30 days, the employee will inform the Human Resources Department, in writing, as soon as possible.

If a planned medical treatment or operation under items three and four necessitate FMLA, the employee will make a reasonable effort to schedule the treatment so that it is not unduly disruptive to Village operations. Such scheduling is subject to the approval of the appropriate employee's health care provider, or the health care provider of the son, daughter, spouse, or parent of the employee. The employee will also provide the Village with not less than 30 days notice prior to the beginning of the leave. If medical treatment must begin in less than 30 days, the employee is responsible for notifying the Village Human Resources Department as soon as possible.

Employees requesting FMLA for a serious health condition under items 3 and 4 must provide the Village Human Resources Department with written and prompt medical certification that includes the following information:

a) The date on which the serious health condition started;
b) The probable duration of the condition; and
c) The appropriate medical facts from the health care provider regarding the serious health condition.

If an employee must take FMLA to care for a family member, the employee must submit a medical certification to the Human Resources Department about why an eligible employee is needed to care for a son, daughter, spouse, or parent. If the request falls under item 3 above, an estimate of the time needed for the care of that family member will be required.

To take FMLA because the employee is unable to perform the functions of their job, a medical statement is required which addresses items (a) through (c) outlined above.

If the employee is applying for intermittent [(in separate blocks of time (hours, days, weeks)] FMLA, or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) for planned medical treatment, the dates and duration of the treatment, as well as a statement about the medical necessity, including items (a) through (c) above must be submitted, in writing, to Human Resources. The same information is required to support an intermittent leave to care for a son, daughter, spouse, or parent with a serious health condition.

If an employee takes intermittent leave that is unpaid or works on a reduced schedule, the Village will reduce the employee’s salary based on the amount of time actually worked.

In addition, while the employee is on intermittent or a reduced schedule leave, the Village may temporarily transfer the employee to an available, alternative position, which better accommodates the recurring leave schedule.

When the employee is approved and is placed on FMLA, they must contact the Village Human Resources Department every 30 days regarding the status of the condition, the intention to return to work, and/ or if continued leave is necessary.

In the case of employee illness or injury, before being permitted to return from FMLA, employees are required to present to Human Resources Department a note from their physician indicating that they are capable of returning to work.

Where spouses work for the Village of Ruidoso, they will be allowed a total of 12 weeks between them to take FMLA for the birth of a child, the placement of a child for adoption or foster care, or to care for a son, daughter, spouse, or parent with a serious health condition.

The taking of FMLA does not trigger a qualifying event under COBRA. Thus, health care benefits will be paid during this leave according to the Village's policy. If the employee does not return to work at the end of the leave, all benefits provided by the Village will cease and the employee may be separated from employment by the Village of Ruidoso. Employees who do not return from FMLA may be required to reimburse the Village for all benefits paid by the Village during the FMLA period.

Leave time will not be accrued while an employee is on unpaid FMLA. No holiday pay will be given.

The employee on FMLA is responsible for and must arrange for employee paid deductions to continue during the FMLA leave period. Coverage for employee paid policies may cease if the premium payment is more than 30 days late. If the payment is more than 15 days late, the Village will notify the employee with written notification. Leave time may be used to pay employee deductions.

Accumulated leave time may be used during FMLA, but is not required to be used. The substitution of paid leave time for unpaid leave time does not extend the12 week FMLA leave period. Further, in no case can the substitution of paid leave time for unpaid FMLA time result in the receipt of more than 100% of the base salary. If the employee chooses to use any accrued compensatory time off balance they have, this time will not be counted towards the 12 weeks of FMLA.

FMLA leave may be extended if the employee has paid leave time remaining at the end of the 12-week period or if approved for extension by the Village Manager or Deputy Village Manager.

For employees who are injured on the job and will be out more than three days, FMLA will run concurrently with Worker's Compensation leave. All rules for FMLA apply. If an employee is offered limited duty under workers' compensation, but opts to take medical leave, the employee will not receive workers' compensation indemnity payments.

FMLA will be tracked by the Human Resources Department according to hours taken. The smallest intermittent time increment is one hour.

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits, and working conditions. The Village of Ruidoso is not obligated to return highly compensated employees (i.e., highest paid 10% of employees at a work site) their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the Village. The Village may use their discretion as to this determination on a case by case basis.

If an employee knowingly falsifies any FMLA document, the employee shall be subject to disciplinary action up to and including termination.

Definitions applicable to FMLA policy above.

- A spouse means a husband or wife as defined or recognized under state law. Currently, New Mexico does not recognize domestic partners and therefore husband and wife would be the only partnership recognized under FMLA.
- A parent is either the biological parent or the person who acted as the parent when the employee was a child.
- A son or daughter is either biological, adopted, under foster care, a stepchild, a legal ward, or any child that the employee is assuming parenting responsibility. The child must be under age 19 or can be over age 18 if a mental or physical handicap is present.
- A period of incapacity means the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
- Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
- A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:
  - (1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
  - (2) A serious health condition involving continuing treatment by a health care provider, including any one or more of the following:
    - A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
    - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care

provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
  a) Any period of incapacity due to pregnancy, or for prenatal care.
  b) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
     - Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
     - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
     - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
  c) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
  d) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

6-9-1 FMLA for Military Service Family

Qualifying Exigency Leave

An employee may qualify for up to 12 weeks of leave during a 12 month period due to a qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

Department of Labor (DOL) defines “qualifying exigency” as: 1) short-notice deployment, 2) military events and related activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post deployment activities, and 8) additional activities where the employer and employee agree to the leave.

- The above FMLA definition of a “son” or “daughter” does not apply since all servicepersons are over age 18.

- Qualifying Exigency must be related to a service member's "contingency operation." Contingency operation includes any operation:
    - Designated by the Secretary of Defense in which the armed forces are or may be involved in military actions, operations, or hostilities against an enemy of the U.S.; OR
    - Results in the active duty of members of the Armed Forces during a war or national emergency declared by the President or Congress; OR
    - Action in response to events such as natural disasters, terrorist or subversive activities or required military operations.
    - Intermittent leave is allowed.
- The employer must receive confirmation of the service member's activation or active duty status and certification from the employee that leave is needed due to the qualifying exigency.

Service Member Family Leave

An eligible employee who is the spouse, child, parent or next of kin of a covered service member shall be entitled to up to 26 weeks of leave during a 12 month period to care for the service member.

- Covered service members are a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This applies to an injury or illness incurred by the service member in the line of duty or on active duty in the armed forces that may render the member medically unfit to perform their duties.
- The definition of "serious health condition" above does not apply. For service member family leave, serious injury or illness refers to an injury or illness incurred while on active duty in the armed forces which renders the member medically unable to perform the duties of their office, grade, or ranking.
- "Next of Kin" is defined as the nearest blood relative to the service member.
- Intermittent leave is allowed.

6-10 INJURY ON THE JOB LEAVE (WORKER'S COMPENSATION LEAVE) UNPAID:

New Mexico law requires that all municipalities provide compensation to employees injured on the job (§52-1-1 through 52-1-70, NMSA 1978).

This is unpaid leave due to an on the job accident or illness. All employees of the Village of Ruidoso are covered by Worker's Compensation Insurance through the Village of Ruidoso at no cost to the employee.

The employee is responsible for immediately reporting any injury to the supervisor in charge. The accident report shall be submitted to the Human Resources Department within 24 hours of the incident. Employees and supervisors who do not report an injury are subject to disciplinary action.

Lost time accidents are paid in accordance with the law and on the basis of average weekly wage amounts at the time of injury.

No loss claims are those on the job injuries which result in lost time from work for less than seven days. In cases like this, the employee's time off shall be charged to sick, vacation, compensatory time balance, or unpaid leave.

Lost time claims are those on the job injuries which would cause the employee to lose time from work for a period of seven days or longer. The first seven days are considered a waiting period and would not be paid by Worker's Compensation. The employee may use sick leave, vacation leave, or any compensatory time balance during this waiting period. If the employee does not have sick leave, vacation leave, or compensatory time, this time would be unpaid.

After the employee becomes eligible for Worker's Compensation payments, the employee shall be placed on an unpaid leave of absence. Vacation or sick leave shall not accrue during this time.

For the employee on Worker's Compensation disability who remains an employee of the Village, the Village will continue paying the Village's share of group insurance.

All leave for on-the-job injuries and illness shall run concurrently with FMLA.

The employee on Worker’s Compensation is responsible for and must arrange for employee paid deductions to continue during the leave period. Coverage for employee paid policies may cease if the premium payment is more than 30 days late. If the payment is more than 15 days late, the Village will notify the employee with written notification.

Before being permitted to return to work, employees are required to present a fitness for duty release from their physician indicating that they are capable of returning to work.

6-11 <u>Bereavement Leave</u>

Employees may take up to three days of paid administrative leave (one duty day or twenty four hours for Fire) may be granted to an employee who has a death in the immediate family. For purpose of bereavement leave, family is defined as any legal dependent, domestic partner or a parent, spouse, sibling, child, grandparent, or grandchild (including step relatives or in-laws that parallel this list).

6-12 Unpaid Leave

Employees may be granted personal leave without pay under certain conditions. Request for leave without pay for five days or less (one duty day or twenty four hours for Fire) shall be subject to the approval of the Department Director. However, request for more than five days (or two duty days or forty eight hours for Fire) shall be subject to the approval of the Village Manager with the exception of FMLA leave. The employee shall not accrue sick leave, vacation leave, or any other benefits while on leave without pay. Employees on unpaid leave shall not receive holiday pay for any time off. Retirement contributions are not made while the employee is on leave without pay. The employee MAY NOT WITHDRAW PERA CONTRIBUTIONS when going on leave without pay.

Personal leave shall not exceed twelve weeks.

When an employee is on unpaid leave, the Village shall continue to pay its portion of group insurance as long as the employee pays their portion in a timely manner. The employee is responsible for ensuring that any employee paid deductions are paid while they are on unpaid leave.

6-13 Administrative Leave with Pay

Administrative leave with pay may be used for a variety of reasons. As described in this manual, bereavement, voting, and jury leave are examples of administrative leave benefits given to employees.

Administrative leave with pay may also be used during an investigation of misconduct by an employee or at any time the Village Manager or designee, in their sole discretion, determines that the Village's best interest will be served by placing an employee on administrative leave. Each situation will be administered on a case by case basis.

The Village Manager or designee shall contact the Human Resources Director as soon as possible upon placing an employee on administrative leave for the remainder of that shift if they believe there is misconduct, alleged misconduct, or a safety issue. The Department Director/Manager, Human Resources Director, and Village Manager will determine what further actions (if any) will be taken.

Administrative leave is not considered a disciplinary action.

All employee benefits will still accrue during the period an employee is suspended on administrative leave.

Administrative leave is not counted as time worked for the purposes of computing overtime.

6-14 Suspension without Pay

Suspension without pay may be used when the Village Manager or designee determines, in their sole discretion, that the Village's best interest will be served by placing an employee on suspension without pay. Each situation will be administered on a case by case basis. Suspension without pay is considered a disciplinary action.

6-15 Military Leave

The Village will grant full-time employees military leave of absence without pay for attending military reserve duty or for any period of active military service as dictated by Uniformed Services Employment and Re-employment Rights Act, USERRA, 38 U.S.C. § 4312. The New Mexico provisions related to re-employment are found at §28-15-1, 28-15-2, and 28-15-3, NMSA 1978. New Mexico's provisions regarding National Guard members are located at §20-4-1, NMSA 1978.

In accordance with §20-4-7, NMSA 1978 a Village employee who is a member of organized units of the army or air national guard or army, air force, navy, marine or coast guard reserves shall be given not to exceed fifteen working days' military leave with pay per federal fiscal year when they are ordered to duty for training, such leave to be in addition to other leave or vacation time with pay to which such employees are otherwise entitled.

Employees may take a military leave of absence from employment, including intermittent leaves, for a total of five years, excluding yearly training. Reemployment rights extend to persons who have been absent from a position of employment because of "service in the uniformed services." "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty (Including Reserve and Guard members who have been called up)
- Initial active duty for training
- Full-time National Guard duty
- Absence from work for an examination to determine a person's fitness for any of the above types of duty
- Funeral honors duty performed by National Guard or reserve members

In order to have reemployment rights following a period of service in the uniformed services, a military member must meet the eligibility criteria (discussed separately below):

- Must have given written or verbal notice to the employer prior to leaving the job for military training or service except when precluded by military necessity.
- The period of service must not have exceeded five years.
- Must have been released from service under "honorable conditions."
- Must have reported back to your civilian employer in a timely manner or have submitted a timely application for reemployment.

If the above criteria are met, the employee will be promptly reinstated, which is determined on a case-by-case basis in the following order of priority:

1. In the job the employee would have held had the person remained continuously employed so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer to qualify the person; or

2. If the employee cannot become qualified for the position in (1), then in the employee's pre-service position so long as the person is qualified for the job or could become qualified after reasonable efforts by the employer to qualify the person; or

3. If the employee cannot become qualified for the position either in (1) or (2), then in any other position of lesser status and pay that the employee is qualified to perform, with full seniority.

The person cannot be discharged from the position without cause within one year after restoration.

The escalated position will apply to employees, who in their absence, would have reasonably attained had they remained employed.

For leave over 30 days, all benefits will cease, but an employee may obtain COBRA benefits for health coverage. Upon reinstatement of employment with the Village, no waiting period will be required for enrollment into the group health plan.

No leave time will be accrued while the employee is on military leave. No holiday time will be given.

For purpose of employee pension contribution benefits, upon return, the length of leave will be credited as service under the plan for purposes of determining the vesting of the person's accrued benefits. With respect to an employee's contribution to the retirement plan, credit will be given for the time of military service only to the extent that the employee makes payments to the retirement plan. With respect to such contributions, however, the employee may extend the payments to bring themselves current by a time that equals three times the duration of military service not to exceed five years.

The employee on military leave is responsible for and must arrange for employee paid deductions to continue during the military leave period. Accrued leave may be used for this purpose.

6-16 <u>Jury and Witness Leave</u>

All employees may be granted administrative leave with pay if their absence is in response to a jury summons, subpoena, or direction by proper authority to appear as a witness for the Federal government, the State government, or political subdivision thereof, or in their official capacity as an employee. Such pay shall be their regular compensation.

Documentation of the actual hours served in jury duty will be required. This documentation should be requested by the employee at the end of jury duty service and submitted with the time sheet at the end of the pay period to be eligible for jury leave pay. Part-time employees will be paid only for regularly scheduled hours during jury or witness leave. The Village of Ruidoso will comply with New Mexico's jury duty leave law, located at §38-5-18, NMSA 1978.

Jury fees earned by the employee shall be turned over to the Village of Ruidoso except for mileage reimbursement (figured at the approved rate) for out of town travel. If an employee chooses to use vacation leave for the time off to serve, the employee shall not be required to turn over the jury fee to the Village of Ruidoso.

Jury Duty is not counted as time worked for the purposes of computing overtime.

6-17 Voting

Administrative leave for voting shall be granted as set forth in §1-12-42, NMSA 1978. Any employee who is a registered voter may, on the day of election or during an early or absentee voting period, be absent with pay for up to two hours of time during the time the polls are open to allow employees to vote. The specific time allowed shall be at the discretion of the Department Director/Manager.

This does not apply to an employee whose work day begins more than two hours subsequent to the time of opening the polls, or ends more than two hours prior to the time of closing the polls.

Voting leave is not counted as time worked for the purposes of computing overtime.

If an employee is found to have taken this leave time and used it for something other than voting, the employee shall be disciplined.

6-18 Disaster Services Leave (unpaid)

New Mexico's Volunteer Emergency Responder Job Protection Act is located at §12-10C-1 through 12-10C-4, NMSA 1978. It states: Pursuant to the act, an employee may not be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because the employee, when serving as a volunteer emergency responder, is absent from the employee's place of employment in order to respond to an emergency or disaster.

The term *volunteer emergency responder* means a person who is a member in good standing of a volunteer fire department, an emergency medical service, a search and rescue team, or a law enforcement agency, or who is enrolled by the state or a political subdivision of the state for response to an emergency or disaster. Emergency or disaster means an event so declared by the Governor or the President of the United States.

This does not apply if the employee, while acting as a volunteer emergency responder to an emergency or disaster, is absent from the employee's place of employment for a period of more than 10 regular business days in a calendar year.

An employee who will be absent from their place of employment while serving as a volunteer emergency responder to an emergency or disaster must make reasonable efforts to notify the employer of that service and must continue to make reasonable notification efforts over the course of the absence. An employer may request an employee provide a written verification from the office of emergency management or a state or local official managing an emergency or disaster of the dates and time that the employee served as a volunteer emergency responder to an emergency or disaster.

An employee may use vacation leave time for any time absent from employment while serving as a volunteer emergency responder to an emergency or disaster.

6-19 Social Security and Medicare: A deduction for Social Security, as prescribed by the Social Security Administration, will be withheld from each employee's pay check and this

amount will then be matched with the same amount by the Village, which is then paid to the Social Security Administration on behalf of the employee.

6-20 **Medical Insurance:** Medical insurance is provided to the employees of the Village of Ruidoso. For the purpose of medical insurance the Affordable Health Care Act will apply. So for appointed, contract, and full-time employees the Village pays 80% of the premium starting the first of the month after a 30-day waiting period. For part-time employees who work twenty (20) hours or more, the Village pays 60% of the premium starting the first of the month after a 30-day waiting period. The remainder of the premium is the responsibility of the employee and applicable premiums will be made through payroll deduction. The Village will bear the expense of administration of this insurance coverage. Open enrollment is offered in June for a July 1st effective date.

6-21 **Dental Insurance:** Dental insurance is provided to the employees of the Village of Ruidoso. For appointed, contract, and full-time employees the Village pays 80% of the premium starting the first of the month after a 30-day waiting period. For part-time employees who work twenty (20) hours or more, the Village pays 60% of the premium starting the first of the month after a 30-day waiting period. The remainder of the premium is the responsibility of the employee and applicable premiums will be made through payroll deduction. The Village will bear the expense of administration of this insurance coverage. Open enrollment is offered in June for a July 1st effective date.

6-22 **Basic and Long-Term Disability Insurance:** Long-term disability and basic life insurance are provided to the employees of the Village of Ruidoso. For appointed, contract, and full-time employees the Village pays 100% of the premium starting the first of the month after a 30-day waiting period. For part-time employees who work twenty (20) hours or more, the Village pays 100% of the premium starting the first of the month after a 30-day waiting period. The remainder of the premium is the responsibility of the employee and applicable premiums will be made through payroll deduction. The Village will bear the expense of administration of this insurance coverage. Open enrollment is offered in June for a July 1st effective date

6-23 **Vision Insurance:** Vision insurance is provided to the employees of the Village of Ruidoso. For appointed, contract, and full-time employees the Village pays 80% of the premium starting the first of the month after a 30-day waiting period. For part-time employees, who work twenty (20) hours or more the Village pays 60% of the premium starting the first of the month after a 30-day waiting period. The remainder of the premium is the responsibility of the employee and applicable premiums will be made through payroll deduction. Open enrollment is offered in June for July 1st - effective date.

6-24 **Worker's Compensation Insurance:** All employees are covered for work-related accidents and injuries.

6-25 **Other Insurance Options:** Employees may choose additional coverage from various insurance plans such as short-term disability, accident, dependent life, and supplemental life insurance. These insurance plans are employee paid policies and are offered through payroll deduction. The types and providers of plans offered are subject to change at any time with or without notice. These policies are individual policies and can

be continued at the employee's cost after employment with the Village of Ruidoso ends. Enrollment is normally offered once per year to be effective on July 1st.

6-26 **PERA (Public Employee Retirement Association):** Except for the employees who are exempt as specified by PERA, Village employees are required to join the Public Employees' Retirement Association of New Mexico (PERA). A percentage of an employee's base pay will be deducted each pay period from the employee's payroll check. The Village of Ruidoso also contributes a percentage to the employee's PERA. Part-time employees who regularly work less than 20 hours in a 40 hour scheduled workweek are excluded from PERA membership.

6-27 **Longevity Pay:** Longevity pay is a lump sum annual payment that is to be paid to all current employees during the month of December. Longevity pay shall be paid at $4.00 for each full month worked beginning with the most recent date of hire. Longevity pay shall not exceed $1200.

6-28 **COBRA:** Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, a terminating employee is entitled to continue participating in the Village's group health plan, dental, and vision plan for a prescribed period of time. A notice will be sent to each employee after termination offering the opportunity to enroll for continued coverage.

CHAPTER 7. ORIENTATION, TRAINING, AND CAREER DEVELOPMENT

7-1 Orientation

All new employees are required to attend an orientation provided by the Human Resources Department.

The Human Resources Department will accomplish a general orientation and will convey information in the following areas:

- Personnel Policies
- Harassment Prevention Training
- Information and enrollment regarding the benefit programs
- Completion of employee paperwork (i.e. I-9, W-4, Direct Deposit)

The employing department should conduct further job orientation specific to the department and position.

7-2 Training

In-service training for employees shall be provided. Such training may be provided by the Department Directors/Managers, the Human Resources Department, or other entities that best serve the interests of the department and the employee.

Safety training hours are required each year, based on the position held. It is the employee's responsibility to attend scheduled safety training and ensure requirements are met.

The Department Director/Manager or supervisor may permit or require the attendance of employees at meetings, conferences, or seminars intended to improve skills or knowledge at reasonable times with reasonable frequency.

The Department Director/Manager may release an employee from their regular duties during the workday to attend training, if in the opinion of the Director/Manager, such training contributes to the purposes of the organization, programs, or to the attainment of the objectives of the Village and/or to the career development of the employee. Workload, scheduling, and other demands of the Village will be taken into consideration prior to approving the release of employees to attend training.

7-3 Employee Performance Evaluations

Employee performance evaluations provide a review and evaluation of an individual's performance. It is the responsibility of the employee's direct supervisor to ensure performance evaluations are effective and **timely.** Completed performance appraisals are maintained in Human Resources Department in the employee personnel file.

Evaluation Schedule:

- Introductory employees shall be evaluated every three (3) months.
- Status change period employees shall be evaluated after six (6) weeks and then at the end of twelve (12) weeks.

- All other employees shall be evaluated annually, using the anniversary date of the employee's employment date.

At the discretion of the Department Director/Manager, additional performance appraisals may be done to acknowledge exemplary performance or to identify performance deficiencies. A performance improvement plan may be developed to provide employees with constructive feedback, facilitate discussions between an employee and their supervisor regarding performance related issues, and outlines specific areas for performance improvement.

The supervisor shall complete the employee evaluation. The evaluation is then forwarded to the reviewer. If the Supervisor is the rater, the Department Director/Manager is the reviewer. If the Department Director/Manager is the rater, the Village Manager or designee is the reviewer. After the evaluation has been approved by the reviewer, the rater shall then make arrangements with the employee to discuss the evaluation.

7-4 Certification and Incentive Pay Plan (Effective 07/01/2015)

Employees who attain employment related certifications may qualify for an increase in pay. The pay increase will be based on the value of the certification to the Village and the employees increased job related skills. The Department Director/Manager may recommend a pay increase, but final approval is up to the Village Manager prior to the effective date of the increase. Listed certification and incentive increases are in Appendix C. The Village Manager updates this list as part of the Village of Ruidoso compensation and incentive program. All certification increases need to be budgeted for when the Department Director/Manager prepares their annual budgets.

Employees are responsible for maintaining their certification(s) in order to retain any applicable certification increase. The Department Director/Manager is responsible for verifying certifications, and ensuring that the Human Resources Department has current copies. The loss of certifications can result in the loss of certification pay and possible employment.

CHAPTER 8. EMPLOYEE CONDUCT

8-1 Public Employment as a Public Trust

In performing the duties and in the many contacts with the public, Village employees should be continually aware that the impression of Village government that the public forms is based upon the employee's manner, appearance, speech, and conduct. Consequently, the Village government is dependent upon standards of reliability, integrity, industriousness, helpfulness, courtesy, efficiency, patience, grooming, dress, and language which are appropriate to the work situation and acceptable to the majority of the community. A public employee away from the job shall exercise the same rights as any other private citizen insofar as they do not interfere with the performance on the job or undermine public confidence in that employee, other Village employees, or the Village as an organization.

8-2 Code of Conduct

The Village of Ruidoso recognizes the importance of professional standards at all levels of the government and services provided to the community. The success of our services is dependent on the trust and confidence earned from employees, citizens and the Governing Body. We gain credibility by adhering to our commitments, displaying honesty and integrity and reaching Village goals solely through honorable conduct.

All employees deserve to work in an environment where we are treated with dignity and respect. The Village is committed to creating such an environment because it brings out the full potential in each employee, which in turn, contributes directly to the Village's success. Success for the Village of Ruidoso is dependent upon the standards of its employees with regard to:

- Integrity and honesty
- Transparency and openness
- Impartiality, objectivity, non-discrimination
- Confidentiality
- Due diligence/duty of care
- Fidelity to professional responsibilities
- Avoiding potential or apparent conflict of interest
- Legality (respect for the rule of law)
- Efficiency
- Equality
- Justice
- Responsibility
- Accountability

The Village is an equal employment affirmative action employer and is committed to providing a workplace that is free of discrimination of all types from abusive, offensive or harassing behavior.

At the Village of Ruidoso, everyone should feel comfortable to speak his or her mind, particularly with respect to ethics concerns. Directors have a responsibility to create an open and supportive environment. The Village will benefit tremendously when

employees exercise their power to prevent mistakes, wrongdoing and unethical behavior. The Village Management will investigate all reported or questionable unethical behavior. In every instance where improper behavior is found to have occurred, Village Administration will take appropriate action. The Village will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

8-2-1 <u>Applicability:</u>

This policy in all its sections shall apply to all Village employees, no matter their classification. Employees are to uphold State and Federal laws and the rules, regulations, policies, laws, and ordinances of the Village of Ruidoso. Employees are not to use their positions or official capacity to obtain personal gain or to give unwarranted benefits or unwarranted treatment to any person. Any employee who engages in any such behavior will be subject to corrective action up to and including termination of employment. Because the Village's strong disapproval of such inappropriate or offensive behavior, all employees must avoid any action, conduct, or behavior that could be viewed as a violation of this policy. Employees shall maintain public trust and the trust of the Ruidoso Officials and Governing Body.

***Remember, perception is everything to our citizens.*
*What people perceive as truth, is to them, the truth***

8-2-2 <u>Code of Conduct:</u>

All Village employees shall:

- Maintain public trust during their tenure with the Village.
- Remember that he/she represents the Village of Ruidoso at all times. Any action or behavior by an individual employee is a reflection of the Village as an organization.
- Accept their position as a means of unselfish public service, not to benefit personally, professionally or financially from his/her position.
- Treat all members of Village employment, Village Council and all community members with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Support and commit to the decisions of Administration and Village Council and shall not demonstrate at any time disrespect to any person or official of the Village of Ruidoso.
- Recognize that the primary function of local government at all times is to serve the best interests of all of the people.

- Honor confidential information, seek no favor and accept that personal aggrandizement or profit secured by holding these positions is dishonest

- Conduct themselves so as to maintain public confidence in their local government and in their performance of the public trust.

- Conduct official business in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

- Unless specifically exempted (e.g. Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintain full compliance with the Open Meeting Law.

- Not solicit or accept gifts that benefit the employee's (or immediate family or household member's) personal or financial interest if it can be reasonably inferred that the gift is intended to influence the employee's actions or judgment.

- Submit any substantial financial interest existing or when acquired either direct or indirect in any corporation, firm, or contract with the Village in writing to the Department Director.

- Use Village resources for lawful municipal purposes only. Municipal resources include but are not limited to, municipal personnel and the Village's money, vehicles, equipment, material, supplies or other property. No municipal official or employee may use or permit the use of municipal resources for personal or private purposes unless that purpose is in the best interest of the community or public safety and is authorized by the Village Manager.

8-2-3 <u>Ethics Complaint Procedures:</u>

Any complaint regarding the conduct of an employee should be taken seriously and shall be directed to the Village Manager.

- Individuals who file a complaint and those who are the subject of the complaint must not disclose to anyone outside of those involved in the complaint process their role in an ethics complaint. Disclosing this information may jeopardize the ethics process and violate the rules of fundamental fairness by which all parties are protected.

- If an investigation is deemed warranted, the Village Manager shall initiate an investigation of the complaint and notify the individual involved of such. The results of the investigation

shall be managed in accordance with procedures identified in the Village Personnel Policy.

- If it is determined that unethical conduct has occurred, the Village Manager may impose sanctions, including reprimand, censure, suspension for three (3) days or longer or removal from the position of employment as provided for in Chapter 11 of this Personnel Policy.

- Any employee who is involved in business or financial operations or situations which are or may be in violation of this policy, is required to immediately disclose the matter in writing to the employee's Department Director. The Department Director will provide a written determination as to whether a violation exists, or will exist. If it is determined that a violation does exist, the Department Director, shall notify the Village Manager who will make a determination as to what steps will be taken, including but not limited to, reassignment of duties to avoid violation, notification of all involved, and allowing the employee to continue in his/her official capacity.

- Other violations or not reporting business or financial interests or potential business or financial violations, shall be handled through disciplinary process as stated in the Personnel Manual of the Village of Ruidoso.

8-2-4 <u>Accountability:</u>

Each employee of the Village is responsible for knowing and adhering to the values and standards set forth in this Code and for raising questions if they are uncertain about the Village policy. If employees have questions or concerns about the standards being met or if they are aware of a violation of the Code, they should contact the Human Resources Department or the Village Manager.

8-2-5 <u>Distribution and Education:</u>

- The Human Resources Director shall promptly cause a copy of this code to be posted publicly and conspicuously in each building under the Village's control. The Code must be posted within ten days following the date on which the code takes effect.

- The Human Resources Director shall also provide a copy of this policy to all employees through the dissemination to every Department Director and shall make this code available for public view.

8-3 <u>Employee Ethics</u>

The Village of Ruidoso expects all employees to conduct themselves in a professional manner during their employment. Employees shall adhere to their professional code of

ethics as established by their department or profession.

The Village is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, communities, and employees. The highest standards of ethical business conduct are required of employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Village honesty, impartiality, or reputation or otherwise cause embarrassment to the Village.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. Retaliation against employees who use these reporting mechanisms to raise genuine concerns will not be tolerated. Department Directors/Managers are responsible for supporting implementation and monitoring compliance.

8-4 <u>Attendance</u>

Good business ethics also include practicing good attendance habits. All employees should regard coming to work on time, working their shift as scheduled, and leaving at the scheduled time as essential functions of their jobs. Good attendance habits form an integral part of every employee's job description. Among other things, "good attendance habits" mean the following:

- appearing for work no sooner than five minutes prior to the start of the shift and no later than the start of the shift;
- being at your work station ready for work by the start of the shift; remaining at your work station unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks);
- taking only the time normally allowed for breaks;
- remaining at work during your entire shift, unless excused by a supervisor;
- not leaving work until the scheduled end of your shift, unless excused by a supervisor;
- leaving promptly at the end of your shift, unless you have been given advance permission from your supervisor to work past that point; and
- personally notifying your supervisor, or another member of management if you are unable to make contact with your supervisor, that you are going to be either absent or tardy, unless a verifiable emergency makes it impossible for you to do so
- It is not sufficient to call in and leave a message with a coworker or someone else that is not in a supervisory position.

- Failure to give proper notice of attendance problems in advance as explained in this policy will not be tolerated and can result in disciplinary action up to and including dismissal.

If an employee is absent without notice for three days in a row, they will be considered as having abandoned their job, and the Village will process a Personnel Action Notice - as a voluntary resignation on the part of the employee.

8-5 Conflict of Interest

The Village of Ruidoso prohibits employees from using their position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

Employees in a position to deliver services to eligible individuals will avoid the real or perception of any conflict of interest when the eligible individual is a relative, close friend, or other person of interest. The Department Director/Manager must be made aware of the relationship of the person receiving services through the Village and will give guidance to the employee on how to handle any actions to be taken.

8-6 Other Employment

Employment with the Village shall be considered the primary employment of all employees in regular full time positions. Other employment is subject to the written approval of the Department Director/Manager following final approval by the Village Manager. An employee shall fill out the request for permission for outside employment found in Appendix B and submit to the Department Director/Manager for approval. This form will need to be submitted and approved or disapproved on an annual basis (fiscal year) and when an employee gains and/or has changes in outside employment. The Department Director/Manager shall be responsible for determining if a conflict does or may exist with the Village of Ruidoso employment. A copy of the approval or denial shall be kept in the employee's personnel file in the Human Resources Department.

Permission to engage in outside employment may not be granted if:

1. The outside employment impairs the employee's on-the-job-efficiency;
2. Unfavorable publicity to the Village of Ruidoso or poor public relations would result;
3. The duties to be performed or services to be rendered are such that the employee or the employee's subordinates will later check, inspect, or pass judgment on such activity while serving in an official capacity with the Village of Ruidoso;
4. The outside employment conflicts with the employee's official capacity with the Village of Ruidoso;
5. The employee receives below average rating from the supervisor on punctuality, safety, work performance, or attendance records;
6. The outside employment is unusually physically strenuous and/or hazardous.

Permission may be withdrawn if, upon review by the employee's Supervisor or Department Director/Manager, it is determined the employee's work performance,

attendance, or other conditions of employment are not meeting the Village of Ruidoso's needs.

8-7 Political Activity

No Village employee shall campaign, distribute literature, or solicit political contributions while on the job. No Village employee shall prohibit or inhibit the right of another employee to have and express a personal choice or commitment. No Village employee shall ever be expected, required, or coerced to contribute to any campaign. No Village employee shall represent or allow themselves to be inferred as representing the Village at any political meeting or in political activity.

A Village employee will not campaign during working hours. An employee elected to a post may not retain their Village employment after election if the elective post is incompatible with their Village employment. The Village Manager will determine compatibility.

If a Village employee chooses to run and/or if the employee plans to campaign during working hours for political office, the employee shall take vacation leave or leave without pay.

8-8 Gifts, Money, Gratuities

Employees may not accept or seek gifts, money, or gratuities (including tips) from persons receiving benefits or services from the Village of Ruidoso or performing services under contract or otherwise in a position to benefit from such action. The exception is if the item is unsolicited and of nominal value. Nominal value is generally defined as less than $25.00 in value however this exception does not apply to cash or political activity. All monetary donations received must be turned into the Finance Department.

8-9 Confidentiality

Information regarding customers or employees should be held as confidential information except where specified by state law. No employee shall disclose at any time, either directly or indirectly, any information regarding the Village employees, vendors, or customers. Further, this confidentiality requirement continues after the term of employment. Any breach of confidentiality shall be considered a serious allegation and will not be tolerated. Any breach of confidentiality by an employee will be subject to disciplinary action up to and including dismissal.

Employees shall not maintain any permanent record that contains confidential information in files for personal use.

8-10 Workplace Violence

The Village of Ruidoso maintains a zero-tolerance policy towards violence in the workplace. Violent behavior is inappropriate in the workplace, whether it is on the part of employees, customers, or others present in the workplace, and it will not be tolerated. Furthermore, the possession, use, or threat of use of a weapon is prohibited in the workplace by employees.

The word "violence" in this policy shall mean an act or behavior that is physically or verbally assaultive, reasonably likely to result in harm or threats of harm to persons or

property, consists of a communicated or reasonably perceived threat to harm or in any way endanger the safety of another individual, would be interpreted by a reasonable person as carrying potential for physical harm to the individual, or involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceive to be threatening.

The Village of Ruidoso is committed to providing a safe workplace free of violence or threats of violence to its employees, customers, and others present on Village property or in the Village workplace.

Definitions:

Employee: All classified and unclassified employees, elected officials of the Village, and volunteers.

Threat Management Team: May include the Village Manager or Deputy Manager who is not investigating or responding to the violence report, the Police Department, the Department Director of the affected department, outside legal assistance, as well as other Department Directors or outside agencies who may be able to provide assistance on the matter.

Prohibited Weapon: Any instrument capable of producing bodily harm in a manner under circumstances and at a time and place that manifests an intent to harm or intimidate another person, or that warrants alarm for the safety of other(s). This may include but is in no way limited to any type of firearm, knife, metal knuckles, and explosives. It is noted that weapons or potential weapons are not prohibited when they are necessary, approved by the department, and are used in the line of duty. Items such as or similar to eating utensil knives, small pocket knives, box openers, mace, pepper spray can be appropriate to use or have on the job or for in the case of mace or pepper spray can be used for personal defense, however, if something is used to produce bodily harm and/or intimidate outside the scope of one's job duties, it becomes a prohibited weapon.

Workplace: All Village owned or leased property**,** including vehicles and equipment, and any other property where work is being performed by village employees in an official capacity for the Village.

Workplace Violence: Any act of written, verbal, or physical aggression that occurs in the workplace intended to physically harm an individual, or that could cause a reasonable person to be in fear of imminent physical harm, or cause intimidation to another person. It also includes intentional non authorized destruction or abuse of property.

All threats of violence will be taken seriously and investigated accordingly. Such statements or behaviors amongst employees undermine the Village's mission, employee morale, and productivity; and will not be tolerated.

The Village has the right to enter and inspect all property and reserves the right to enter or inspect any employee work area including, but not limited to desks, filing cabinets,

telephones, cell phones, electronic devices, computers, and other devices or services that are being reimbursed for by the Village of Ruidoso, with or without notice.

The Village management may monitor phone conversations, voice mail, and e-mail messages. Any conversation or message that constitutes a threat of violence in the workplace can be used as the basis for taking immediate action.

Non-employee violators of this policy are subject to expulsion from a Village facility and the denial of services. In addition, the Village may report violators to the appropriate authorities for criminal or civil action.

Privacy rights will be observed in the event of the need to investigate workplace violence incidents. Only those individuals with a clear need to know of the potential risk will be notified. Anonymity of employees reporting violence or threats will be maintained during the investigation to the extent possible by those investigating the complaint. However, there is no guarantee of anonymity since it is often necessary to make the individual, against whom the allegation was made, aware of the complaint in order to ascertain the facts.

There will be no retaliation and/or reprisal against an employee who genuinely reports threats of workplace violence in good faith. Any employee of the Village who engages in or assists in such retaliatory actions will be subject to disciplinary action up to and including termination.

The Village refuses to tolerate violence in the workplace and will apply workplace violence policies consistently and fairly to all employees. Threats of violence in the workplace may violate various municipal, state and federal laws, and may subject the violator to criminal or civil liability for any such unlawful conduct. Violations of this policy will not be tolerated. Employees who violate this policy will be subject to disciplinary action up to and including termination. Engaging in workplace violence may also result in criminal prosecution.

8-10-1 <u>Workplace Violence Reporting and Investigating Guidelines</u>

<u>Non-emergency</u>: If an individual is not violent and no immediate threat is present but the individual is acting in a suspicious, hostile, or aggressive manner, you need to:

- Notify supervisor,
- Keep distance between yourself and the individual,
- Become aware of escape routes,
- Be ready to summon the police if the situation escalates to a situation where you believe police presence is needed.
- If Supervisor is not available, you are to call the Police Department's non-emergency number to report events which are not life threatening but involve suspicious activity.

<u>Emergency</u>: If it is reasonable to believe that an individual is acting in a manner that is of immediate threat to an employee or others, you need to:

- Seek safety by leaving the area if possible,

- Call 911 - When reporting an emergency, provide the dispatcher with your name, location, specifics of the events, if known; give name of the violent individual. The dispatcher may ask you to stay on the line unless your personal safety dictates otherwise.

- DO NOT ATTEMPT TO CONTROL A VIOLENT INDIVIDUAL YOURSELF, let the Police handle that.

Once you are out of danger, notify your supervisor immediately; call the Human Resources Department to report the incident. Even though you verbally notify the Human Resources Department, you are still required to follow up with a written statement outlining the facts of the situation. Although reasonable effort will be made to keep written memorandums, reports, and records confidential, they may be subject to disclosure depending on the situation.

For those cases where it appears that criminal activity may be involved, no employee or supervisory authority shall take any action that would jeopardize the outcome of any investigation. Do not alter anything at the scene of the violent incident until the police authorize it.

False Reports: Allegations and/or reports of workplace violence will be taken seriously. If you intentionally make false reports, you will be subject to disciplinary action up to and including termination.
The primary goal of investigating and reporting threats of violence in the workplace is to resolve such incidents without the occurrence of violence. Each case will be assessed individually and responded to accordingly.

Prompt and accurate reporting of workplace violence, whether or not the incident results in physical injury, is essential to any workplace violence prevention policy. Workplace violence includes violence by co-workers, strangers, customers/clients, and personal relationships.

Employees who have restraining orders against individuals must report that restraining order to Human Resources Department and Department Director/Manager as soon as it is obtained so that appropriate actions can be taken to assure the safety of the employee, co-workers, and other individuals in the workplace.

An employee who witnesses, or to whom a threat of violence in the workplace is reported, is responsible for taking prompt appropriate action, which will depend on the circumstances of each case. The Village Manager is empowered to suspend employees immediately upon being confronted with any incident involving a risk of immediate harm to any individual or to the Village itself.

Appropriate actions for emergency situations may dictate the immediate intervention of outside authorities such as the police or medical professionals before proceeding with internal policy guidelines outlined below.

- Employees who become aware of threats of violence in the workplace should report such threats to their immediate supervisor, Human Resources Director, or another member in their management chain.
- For all cases involving threats of violence in the workplace, the supervisor to whom the threat is reported is responsible for notifying the Village Manager. The Village Manager will then assess an appropriate plan of action considering the circumstances of each case.
- After the assessment of the appropriate plan of action, the Village Manager will appoint an appropriate designee to investigate the alleged threat of violence in the workplace.
- The appointed designee will contact the employee reporting the alleged threat. The level of risk should immediately be established to determine whether the threat is critical or life threatening, and to determine what immediate steps, if any, should be taken to ensure that safety is maintained. Facts should be gathered to assess the seriousness and validity of the threat, as well as the credibility of the employee making the report. This process may include interviewing employees and other witnesses who may have knowledge of the alleged threat.
- The Village Manager may authorize administrative leave or the suspension of an employee who allegedly made a threat of violence in the workplace pending the outcome of the investigation.
- A written statement outlining the facts of the situation is requested from the employee reporting the threat of violence.
- If appropriate, the appointed designee should next meet with the individual who allegedly made the threat of violence in the workplace. Facts are then gathered concerning the allegation. A written statement may be requested from the employee.
- After meeting with the involved employees, the appointed designee should immediately provide feedback to the Village Manager regarding the findings of the meeting. After reviewing the findings of the appointed designee, the Village Manager will determine if further internal investigation is needed and if it is concerning present and future working conditions.
- If the situation is considered to be resolved, the designee will then notify all parties involved of the disposition of the investigation.
- If the threat was determined to be legitimate and the threat concerns present and/or future working conditions the Village Manager will take appropriate action to neutralize the threat up to and including termination of the offending employee.
- All documents pertaining to the incident shall be placed in the personnel file of the employees involved unless of a confidential nature.

Retaliation:
There will be no retaliation and/or reprisal against an employee who genuinely reports threats of workplace violence in good faith. Any employee of the Village who engages in or assists in such retaliatory actions will be subject to disciplinary action up to and including termination.

Consequence of Violation of this Policy:
Employees who violate this policy will be subject to disciplinary action up to and including termination. Engaging in workplace violence may also result in criminal prosecution.

8-10-2 <u>Policy on Domestic Violence, Sexual Assault, and Stalking</u>

The Village of Ruidoso shall, to the fullest extent possible, without violating any existing rules, regulations, statutory requirements, or contractual obligations, take actions to protect employees of the Village of Ruidoso who are affected by domestic abuse.

The Village shall ensure that actions do not discriminate against victims of domestic violence, sexual assault and stalking, and are responsive to the needs of victims of these offenses.

8-11 Workplace Bullying

The Village of Ruidoso defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." Such behavior violates the Village's Code of Conduct and Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and elected officials, that the Village of Ruidoso will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meeting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The Village of Ruidoso considers the following types of behavior examples of bullying:

- **Verbal bullying**: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

- **Physical bullying**: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.

- **Gesture bullying**: Nonverbal threatening gestures or glances that convey threatening messages.

- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

8-12 Fraud, Waste, and Abuse

This policy applies to any fraud or suspected fraud involving employees, officers, or directors, as well as members, vendors, consultants, contractors, funding sources, and/or any other parties with a business relationship with the Village of Ruidoso. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with Village of Ruidoso.

The Department Director/Manager and Village Manager are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to their injury. Each member of management will be familiar with the types of improprieties that might occur within their area of responsibility, and be alert for any indication of irregularity.

8-12-1 Actions Constituting Fraud

The terms fraud, misappropriation, and other fiscal irregularities refer to, but are not limited to the following:

A. Any dishonest or fraudulent act
B. Forgery or alteration of any document or account belonging to the Village of Ruidoso
C. Forgery or alteration of a check, bank draft, or any other financial document
D. Misappropriation of funds, securities, supplies, equipment, or other assets of Village of Ruidoso
E. Impropriety in the handling or reporting of money or financial transactions
F. Disclosing confidential and proprietary information to outside parties
G. Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the Village of Ruidoso. Exception: gifts less than a nominal value (refer to Chapter 8-8).
H. Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment
I. Any similar or related irregularity.

8-12-2 Reporting

A. Any fraud that is detected or suspected must be reported immediately to the Finance Director, or Village Manager. In the absence of the Village Manager, the suspected fraud shall be reported to the Manager's designee.

B. Immediately upon discovery of any violation of a criminal statute in connection with financial affairs, the Village Manager or Finance Director shall report a violation immediately to the State Auditor as per §12-6-6, NMSA 1978 (Criminal Violations). The notification shall include the estimate of the dollar amount involved, a complete description of the violation, including the names of the persons involved, and any actions taken or planned. Once the State Auditor and Attorney General's Office has reviewed the suspected violation, they will notify the local District Attorney's Office. The local DA will then decide how to proceed in the matter.

At the local level, the Village Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Village Manager may utilize whatever internal and/or external resources they consider necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Village Manager will issue appropriate reports and take appropriate action.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel, Village Management, and the State Auditor.

The Council, Village Manager, Deputy Village Manager, Finance Director, and the Human Resources Director shall treat all information received as confidential to the fullest extent possible. Any employee who suspects dishonest or fraudulent activity must notify the Village Manager, or Deputy Village Manager and the Finance Director immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the Village of Ruidoso from potential civil liability.

8-12-3 <u>Authority for Investigation of Suspected Fraud</u>

The person(s) assigned to investigate will have:

- Free and unrestricted access to all Village of Ruidoso records and premises; and

- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody or any such items or facilities when it is within the scope of the investigation.

An employee who discovers or suspects fraudulent activity will contact the Village Manager or Finance Director, immediately. In the absence of the Village Manager the suspected fraud shall be reported to the Manager's designee. The employee or other complainant may remain anonymous to the fullest extent possible. All inquiries concerning the activity under investigation from the suspected individual(s), their attorney or representative(s), or any other inquirer should be directed to the Village Manager or legal counsel. No information concerning the status of an investigation will be given out by employees. The proper response to any inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

8-13 INFORMATION SYSTEMS

The Village provides technologies and communications systems that are intended for business use. Use is encouraged and intended to make work activities and communication more efficient and effective. All use of such resources shall be in an honest, ethical, and legal manner that conforms to applicable license agreements, contracts, and policies regarding their intended use.

Village communication systems and the equipment used to operate the communication systems are owned and provided by the Village to assist in conducting business of the Village. Communications systems are not to be used to solicit or proselytize for commercial ventures, religious, or political causes, outside organizations, or other non-job related solicitation.

The Village reserves the right to access and monitor all Computer/Technology resources. All employees are put on notice that system security features such as passwords and message delete functions, do not take away the ability to archive any message, at any time, for future viewing by Management.

To ensure that all employees are responsible, the following guidelines have been established for the use of Computer/Technology resources. Any improper use of Computer/Technology resources is not acceptable and will not be permitted.

The purpose of this section is to set forth the ground rules for successful usage of the information systems environment for the Village of Ruidoso Within this section are user guidelines and procedures that are to be followed when using Village computer systems. In order to provide standardization of all computer hardware, software, and other

electronic devices, all purchased equipment and software must be compatible with the Village's networks and must be the best use of tax payers' money with respect to information technology purchases. Therefore, the information technology department is charged with establishing and maintaining the computerized environment within the Village of Ruidoso.

8-13-1 STANDARDS AND SECURITY

The consistent use of standards within the village's information technology environment pays long terms dividends. Standards make it possible to:

- Maintain compatibility in a dynamic and adverse environment.
- Deliver better and more cost efficient support and product.
- Provide integration and migration paths.
- Reduce training costs.
- Reduce redundant hardware and software costs.
- Increase productivity.
- Have a collective knowledge base among Village Staff.
- Coordinate routing of computerized workflow throughout Village Departments.

One of the primary responsibilities of IT is to protect the integrity of all information stored on Village computer systems. Security procedures are instituted to keep information confidential and to ensure Village data is not compromised or corrupted.

1. Physical Security

In an effort to maintain the physical security of servers, switches, and other network equipment, will be placed in a location with locks and environmental controls.

2. Data Security

The I.T. Department provides changes or terminates user's access to network directories and specific databases, email, other software, etc. dependent upon the individual users' job description and specifications of the users Department Director.

To protect the security of the Village Computer/Technology systems the information Technology Department must receive employee data from the Human Resources Department. Access will not be provided, changed or terminated without the proper documentation from the Human Resources department.

To protect all sensitive, confidential and proprietary information, all Village personnel shall observe the following practices:

- Access to network directories and databases shall be restricted to personnel with a demonstrated "need to know" as determined by the Department Director or Village Manager.

- All employees are prohibited from allowing unauthorized individuals access to Village Computer/Technology systems and databases.

- Employees shall either lock their computers and portable devices or log off whenever they leave their work area if devices are in an area with public access.

8-13-2 <u>DEFINITIONS</u>

Authorized Users: Referred to as Users in this policy include the following:

- Village Employees
- Elected and appointed officials of the Village of Ruidoso
- Software Vendors that require access to support applications. Vendor accounts will be disabled by default and only enabled while support work is being performed

Computer/Technology: Computer/information technology shall be defined to include any and all networks, hardware, software, and data used to create, store, process, and communicate information electronically as well as services to keep these resources current and operational. Examples include, but are not limited to electronic-based communication and records, personal computers, laptop computers, printers, portable storage devices, fax machines, phones, cell phones, on-line services, software, internal or external network servers, e-mail, the Internet, social media, electronic bulletin board systems and other systems and devices that transmit and/or store information on media other than paper, whether listed here or acquired in the future. All equipment, regardless of the funding source (grants, etc.) is included as equipment owned by the Village and users must abide by all Village rules for I.T. resources.

Data: Information Stored on Servers or Stand Alone Computer systems, this includes, data contained in databases, files, folders and email accounts.

LAN: Local Area Network is a computer network that interconnects computers in a limited area such as a home, school, computer laboratory, or office building using network media

WAN: Wide Area Network is a network that covers a broad area (i.e., any telecommunications network that links across metropolitan, regional, or national boundaries) using private or public network transports

Network: Either a LAN or WAN

Management: Village Manager, General Services Director, or designee.

Supervisor: Employee's direct supervisor or Department Director or Village Manager as applicable.

8-13-3 <u>SECURITY</u>

1. **Data "Information Stored on Computer systems"**
   Corrupted data, whether on a stand-alone computer, laptop computer, or tablet is a very serious problem. It is extremely difficult and time consuming to restore corrupt data. It will cause serious problems if the corrupt data is used to develop reports for internal or public use before it is discovered. Security precautions are taken to help prevent the loss and corruption of data. Data is also secured by assigning permissions to folders and files so that employee only have access to the data that is relevant to their positions. Servers are backed-up daily, however computers are not. Hard drive failure can result in the loss of all data stored on the computer. For this reason employees must save all vital data to a server, not their computer.

EMPLOYEES ARE NOT PERMITTED TO KNOWLINGLY FALSIFY VILLAGE RECORDS THAT ARE STORED ON VILLAGE COMPUTER SYSTEMS. FALSIFYING RECORDS INCLUDES THE UNAUTHORIZED MODIFICATION, DELETION OR REMOVAL OF INFORMAITON FROM ANY VILLAGE COMPUTER INCLUDING, BUT NOT LIMITED TO, STAND ALONE COMPUTERS, NETWORK COMPUTERS. SUCH ACTION WILLL RESULT IN DISCIPLINARY ACTIONS, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

2. **BACKUP OF DATA**
   Information Technology Department is responsible for backing up the all Village servers. The user of a stand-alone COMPUTER is responsible for backing up the COMPUTER data on a regular basis. If data that is not kept on the file server and is important to the COMPUTER user, the user is encouraged to save the data to a storage device. The backup should be stored in another Village location.

3. **PASSWORD SECURITY**
   All Village computer systems are password protected. User ID's, Personal access codes, and passwords identify users to the Village systems. User ID's Personal access codes and passwords shall not be shared, even with other Village employees, except in certain instances where it is deemed necessary for I. T. Department to assist in resolving an issue experienced by the employees. The Village Computer/Technology systems track history by user ID and password. History records may show information regarding whom, what, and when a user was using the system. Each user is responsible for all occurrences during the time the computer systems show them logged on to the system.

   User should maintain complex passwords and change passwords

every 60 days on all user accounts even those without complexity requirements and password change requirements.

The I.T. Department provides Password Self Service software to allow users to set up security questions and reset their passwords from any computer on the village network should the user forget their password.

4. MOBILE DEVICES

A. Village Owned Devices:

- Users are responsible for the safety and security of mobile/portable devices (i.e. laptops, tablets, etc.) assigned to them. When storing mobile devices in office areas during non-office hours, place them in locked locations such as closets
- Do not leave mobile devices open or unattended in public areas
- When transporting mobile devices in vehicles, use weather resistant padded cases and store in a concealed location such as the trunk
- Do not leave mobile devices in vehicles during extremely cold or extremely hot weather
- Do not check mobile devices as baggage when traveling via air or land
- Maintain complex passwords on all user accounts on mobile/portable devices and rotate password compliant with 60 day rotation policy where applicable
- Any user assigned a Village owned mobile/portable devices must have a completed mobile device form on file with the Information Technology Department.
- The I.T. Department d fully supports Android devices and provides limited support for Apple OS devices on the software side of the product. Hardware failures are the responsibility of the manufacturer and carrier.

B. Personal Mobile Devices:

- Personal devices may only connect to Village public wireless. Connecting personally owned mobile devices directly or through the Village's internal wireless network is explicitly prohibited.
- The employee must understand that interacting with the Village's email and calendar system on my personally-owned device means that information on my device may be subject to either Freedom of Information Act (FOIA) requests or discovery in civil litigation.
- Any device that stores Village information is subject to the (FOIA) and e-Discovery. While the Village will take necessary action to provide information as requested,

individuals authorized under this policy will be required to surrender their devices as needed to provide the requested information. Individuals using an authorized personal device shall cooperate fully in responding to any FOIA request.

- The Village makes no representation that all privately owned computer hardware or software will be able to connect remotely to the Village's network or e-mail system.
- If your personally-owned device is used to access Village Email is lost or stolen you must contact the I. T. Department as soon as possible.
- Allowing interaction with the Village's e-mail system is a privilege and not a right. Inappropriate use may result in cancellation of these privileges as well as disciplinary action.

8-13-4 <u>PURCHASING</u>

Items that are considered an Information Technology purchase include the following:

- Computers
- Laptop or Tablet Computers
- Monitors
- Servers
- Printers
- Scanners
- Networking equipment and supplies
- Software
- Universal power supplies (UPS)
- Fax machines
- Telephone equipment
- Computer repair
- Computer upgrades
- Computer parts
- Internet service
  External Drives, Jump, Thumb, or USB drives
- Any other item not listed that is networked to, works with or is part of the Village's information technology infrastructure.

POLICY

To ensure that the Information Technology Department (I.T.) can adequately support all Village owned equipment, standard hardware and software platforms have been identified. Minimum standards are upgraded as necessary by I.T. The hardware and software standards will be reviewed periodically by I.T. with input from Department Directors/Managers.

Unless a specific application requires non-standard hardware or software (see the Non-Standard Hardware and Software section), standards

compliant equipment will be purchased. Establishing standards makes it possible to provide better training and documentation for supported products and also facilities troubleshooting and follow-up repairs.

I.T. will ensure that equipment or software is compatible with the Village network or any other components of the technology infrastructure, as necessary. In order to obtain the best available pricing, I.T. will purchase software site licenses whenever practical and utilize or arrange volume purchase agreements.

I.T. will purchase all hardware and software with departmental funds as identified by the department. I .T. must review and verify all costs for the items requested. It is the department's responsibility to obtain all necessary budget and Governing Body approval, prior to purchase. All warranties, maintenance coverage and system documentation will be purchased, secured and/or approved by I.T. with departmental funds as needed.

NON-STANDARD HARDWARE OR SOFTWARE:
For certain applications, standard hardware and software will not meet the needs of the application. IT and the department making the purchase will work together to determine the best configuration of hardware and software for the application however, I.T. must approve any final decision.

TECHNICAL SUPPORT:

- I.T. is responsible for full support including training, documentation, installation, upgrades, troubleshooting, problem solving and repair of items purchased through this policy.
- I.T. will, on request, provide assistance to departments and individuals in planning how information technology can be used, and equipment and software purchasing consultation.
- Where feasible, I.T. will maintain a supply of spare systems, printers, peripherals and parts for repairs and emergency replacements. Critical systems will be repaired or replaced immediately.
- Critical systems are defined as any system which if inoperable, could result in injury or damage to persons or property could affect the safety of the public or could result in a substantial financial loss.
- I.T. will maintain an up-to-date inventory of hardware. Inventory verification will be requested annually from departments.
- I.T. will provide troubleshooting and repair services for all Village owned fully supported hardware.
- I.T. will work with the purchasers of specialized systems to ensure that maintenance and repair services are available to them.

PIRATED COMPUTER SOFTWARE
Federal law requires software licensing for all software programs. It is considered illegal when software is purchased and installed on one computer and then is copied or reproduced and installed on another computer. The use of pirated software is subject to harsh penalties under federal law. If the same software is on more than one computer, there must be a software license for each copy or user if required by the End User License Agreement (EULA) of the software being installed.

NON-VILLAGE PURCHASED SOFTWARE
Software purchased or downloaded from the Internet by any employee other than authorized Village personnel cannot be installed on any Village computer systems. The Village IT Department must purchase or approve the use of any software installed on any computer, including laptops and other mobile devices.

VIOLATIONS
Violations of this policy may result in the loss of purchasing privileges and/or appropriate disciplinary action. I.T. will NOT be responsible for any technical support, installation, upgrades, troubleshooting, problem solving and repair of items purchased outside of this policy,

SCADA SYSTEMS
The one exception to the rule that only I.T. personnel may purchase and install hardware and software is for the operational components of the Village's SCADA System. This responsibility rests is under the direction of the Public Works Director. The Village IT Department is to be included in the purchase of any computers, laptops, mobile devices or servers which will be integrated in the Village of Ruidoso LAN and Internet connections to insure equipment does not pose any vulnerabilities. The IT department is to be provided a complete list of this equipment and any software licenses purchased as the IT Department is responsible for maintaining the inventory of these items.

AUDIT
I.T. may conduct a security audit on any system or computer device located on Village of Ruidoso property or owned by the Village of Ruidoso Audits may be conducted to ensure integrity, confidentiality and availability of resources and investigate security to ensure compliance with polices. This policy covers any computer devices that are present on premises, but which may not be owned or operated by the Village.

8-13-5 EMAIL/INTERNET/VOICE MAIL POLICY

SECTION 1. Purpose
As a result of the unique nature of E-mail, Internet, and voice mail and because of the Village of Ruidoso's desire to protect its interest with regard to its electronic records, the following rules have been established to address oral wire or electronic communications usage by all employees and Elected Officials.

SECTION 2. **Definition**
Electronic mail ("E-mail") is defined as an office communications tool whereby electronic messages are prepared, sent and retrieved on computers. On-line services, such as the Internet, are defined as communications tool whereby business information, reference material and messages are sent and retrieved electronically on computers. Telephone messages (voice mail) is a communications tool whereby business information and messages are sent and retrieved through the telephone system.

All electronic messages are the property of the Village of Ruidoso and are public record as Village property. The Village may monitor or spot check the contents of electronic messages or methods used by Employees and Elected Officials.

SECTION 3. **Policy**
The E-mail/Internet and voice mail systems are a part of the Village's business equipment and shall be used for Village purposes only. Employees do not have a personal privacy right in any matter created on, received through or sent through the Village E-mail/Internet or voice mail systems. Electronic communications are not secure, even with the use of a personal access code or password and even after they are deleted. Use of personal email accounts to conduct Village of Ruidoso business is strongly discouraged.

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

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

No E-mail/Internet or voice mail messages shall be created or sent that constitute intimidating, hostile or offensive material based on race, national origin, marital status, sex, age, ancestry, physical or mental handicap or serious medical condition disability, religious or political beliefs, or any other characteristic protected by federal, state or local law. The Village IT Department archives all email sent and received using Village of Ruidoso email accounts, email is considered to be public information. The Clerk is the records custodian. Requests for copies of archived emails should come to the IT Department in form of a legal request, public information request, disciplinary action request, etc.

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

The Village's policies against sexual or other harassment apply fully to any E-

mail/Internet or voice mail.

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

SECTION 4. Disciplinary Action
Violation of this policy will subject the offender to discipline, pursuant to the procedures in the Village's Personnel Manual, up to and including termination.

8-14 SOCIAL MEDIA

Purpose
This policy establishes guidelines for the establishment and use by the Village of Ruidoso of social media sites as a means of conveying Village of Ruidoso information to its citizens. The intended purpose in establishing Village of Ruidoso social media sites is to disseminate information from the Village, about the Village, to its citizens.

The Village of Ruidoso has an overriding interest and expectation in deciding what is "spoken" on behalf of the Village on Village social media sites.

For purposes of this policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flicker. Also, "comments" include information, articles, pictures, videos or any other form of communicative content posted on a Village of Ruidoso social media site. Social media covers all web-based applications that permit the sharing and collaboration of information via Internet communities, social-networking sites, video-sharing sites, wikis, blogs and micro-blogs and others.

8-14-1 GENERAL POLICY

The Village of Ruidoso is committed to providing an environment that encourages the use of computers The Village provides a computer system, with Internet access, to its employees to enable them to communicate with each other and with the Village's suppliers and customers in an efficient and cost-effective manner. Employees should primarily use the Village's electronic communications systems and equipment for Village-related purposes. The electronic communications systems and equipment that is the subject of this policy is owned by the Village of Ruidoso and is provided to employees for their use in connection with their work. It is the responsibility to each employee to ensure that this technology, including the access of social media websites, is used in accordance with Village policies. The use of computers and electronic information, social media sites are all subject to

approval and review by the Village Manager or his/her designees. The Village of Ruidoso discourages the use of Personal Social Media accounts to conduct Village of Ruidoso business.

All Village of Ruidoso social media sites shall be administered by Village of Ruidoso Information Technology ("IT') staff.

- Village social media sites should make clear that they are maintained by the Village of Ruidoso and that they follow the Village's Social Media Policy.
- Wherever possible, Village social media sites should link back to the official Village of Ruidoso website for forms, documents, online services and other information necessary to conduct business with the Village of Ruidoso.
- If Content posted by the Village include photographs containing people, the department posting the photograph is responsible for obtaining written permission from all persons in the photograph to use it on the site.
- The Public Information Coordinator will monitor content on
- Village social media sites to ensure adherence to both the Village's Social Media Policy and the interest and goals of the Village of Ruidoso.
- The Village reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the Public Information Coordinator for a reasonable period of time, including the time, date and identity of the poster, when available.
- These guidelines must be displayed to users or made available by hyperlink.
- The Village will approach the use of social media tools as consistently as possible, enterprise wide.
- The Village of Ruidoso's website at http://www.ruidoso-nm.gov will remain the Village's primary and predominant internet presence.
- All Village social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- Village social media sites are subject to the New Mexico Public Records Act. Any content maintained in a social media format that is related to Village business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
- Comments on topics or issues not within the jurisdictional purview of the Village of Ruidoso may be removed.
- Employees and Elected Officials representing the Village government via Village social media sites must conduct themselves at all times as a representative of the Village and in accordance with all Village policies. Offensive, demeaning

or disruptive message are prohibited. This includes, but is not limited to, messages that are inconsistent with the Village's policy concerning equal employment opportunity and its policy prohibiting sexual and other unlawful harassment. Under no circumstances may the Village's systems or equipment be used to transmit foul, indecent, scandalous or improper information via social media or otherwise. Moreover, the use of the Village's electronic communications system and equipment in support of political, religious or other controversial causes is an inappropriate use of the system. Additionally, offensive racial or sexual comments are expressly prohibited.

- Employees and Elected Official may not use social media in a manner that compromises the confidentiality of the Village's confidential or proprietary information or other sensitive information.
- Employees and Elected Officials should not expect that anything that is sent or received using the Village's electronic communications systems and equipment is the employee's private property. In fact, it belongs to the Village. Employees should not have any expectation of privacy with respect to those communications, whether communicated via social media sites or otherwise. The Village may, from time to time, as it sees fit, monitor, review, intercept or gain access to communications employees initiate or receive on the Village's electronic communications systems and equipment. Employees' use of the Village's systems will constitute consent to such monitoring, reviewing, interception or access. The Village may, but has no requirement to, provide notice, either before or after any review of communications.
- This Social Media Policy may be revised at any time.

8-14-2 <u>Comment Policy</u>

As a public entity the Village must abide by certain standards to serve all its constituents in a civil and unbiased manner.

The intended purpose behind establishing Village of Ruidoso social media sites is to disseminate information from the Village, about the Village, to its citizens.

Comments containing any of the following inappropriate forms of content shall not be permitted on Village of Ruidoso social media sites and are subject to removal and/or restriction by the Public Information Coordinator or his/her designees:

1. Comments not related to the original topic, including random or unintelligible comments;
2. Profane, obscene, violent, or pornographic content and/or language;
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin;

4. Defamatory or personal attacks;
5. Threats to any person or organization;
6. Comments in support of, or in opposition to, any political campaigns or ballot measures;
7. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
8. Conduct in violation of any federal, state or local law;
9. Encouragement of illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems; or
11. Content that violates a legal ownership interest, such as a copyright, of any party.

A comment posted by a member of the public on any Village of Ruidoso social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Village of Ruidoso nor do such comments necessarily reflect the opinions or policies of the Village of Ruidoso.

Employees and Elected Officials are prohibited from providing recommendations or otherwise commenting on the job performance (positively or negatively) of a Village employee, past or present.

The Village of Ruidoso reserves the right to deny access to Village of Ruidoso social media sites for any individual, who violates the Village of Ruidoso's Social Media Policy, at any time and without prior notice.

Departments shall monitor their social media sites for comments requesting responses from the Village and for comments in violation of this policy.

When a Village of Ruidoso employee responds to a comment, in his/her capacity as a Village employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other Village employees.

Employees and Elected Officials bear his or her own personal responsibility to follow this policy and use good judgment with his or her social media activities.

Employees have an affirmative duty to report to their supervisor, Village Manager or Human Resources Director any conduct that violates this Social Media Policy. In such circumstances, an employee should follow the same reporting procedures set forth in the Village's Anti-Harassment Policy.

8-15 <u>Employment References</u>

No one, with the exception of the Human Resources Department, is allowed to give employment references, complete employment verification forms, or any such employment related action for current or previous Village of Ruidoso employees. Letters of reference can be given to employees upon request, if approved by Department Director, and Human Resources Director or Village Manager. All inquiries will be

referred to and conducted by Human Resources Department. The only exception is the Police Department as part of their background investigation.

Pursuant to § 50-12-1, NMSA 1978 when employers acting in good faith provide a reference requested by a current or former employee the employers are immune from liability for comments about the employee's job performance. This immunity provision is not applicable when the information supplied was knowingly false or deliberately misleading, was provided with malicious purpose, or violated any civil rights of the employee.

8-16 Phone Policy

While at work, employees are to exercise discretion in using Village phones or personal cellular phones for personal use. Excessive personal calls, text messaging during the workday does interfere with employee productivity and is distracting to others. While in the workplace all personal cellular phones must be placed on vibrate or turned off unless the phone is used for business purposes or if employee receives a reimbursement allowance. Employees should therefore limit the placing or receiving of personal calls to lunches and breaks during the workday. Employees are asked to make sure that friends and family members know to limit calls during business hours. Department Directors/Managers may set policies for use of personal cellular phones to fit the needs of the individual department.

8-17 Media Relations

The Village Manager or designee will make all official reports and announcements to newspapers and other news media. Employees are prohibited from communication with the media on behalf of the Village without direct approval from management. Individuals designated to communicate on behalf of the Village are the Village Manager or designee. Department Directors/Managers are authorized to communicate departmental information when appropriate. Media communications will be coordinated with the Village Manager or designee, if at all possible. If the employee's Department Director/Manager is unavailable, then the Village Manager or designee must be contacted.

8-18 Whistleblower Protection

The "Whistleblower Act" prohibits retaliation against any employees who in good faith report official wrongdoing. New Mexico's law contains whistleblower protection provisions which are located at §28-1-1 through 28-1-14, and 50-9-25 NMSA 1978.

As stated in §28-1-7, NMSA 1978, any person or employer is prohibited from doing the following:

A. Threatening, reprising, or discriminating against any employee because the individual has filed a complaint, testified, participated in proceedings, or opposed practices in violation of New Mexico's Human Rights Act.
B. Willfully obstructing or preventing any person from complying with the provisions of the Human Rights Act or resisting, preventing, impeding, or interfering with the New Mexico Human Rights Commission or any such members, employee, or representatives in the performance of their duties under the Act.

In addition, the whistleblower provision of the New Mexico Occupational Health and

Safety Act is located at §50-9-25, NMSA 1978. The provision covers any individual who is employed by an employer, but does not include a domestic employee or a volunteer non-salaried firefighter. Under the law, employers are forbidden from discharging or in any manner discriminating against an employee for any of the following reasons:

- Because the employee has filed a complaint or instituted a proceeding under the act.
- Because the employee has testified or is about to testify in any such proceeding.
- Because the employee exercised rights under the Act.

No Village of Ruidoso employee will attempt to persuade or intimidate another employee from reporting concerns or violations regarding Village of Ruidoso operations, procedures or compliance with Federal, State, Statutory, or regulatory requirements.

8-19 ANTI-RETALIATION

The Village of Ruidoso is committed to providing a workplace that is free from retaliation. If an employee has an employment-related grievance, or participates in a workplace-related investigation, you are encouraged to come forward with information without any fear of retaliation.

"Retaliation**"** occurs when an employee:

- Engages in a protected activity (such as filing an employment complaint with the Village of Ruidoso)
- Is subject to an adverse employment action (such as termination, demotion or a hostile work environment); and
- The protected activity is causally related to the adverse employment action.

A **"protected activity"** may include filing an internal compliant with the Village of Ruidoso, filing a formal complaint with a government agency, assisting others in making a compliant, participating in an investigation related to a complaint, opposing unlawful action or requesting leave to which you are qualified to receive.

"Adverse employment actions" may include suspension, transfer, demotion, termination, changing pay or workload or shifts, refusing reasonable requests, punishing an employee's family members who also work for the Village, disparate treatment, threats, issuing written or verbal warnings, ignoring or ostracizing. Adverse employment actions are viewed in a "totality of the circumstances". Therefore, while one single incident may not rise to the level of an "adverse employment action," when considered in view of the entire work environment, or when considered alongside other incidents, it is possible for one particular incident to contribute to a finding of an adverse employment action. Simply engaging in a protected activity does not protect an employee from disciplinary action. What is prohibited is any adverse employment activity that results because the employee engaged in a protected activity.

Complaint Reporting Procedure: In an employee believes they are facing retaliation for engaging in a protected activity they should report the situation to their immediate supervisor or the Human Resources Department. The complaint should include the details of the incident, the name(s) of those involved, any witnesses and any supporting documentation.

Investigation: After a retaliation complaint has been reported, the Village Manager and/or the Human Resources Director will investigate the incident quickly, thoroughly, and objectively. The Human Resources Director will release information about the complaint only to those who “need to know”. However absolute confidentiality is not guaranteed: in order to thoroughly investigate the compliant, the Human Resources Director will require disclosure to the accused, any witnesses and any Managers or Directors who could be affected by the investigation. If a separate complaint is being investigated and the employee fears or is experiencing retaliation, they should inform the Village Manager or Human Resources Director immediately so that action may be taken to protect them and investigate the retaliation claim.

Remedying Retaliation: If the investigation shows that an employee has engaged in retaliatory conduct, the Village Manager will take appropriate disciplinary action, up to and including termination. Complaints may not always be resolved in favor of the complainant, and the disciplinary action taken may not always satisfy the complainant. Any and all disciplinary action shall be handled in accordance with the provisions within this policy.

CHAPTER 9. ANTI-HARASSMENT POLICY

9-1 Anti-Harassment Policy

Harassment is specifically prohibited as unlawful and as a violation of the policies of the Village of Ruidoso. A fundamental policy of the Village is that the workplace is for work. The Village's goal is to provide a workplace free from tensions involving matters that do not relate to Village business. In particular, an atmosphere of tension created by non-work related conduct, including ethnic, racial, sexual or religious remarks, animosity, unwelcomed sexual advances, or requests for sexual favors or other such conduct does not belong in the workplace.

Harassment of employees or of applicants by other employees, elected officials, citizens, vendors, and visitors in the workplace of the same or opposite sex is prohibited. Harassment includes, without limitation, verbal harassment (cursing , derogatory statements, vulgar language, slurs), physical harassment (assault, detainment, physical interference with normal work or involvement), visual harassment (posters, cartoons, drawings), and innuendo, defined as an indirect intimation about a person or thing, especially of a disparaging or a derogatory nature.

Employees are protected from harassment based on race, sex, age, color, national origin, religion, disability, veteran status, marital status, political affiliation, sexual orientation, genetic or any other consideration made unlawful by federal or state laws.

Sexual Harassment Defined:
One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature condition constitute sexual harassment when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Severe and pervasive doesn't included difference of opinion, personality disputes, isolated altercations that aren't physical.

9-1-1 Harassment via Electronic Means

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, stories etc. via facsimile, Internet, voice mail, or other electronic means. Further, it is inappropriate and prohibited herein to post or publish such remarks regarding the Village or its employees on public forums such as Facebook, Twitter, etc.

Sexual harassment is a violation of Equal Employment opportunity, state and federal law. It includes unwelcomed sexual advances, requests for

sexual favors, sexually motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to such conduct is either explicitly or implicitly made a term or condition of employment or is used as the basis for employment decisions or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

An employee cannot be forced to submit to such conduct as a basis for any employment decision and the Village will do its best to keep itself free of any conduct that creates an intimidating, hostile, or offensive work environment for employees.

This policy applies to all Village employees, elected officials, citizens, vendors, and visitors to the workplace.

9-2 <u>What To Do If An Employee Feels this Policy Has Been Violated</u>

All Village of Ruidoso employees are responsible for ensuring that harassment is avoided. Harassment is specifically prohibited as unlawful and as a violation of this policy. The Village of Ruidoso management at the department level is responsible for training, for preventing harassment in the workplace, for taking immediate corrective action to stop harassment in the workplace, and under the authority of the EEO Officer, for promptly investigating allegations of work-related harassment complaints. Under no circumstances will the alleged offender be in any authority concerning the investigation. The Village of Ruidoso Human Resources Director is the Village of Ruidoso EEO Officer. In this policy, where it states EEO officer or Human Resource Director, it is the same.

If an employee feels that they have experienced or witnessed harassment, they are to immediately notify their supervisor, Human Resources Director, or Village Manager immediately. The Village forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. If an employee feels they have been retaliated against, they are to notify the Human Resources Director, Village Manager, or Department Directors/Managers.

Allegations of harassment will be taken very seriously and quickly investigated. The Human Resources Director or designee will investigate all complaints of harassment thoroughly and promptly. To the fullest extent practicable, the Village will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of this policy has occurred, the Village will take appropriate, corrective action including discipline up to and including immediate termination of employment. A non-employee who subjects an employee to harassment in the workplace will be informed of the Village of Ruidoso's policy and appropriate action will be taken. In all cases, the Village will make follow-up inquiries to ensure that the harassment has not resumed.

An employee who remains unsatisfied after an investigation may seek review from the Village Manager. The Village Manager may direct or conduct an independent investigation, including witness interviews and statements concerning the complaint. Additionally, the Village Manager may take further remedial or disciplinary action as is

appropriate. If the complaint is against the Village Manager, an employee may complain to the Human Resources Director, or the Mayor. Then, the Human Resources Director, and/or the Mayor will follow the above procedures. If the complaint is against the Human Resources Director an employee may complain to the Village Manager.

The Village of Ruidoso understands that these matters can be extremely sensitive, and so as far as possible, will keep all employee complaints and all communications, such as interview and witness statements, in confidence.

The Village prohibits retaliation against anyone, who in good faith, reports discrimination/harassment, assists in making a discrimination/harassment complaint, or cooperates in a discrimination/harassment investigation. Prohibited retaliation can include any disparaging comments, uncivil behavior, or any other negative treatment of the employee by other employees or members of management that result from the individual's making a discrimination/harassment complaint or cooperating in a discrimination/ harassment investigation. Any employee who believes he has experienced or witnessed retaliation should immediately notify his or her supervisor or if the supervisor is the source of the retaliation, any other supervisor, officer, or owner of the Village. Any employee who retaliates against another employee for making a complaint under this policy will be subject to the full range of corrective action up to and including termination of employment at the Village's sole discretion.

9-3 <u>Confidentiality</u>

All reports of prohibited harassment will be investigated in as confidential a manner as possible. An employee who has filed a complaint will be instructed not to discuss the details of the incidents(s) with anyone other than the complaint investigator, while the investigation is pending. The employee may discuss the incident with an attorney, if retained, or a family member. These restrictions shall also apply to an employee against whom the complaint has been filed, as well as those who may have witnessed the incident(s). All employees are required to cooperate with the investigation.

9-4 <u>Investigation</u>

Allegations of harassment will be taken very seriously and quickly investigated.
To the fullest extent possible under law, the alleged victim/complainant's confidentiality and that of any witnesses and the alleged offender will be protected against unnecessary disclosure. After receipt and initial review of the complaint, the Human Resource Director shall determine who shall perform the investigation (the Department Director, Human Resource Director, or an investigation team). The investigator(s) shall give the complainant an estimate of how long the investigation should take. Should circumstances arise that prevent the investigation from being completed during the aforementioned estimate of time, the investigator(s) shall notify complainant of a revised time estimate.

The results/conclusion of the investigation will be communicated to the person bringing the complaint and the alleged offender and will be documented in writing. If the investigation shows a violation of this policy has occurred, management shall take immediate and appropriate corrective action. If the allegations of harassment are sufficiently serious, the employee may be reassigned or placed on administrative leave with pay pending completion of the investigation.

A complainant may withdraw a complaint at any time. However, the Village may still pursue an investigation to determine whether disciplinary action is warranted whether on the basis of a validated complaint or falsification of a complaint.

9-5 Notice to Complainant

The Human Resource Director shall notify the complainant of the findings of the investigation, and shall follow up, if necessary, on periodic basis.

9-6 Consequences

Upon conclusion of the investigation, the Human Resource Director shall meet with the Department Director to discuss the findings and determine appropriate action, if any.

Where the investigation substantiates an allegation of prohibited conduct, appropriate measures will be taken to remedy violations of this policy. Discipline, up to and including termination will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. The Village reserves the right to terminate an employee without following progressive discipline.

CHAPTER 10. TERMINATION OF EMPLOYMENT

10-1 <u>Termination</u>

Employees should understand that in consideration of employment, they agree to conform to the rules and regulations of the Village. Termination is defined as separation of an individual from the work force, voluntarily or involuntarily, with resulting severance of all employee benefits.

<u>Voluntary Termination</u> – When the employee decides to leave the employment of the Village of Ruidoso. Employees are encouraged to give at least a two-week notice prior to departure to better ensure eligibility for rehire.

<u>Involuntary Termination</u> – When an employee is dismissed from the Village of Ruidoso work force.

1. Dismissal of Unclassified Employees: An unclassified employee serves at the convenience of the Village of Ruidoso and may be dismissed with or without cause at any time and without the right to a hearing.

2. Dismissal of Classified Employees: A classified employee may be dismissed for cause including but not limited to:
    a. As a result of disciplinary action.
    b. Due to loss of skill, certification or other conditions which would make the employee unfit; and/or lack of qualifications for service.
    c. When the Village has made a determination that a lack of work or funding exists with respect to a position(s).
    d. Because of a physical or mental impairment that cannot be accommodated (see Disability Termination).
    e. Whenever the Village Manager determines to make changes deemed to be in the best interest of the Village.
    f. Dereliction of duty
    g. Failure to report any criminal conviction
    h. Upon conviction of a criminal act
    i. Flagrant or continued failure to obey work rules and regulations, as set forth herein or as may be set forth in writing by Department Directors of Village Manager
    j. Inability to work with others
    k. Dishonesty in the execution of job duties or dishonesty when participating in an administrative investigation
    l. For other employee conduct which is detrimental or prejudicial to the best interests of the Village government
    m. For misuse of Village credit card
    n. If grant funding ceases to continue for specific positions

3. Appointed Positions – Village Manager, Police Chief, Emergency Manager, and Village Clerk are all subject to appointment and re-appointment at the discretion of the Governing Body.

An employee who has been dismissed due to the result of disciplinary action or dismissed during the probationary period will not be eligible for rehire. However, depending on the circumstances, the Village Manager reserves the right to make a final ruling to allow an employee to be eligible for rehire.

10-2 Disability Termination

An employee who has a physical or mental impairment that prevents the employee from performing the essential job functions of the employee's position and the employee cannot be reasonably accommodated may be subject to disability termination. Termination must be supported by medical evidence, which establishes that the individual is unable to perform the essential job functions. The Village may require an examination or evaluation at its expense performed by a physician of its choice. Failure to submit to such request may also result in termination.

10-3 Resignation

Any employee wishing to leave the Village of Ruidoso in good standing shall file, with their supervisor, a written resignation, stating the date the resignation will become effective, the reason for leaving, and the employee must schedule and complete an exit interview with the Human Resources Department. A minimum advance notice by the employee of two weeks is required. Failure to give a two-week notice will be recorded in the resigning employee's personnel file and may be cause for denying re-employment with the Village of Ruidoso. However, the Department Director/Manager shall make the determination of rehire status with written documentation.

If the employee does not submit a letter of resignation, the Department Director/Manager shall submit a memo of resignation and submit it to the Human Resources Department.

The exit interview will determine reasons for separation, as well as opinions and recommendations for improving management policies and practices. The exit interview should take place during normal working hours during the employee's last week of work. The employee must schedule the exit interview with the Human Resources Department. Where an exit interview cannot be scheduled, the Human Resources Department may mail an exit interview form to the former employee for completion or conduct a telephone interview. The record completed during the exit interview will be retained in the administrative files of the Human Resources Department but will not be included in the employee's personnel file.

The Human Resources representative will provide information concerning extended benefits, PERA, COBRA, uniform returns, employment verification, and other pertinent matters.

Once a resignation has been presented in writing, it cannot be withdrawn except in cases approved by the Village Manager.

The Village Manager is the only person authorized to approve the rehire of a person recorded as not eligible for rehire.

10-4 Reduction in Force (RIF-Lay Off)

When a position must be discontinued or abolished, Reduction in Force (RIF) regulations must give effect to five factors in releasing employees:

1. Tenure of employment (e.g., type of appointment, position)
2. Veteran's preference
3. Length of service
4. Performance ratings
5. Qualifications/skills

A RIF of employees may occur for reasons such as: funding constraints, reorganization, lack of work, inadequate employee base, excessive employee base, or the exercise of certain reemployment or restoration rights. A furlough of more than 30 calendar days, or of more than 22 consecutive workdays, is also a RIF action.

The Department Director/Manager will submit a written report to the Human Resources Director as to the employees to be laid off for final determination and recommendation by the Village Manager. The order of layoff of employees will be determined on the basis of relative suitability for the jobs that remain performance evaluations, and length of continuous service. Laid off employees are encouraged to apply for open positions that meet their skills. The Village Manager has final approval for all reductions in force. An employee who, after receiving official written notice of impending reduction-in-force, retires or applies for retirement prior to the separation date waives the right to priority consideration and severance salary continuation.

An employee who must be laid off shall be notified in writing at least two weeks prior to the effective date or shall be granted equivalent severance pay in lieu of notice. An employee separated through a reduction in force may appeal that separation if it is alleged the separation is in retaliation for the employee's opposition to alleged discrimination on account of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or handicapping condition. Such an appeal may be filed directly with the Human Resources Department, at the choice of the employee. The appeal process is outlined in Chapter 11.

Laid off employees shall remain on the layoff list for up to one year at which time the layoff list shall expire. No new employee shall be hired until qualified employees on layoff have had an opportunity to be recalled or the layoff list has expired. Alternative: Pursuant to NMSA § 10-9-19, whenever an employee is terminated by an employer in a reduction in force by the employer, the terminated employee shall be rehired by that employer if the same or a comparable position becomes available in an increase of force within six months after the termination. The employees separated in a reduction in force will be maintained on the layoff/recall list as described herein. An employee remains on the layoff/recall list for a period of twelve months unless the employee refuses an interview or fails to respond to a recall as described below, or has accepted a position at the Village for at or above the pay rate for which the employee was at the time of separation.

It shall be the responsibility of the laid off employee to notify the Human Resources Department of any changes in their mailing address and/or telephone number. Failure

to provide current correct address information shall automatically remove the candidate from the layoff/recall list and the Village shall have no further obligation to the laid off employee.

In a recall situation, the qualified employee with the greatest seniority in the position shall be recalled first if that employee has an appropriate skill set for the position applied for. An employee, who has a break in service (more than 31 calendar days), may be required to serve a new probationary period if: the essential duties and responsibilities of the position into which the employee is being reemployed are significantly different from those of the position held at the time of reduction in force notification; or in the judgment of the Village Manager, a new probationary period is justified. The employee shall be notified in writing of the decision to require a new probationary period.

The Village shall notify employees of the recall by return receipt requested mail at the last known address. The employee must respond in writing by return receipt requested mail or may hand deliver the response to the Human Resources Department and have an employee of the Human Resources Department sign for the written response. The written response must be mailed or hand delivered within five business days of receipt of the recall notice. Failure to respond within the five business days of receipt of recall notice shall automatically remove the candidate from the layoff/recall list and the Village shall have no further obligation to the laid off employee.

Employees being recalled shall be allowed a maximum of 10 business days from the date of the signed receipt of notice to report to work. Failure to report to work within the 10 business days shall remove the employee from the layoff/recall list and the Village shall not have any further obligation to the laid off employee.

10-5 INELIGIBLE FOR CONTINUED EMPLOYMENT See Chapter 2 at 2-20.

10-6 Death

Separation shall be effective as of the date of death. All compensation and accrued leave pay shall be paid to the estate of the employee, except for such sums that may be paid directly to the surviving spouse. Pay out on accumulated vacation and accumulated sick shall be in accordance with section 6-4-5, 6-8, and 10-9 of this manual. If an employee dies while conducting work for the Village of Ruidoso and at no fault of their own will be paid out all vacation and sick leave benefits to the surviving spouse or estate.

10-7 Unauthorized Leave

An employee who is absent from duty without approval shall receive no pay for the duration of the absence and may be subject to termination. An unauthorized absence for three days in a row will be considered job abandonment and the Village will begin termination procedures as outlined herein.

10-8 Return of Village Property

It is the responsibility of the Department Director/Manager to make sure a terminating employee has returned all Village owned property. Prior to the final paycheck, the Department Director/Manager must certify in writing by using the Village of Ruidoso Property Agreement that the employee has returned all - (where applicable), keys, I.D.

badges, emblems, patches, or other such items of Village property and send the completed Village of Ruidoso Property Agreement form to the Human Resources Department. This form can be found in Appendix B.

10-9 Termination/Retirement Pay

Wages

All terminating/retiring and employee eligible under 10-6 shall receive payment for earned wages including any compensatory time balance. Employees who terminate voluntarily will receive their final paycheck on the next regularly scheduled payday.

Sick Leave

All retiring and employees that are eligible under 10-6 will receive payment for all unused sick leave in accordance with 6-4-5 herein.

All voluntary terminated employees will receive payment for a portion of unused sick leave as stated below and in accordance with 6-4-5 herein.

- A classified employee, who has not met his tenth year of continuous full-time/part-time employment, shall not be paid any of his/her sick leave balance.
- A classified employee who has worked at least ten years but has not completed his/her fifteenth year of continuous full-time/part-time employment shall be paid up 50% of his/her sick leave balance not to exceed 260 hours.
- A classified employee who has worked at least fifteen years but has not completed his/her twentieth year of continuous full-time/part-time employment shall be paid up 75% of his/her sick leave balance not to exceed 390 hours.
- A classified employee who has worked at least twenty years of continuous full-time/part-time employment shall be paid up 100% of his/her sick leave balance not to exceed 520 hours.

Involuntarily terminated employees will not receive any sick leave payment for unused sick leave regardless of balance.

Vacation Leave

All terminating/retiring and employees eligible under 10-6 shall receive payment for all unused accrued vacation leave.

Longevity Pay

Terminating employees shall not receive any longevity pay.

10-10 Longevity Pay on Retirement

If an employee retires (eligible for PERA and/or social security) after June 30th but before the next December payment, that employee shall be entitled to the full amount of longevity paid at $4.00 for each full month of employment, not to exceed $1,200.00.

10-11 <u>Disbursement of Final Pay Check</u>

When an employee resigns their position, the earned salary or wages plus any other compensation (such as annual leave accrual) shall be due and payable on the next regular payday. When an employee is dismissed from employment, the earned salary or wages plus any other compensation (such as annual leave accrual) shall be due and payable no later than the fifth (5th) calendar day following dismissal. Exempt employees will be paid a proportionate part of that employee's full salary for the time actually worked in last week of employment. The employee's final paycheck will be forwarded to the Human Resources Department for disbursal.

CHAPTER 11. EMPLOYEE-MANAGEMENT RELATIONS

11-1 Village Manager's Open Door

The Village Manager is available to any employee seeking to discuss work-related problems or concerns in an open and informal manner. When an employee has made a good faith effort to resolve difficulties with their Director/Manager and feels that their concerns have not been adequately addressed, they have the right to meet with the Village Manager without fear of reprisal or retaliation. The employee shall contact the Village Manager's office to schedule an appointment. Once the date and time have been agreed upon, the employee shall inform his/her immediate supervisor of the scheduled meeting.

11-2 Human Resources Department

The Human Resources Department shall:

1. Have overall responsibility for establishing, maintaining, and coordinating personnel transactions and records management systems and procedures for all Village employees consistent with state and federal laws.

2. Advise and assist supervision/management on all Village personnel transactions and records management systems and procedures related to personnel.

11-3 Management and Supervision

Management and supervision shall:

1. Initiate personnel transactions for their employees, using forms prescribed by the Human Resources Department.

2. Direct and supervise all operations, functions and the work of the Employees.

3. Determine the place to report to work, to determine methods, processes, and manner of performing work.

4. Establish and revise schedules of work.

5. Assign shifts, work days, hours of work and work locations

6. Designate, assign or reassign all work duties.

7. Evaluate and judge the skill, ability and efficiency and general work performance of Employees.

8. Take actions, as necessary, to carry out the mission of the Employer in emergencies.

11-4 Employees

Employees shall receive a copy of all personnel transactions that affect their employment or personal status.

Each employee shall notify supervision and the Human Resources Department of any changes which may affect his/her employment or benefit status. Examples of changes in personal status include (but are not limited to):

1. Marital status.

2. Dependent status.

3. Legal name change

4. Physical limitation.

5. Additional education, training, or certification.

6. Revocation of license, permit certification, or other credentials required for the job.

7. Changes of address or telephone number.

11-5 <u>Authority to Discipline</u>:

The Village Manager, Department Director, and Supervisor have certain authority to discipline employees as provided in this manual.

The following activities are deemed inconsistent with employment with the Village of Ruidoso and are not in the best interest of the Village. Consequently, employees engaging in these prohibited activities will be subject to disciplinary action up to and including dismissal.

11-6 <u>Reasons for Discipline:</u>

Reasons for discipline include, but are not limited to, the following:

A. Charge or conviction of a criminal offense or other conduct punishable as a crime.

B. Conduct unbecoming and/or conduct bringing the Village into disrepute.

C. Demonstrated disloyalty or disrespect for the Village of Ruidoso Administration, Department Director, Supervisor, or other legally constituted authority.

D. Endangering safety of others. Engaging in workplace violence or violation of the workplace violence policy.

E. Excessive tardiness or leaving early without approval

F. Excessive absenteeism.

G. Failure to meet prescribed standards of work.

H. Falsification of Application: No person shall falsify any statement on any application, resume, or other certification. Falsification of application shall result in disqualification for employment or disciplinary action against the employee up to termination of employment if the individual has already been hired.

I. Falsifying or altering time sheets or other official records.

J. Fraud: No employee shall willfully and fraudulently make or alter any statement, certificate, mark, rating, or report in regard to any test, certification of appointment, or in any way commit fraud in connection with the Village.

K. Inefficiency in work performance.

L. Insubordination (failure to follow the lawful order of a recognized superior).

M. Job abandonment (unauthorized absence): An employee who is absent from the job for three consecutive working days or more without authorized leave.

N. Losing or not obtaining needed certification and /or license in order to perform the job.

O. Misconduct on the job.

P. Missing so much work time that it causes the employee's work or other employees' work to suffer negatively.

Q. Misuse, theft, or destruction of Village property.

R. Negligence in the maintenance of equipment.

S. Negligence in the operation of Village vehicle or any other Village equipment.

T. Negligence in the performance of duty.

U. Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his/her or another employee's work.

V. Not being available during scheduled standby.

W. Not following safety regulations including the wearing of safety articles and use of protective equipment, or violation of the safety manual.

X. Physical or mental unfitness for duty due to intoxication from alcohol or

drugs.

Y. Unauthorized absence from work.

Z. Use of official position for personal advantage.

AA. Using sick leave for purposes other than stated in 6-4

BB. Violation of the Code of Conduct policy.

CC. Violation of departmental rules or professional code of conduct generally accepted by those in the same profession as the employee.

DD. Violation of Drug Policy: The Village of Ruidoso has a Policy dealing with substance abuse and testing of employees.

EE. Violation of any Federal or State law, Village ordinance, or any section of this manual.

FF. Violation of the harassment policy, the non-discrimination policy, or other policies of the Village.

GG. Other acts or omissions that adversely affect the welfare of citizens, other employees, or the effective operation of the Village.

11-7 DWI/DUI

Employees who receive a second or subsequent DWI/DUI Offense within five (5) years of the beginning of the current fiscal year are not insurable through the Village of Ruidoso. This means an employee cannot drive a village vehicle nor drive a personal vehicle on village time or to represent the Village in any capacity.

Employees hired after the beginning of the fiscal year are not insurable if they have a second or subsequent DWI/DUI conviction within five (5) years of the date of hire. This means an employee cannot drive a village vehicle nor drive a personal vehicle on village time or to represent the Village in any capacity.

If the employee is in the position of Police Officer, he/she will be terminated upon receiving conviction of the first DWI while employed with the Village of Ruidoso.

If the employee is in the position of Firefighter, he/she will be terminated upon receiving conviction of the first DWI while employed with the Village of Ruidoso.

All employees will be subject to comply with state and federal regulations regarding employment upon conviction of DWI/DUI.

If the employee has a position that requires a valid NM driver's license and the Department Director is not able to modify the job in order that the employee not be required to drive, then the employee will be terminated.

11-8 <u>Forms of Disciplinary Action</u>:

A. Forms of disciplinary action which may be initiated are:

1. Documented verbal warning/counseling – form is located in Appendix B for documenting the action. The documented verbal warning/counseling is a written document of the meeting, reason for counseling, and desired outcome. The original form must be signed and submitted to the Human Resources Department to be placed in the employees personnel file.

2. Written warning: The Department Director shall go over the action with the employee and have the employee sign and receive a copy of the written warning. A record of any written disciplinary action taken shall be sent to the Human Resources Department stating the cause for discipline and citing the specific elements upon which it is based. A copy of the written notice shall be placed in the employee's personnel file. Performance Correction Notices are located in Appendix B.

3. Suspension without pay up to and including three days: The Village Manager may suspend an employee for cause for a period of three days or less (One shift day for Fire). The cause for suspension shall be documented in writing and shall be submitted to the employee who shall acknowledge its receipt in writing. A copy of the signed document shall be submitted to the Human Resource Department and placed in the employee's personnel file. Employees who appeal this suspension to the Manager must do so in writing within two working days of the notice of suspension pursuant to the procedures for appealing disciplinary actions provided in this chapter. Performance Correction Notices are located in Appendix B.

4. Adverse action affecting employment status (suspension without pay, longer than three days, demotion, and dismissal): Any recommended action which would adversely affect the employment status of a non-probationary employee will be reviewed by the Human Resource Director prior to imposing such action. Adverse action is defined as suspension without pay longer than three days, demotion, or dismissal.

   Notwithstanding the provisions of the above paragraph, a director or manager may immediately suspend and remove from the work environment any employee who poses a clear and present danger to himself or to others; who is committing or has committed a criminal act; or who otherwise is physically or mentally incapable of fulfilling the obligations of a job. In such cases, the employee may be asked to leave the work site. A determination will be made at a later time as to whether or not the suspension time will be deemed paid or unpaid.

B. **<u>Alternative Employee Performance Evaluation:</u>** Depending on the situation, this can be used as a counseling tool or as a disciplinary action. It is used when the supervisor sees a problem that may affect the employee's annual or probationary performance evaluation and the extra evaluating is needed to bring performance up to

an acceptable level. There is no formal form because each evaluation is unique to the employee needing the additional evaluating period(s). With the alternative evaluation, the supervisor and/or Department Director will identify the time frame, the factors, results expected, available resources, action plan, and what the consequences might be.

C. Minor infractions will normally result in oral warnings. Continued or repetitive infractions may invoke progressively severe disciplinary action. Depending on severity, some incidents in and of themselves will be sufficient cause for suspension, demotion, and/or dismissal. A written record of all disciplinary action including oral warnings shall be sent to the Human Resources Department. Although discipline can be progressive, circumstances may dictate that progressive discipline need not be followed.

Actions will reflect the type, frequency, and severity of the misconduct.

11-9 <u>Complaint Procedure</u>

An employee has the right to discuss any aspects of his/her employment with the immediate supervisor and failure to reach a resolution will entitle the employee to proceed through the chain of command without interference from the immediate supervisor. The complaint procedure is not applicable in instances of discipline. Employee complaints of discrimination or harassment based on race, color, religion, sex, sexual orientation, age, national origin, physical or mental disability or serious medical conditions should be reported directly to the Department Director/Manager or Human Resources Director or Village Manager in compliance with the Village's harassment reporting procedures in Chapter 9

The complaint procedure is as follows:

11-9-1 Step One (1) - Try to resolve the matter through informal discussion with your immediate supervisor. This should be done within five (5) working days after the occurrence.

11-9-2 Step Two (2) - If the outcome of the conference in Step 1 is not to the employee's satisfaction, the employee may appeal the decision to the Department Director/Manager within five (5) working days after Step One (1).

- At this point, the complaint must be submitted in writing, the complaint shall clearly define the problem, and request for corrective action using the form provided by the Village of Ruidoso in Appendix B.
- This form must be submitted to the Human Resources Director within five (5) working days after Step One (1).
- The Human Resources Director will forward the complaint on to the Department Director/Manager within five (5) working days of receipt of written complaint.
- The Department Director/Manager will set a meeting within ten (10) working days from notification of the Human Resources Director.

- The Department Director/Manager will investigate the matter fully and render a decision within fifteen (15) working days from the date of meeting to the employee and the Human Resources Director.
- If the complaint is not mutually resolved, proceed to Step 3.

If Step One (1) meeting was directly with the Department Director/Manager, the employee may submit the written complaint within five (5) working days to the Human Resources Director to forward to the Village Manager or Deputy Village Manager and proceed directly to Step Three (3).

11-9-3 Step Three (3) - The employee may request the Village Manager review all the facts and remedy sought.

- The employee must also provide a statement for the reasons of their dissatisfaction with the Department Director/Manager's response within five (5) working days.
- The Human Resources Director shall submit written documentation to the Village Manager, which may take up to ten (10) working days from receipt of Human Resources to resolve the problem.

The Village Manager or Deputy Village Manager's decision is final.

All information and documentation involved in the complaint process shall be considered and treated by all involved as confidential to the extent permitted by law.

11-10 <u>Grievance Procedure</u>

Every eligible employee with a grievance shall have the privilege of presenting the grievance in accordance with the following procedures without fear of restraint, interference, discrimination, or reprisal.

Employee Grievance

1. Grievance means a formal, written complaint from an employee concerning actions or inactions taken by an employee of the Village of Ruidoso. A grievance is a perceived or actual misunderstanding or disagreement regarding the meaning, interpretation, application or alleged violation of the Personnel Policy Manual and approved department policies and rules or other Manager polices.

2. Supervisors and Department Directors/Managers will comply with these policies and will manage and direct employees fairly to minimize or reduce misunderstandings, problems, complaints, or grievances.

3. An employee may not grieve promotions, demotions, reclassifications, transfers, reassignments, layoffs, verbal counseling's, selection of vacant positions, changes in the policies and procedures, performance reviews, suspensions without pay of three days or less, disciplinary actions resulting in

an adverse action, or changes in shift rotations unless they are a direct consequence of a disciplinary action to that employee. Employee complaints of discrimination or harassment based on race, color, religion, sex, sexual orientation, age, national origin, physical or mental disability or serious medical conditions should be reported directly to the Department Director/Manager or Human Resources Director or Village Manager in compliance with the Village's harassment reporting procedures.

4. The wording "eligible employee" means any classified full-time and classified part-time employee. The Village Manager, appointed employees, grant funded employee, temporary employees, and probationary employees shall not have access to the grievance procedure.

The grievance procedure is as follows:

11-10-1 Step One (1) - Try to resolve the matter through informal discussion with your immediate supervisor. This should be done within five (5) working days after the occurrence.

11-10-2 Step Two (2) - If the outcome of the conference in Step 1 is not to the employee's satisfaction, the employee may appeal the decision to the Department Director/Manager within five (5) working days after Step One (1).

- At this point, the grievance must be submitted in writing, the grievance shall clearly define the problem, and request for corrective action using the form provided by the Village of Ruidoso in Appendix B.
- This form must be submitted to the Human Resources Director within five (5) working days after Step One (1) is completed.
- The Human Resources Director will forward the grievance on to the Department Director/Manager within five (5) working days of receipt of written grievance.
- The Department Director/Manager will set a meeting within ten (10) working days from notification of the Human Resources Director.
- The Department Director/Manager will investigate the matter fully and render a decision within fifteen (15) working days from date of meeting to the employee and the Human Resources Director.
- If the grievance is not mutually resolved, proceed to Step 3.

If Step One (1) meeting was directly with the Department Director/Manager, the employee may submit the written grievance within five (5) working days to the Human Resources Director to forward to the Village Manager or Deputy Village Manager and proceed directly to Step Three (3).

11-10-3 Step Three (3) - The employee may request the Village Manager review all the facts and remedy sought.

- The employee must also provide a statement for the reasons of their dissatisfaction with the Department Director/Manager's response within five (5) working days.
- The Human Resources Director shall submit written documentation to the Village Manager, which may take up to ten (10) working days from receipt of Human Resources to resolve the problem.
- The Village Manager's decision is final and non-appealable except in cases of termination, demotion, suspension, or lay off. In these cases, proceed to the Predetermination Hearing which is listed in the Due Process Procedures as listed in this manual.
- The Mayor will review all facts when a grievance filed is directed at the Village Manager.

All grievances will be maintained in employees personnel file. All information and documentation involved in the grievance process shall be considered and treated by all involved as confidential to the extent permitted by law.

11-11 <u>No Retaliation</u>

The Village of Ruidoso shall not discriminate against any employee or other person who reports a violation of the terms of any contract or any other law or regulation to any appropriate Village authority or law enforcement personnel if the report is made in "good faith."

11-12 <u>Due Process for Classified Employees:</u>

When an adverse action is recommended, a predetermination meeting will be provided to the classified employee. This informal meeting provides the classified employee with the opportunity to be heard as to why discipline should not be taken. This meeting serves as a check against mistaken decisions and determines whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.

1. In such situations, The Department Director shall present the employee with a written notice which shall include the reason(s) for the proposed discipline, an explanation of the facts in support of the proposed discipline, and the date, time, and place of the predetermination meeting. The Department Director will use reasonable means to assure the employee receives notice of the predetermination meeting at least three calendar days before the time set for the meeting.

2. The employee may be placed on administrative leave, with or without pay, depending upon the circumstances until the predetermination meeting.

3. The Department Director shall conduct the predetermination meeting. This meeting is a personnel action. Internal personnel actions are a matter between the employee and the Village and are not public meetings. The Department Director shall conduct the meeting with the employee and a

representative from the Human Resources department must be present. No other party or representative shall be allowed to attend.

4. The Department Director shall consider all the facts presented and determine whether to uphold, modify, or reverse the proposed action.

5. If the decision is to uphold the proposed adverse action, the action shall be effective the date the employee is notified of the decision. Notification shall be by certified mail, return receipt, request to employees last known address as provided to Human Resources Department. Notification will be as of the date of mailing.

6. If the employee fails to attend the predetermination meeting, the adverse action shall be effective at the time the employee was presented the notice of meeting.

7. The employee has the right to request, in writing, a post determination hearing. This written request must be received in the Human Resources Department within 10 days of the receipt of the Department Director's decision.

A Post Determination hearing provides a more formal process in accordance with due process requirements. The Village Manager shall designate a Hearing Officer who shall conduct the post determination hearing.

A criterion for the hearing officer is as follows:

- The hearing officer must be from the legal community, which means a lawyer, judge or a qualified Human Resources Director who has administrative hearings experience or municipal government experience.
- The hearing officer may be someone from the local community.
- If not a judge or a lawyer, which is preferable, the hearing officer must:
    - Have sufficient knowledge of municipal, employment law, and issues as demonstrated through experience or education
    - Have no ties to the Village of Ruidoso, personally or financially

When the employee requests a post determination hearing as provided above, the Human Resources Director will distribute the applicable hearing procedures to the employee or his/her representative if he/she is known. The employee may be represented by one person such as legal counsel or other representative. The employee must notify the Human Resources Director at least (5) five working days prior to the time of the hearing if legal counsel is to be present.

Any action by an employee which is evidences of an intent not to proceed with the post determination hearing, such as filing suit, shall constitute a waiver of the right to a post determination hearing. Any further appeal shall be pursuant to NMRA1-075.

The hearing officer shall render a written determination to the employee in a reasonable time. The Hearing Officer may uphold, reverse, or modify the Department

Director's/Village Manager's action. If the determination is to uphold the adverse action, the effective date shall be the day the employee received notice of the Department Director's or Village Manager's decision. The decision of the hearing officer is final and the employee shall have no further right of appeal within the Village of Ruidoso.

11-13 <u>Procedures for Appeal of Suspension of three days or less:</u>

An employee appealing this suspension would need to file a written appeal to the Human Resources Department within five (5) working days of the receipt of the notice of suspension.

The appeal must be signed by the employee and contain the employee's statement explaining the reasons for the appeal in detail and give the action desired. The Manager may, at their discretion, elect to hold a hearing or hear additional evidence, but there will be no hearing officer appointed and no record will be maintained. The Manager shall render a timely decision and reserves the right to modify the penalty imposed. The decision shall be final.

11-14 <u>Procedures for Post - Suspension, Post - Demotion hearing, or Post – Termination Hearings:</u>

An employee appealing a suspension of longer than three days, a demotion, or a termination pursuant to this chapter of the Personnel Manual would need to file a written appeal to the Human Resource Department within ten (10) business days of receipt the Department Director or Village Manager's notice of the demotion, or suspension of longer than three days, or the termination.

The appeal must be signed by the employee and contain the employee's statement explaining the reasons for the appeal in detail and give the action desired.

The Village Manager shall designate a Hearing Officer to conduct the hearing.

1. The Human Resources Director will establish a time, date, and location for the hearing, and shall give written notice of the information to the Department Director and the employee and shall, in the notice, identify the hearing officer.

2. The employee may be represented by one person such as legal counsel or other representative. The employee must notify the Human Resources Director at least five (5) working days prior to the time of the hearing if legal counsel is to be present.

3. The hearing shall be closed except when an employee requests in writing that the hearing be open. The employee must notify the Human Resources Director at least five (5) working days prior to the time of the hearing if the meeting is to be open.

4. Hearing Officer: The Hearing Officer shall have authority to:
    - Review all documents pertinent to the case, including the employee's personnel file;
    - Rule on the relevance or other admissibility of evidence;
    - Question the parties and their witnesses, if any;

- Hear and decide motions: related to discovery, things for inspection or copying, dismissal of any matter, etc.
- Reprimand and/or exclude from the hearing, any person for improper or contemptuous conduct;
- Take any other action consistent with this regulation, the Village Municipal Code, the laws of the State of New Mexico, and the laws of the United States.

5. The hearing shall be administrative, informal, and shall not require adherence to the rules of evidence.

6. During a hearing, those permitted to be present during the entire hearing shall be the employee, his/her representative, the Department Director, Village's representative, the Human Resources Director, and the Hearing Officer.

7. Either party may call witnesses. The witnesses shall be required to remain outside of the hearing until called. The witnesses may be crossed examined. The witnesses shall not be permitted to remain in the Hearing after their testimony and cross examination has been completed. Either party may arrange for by audio, or stereographic for recording of the post determination hearing with by either party and at their own expense.

8. The Hearing Officer shall render a decision in writing in a reasonable amount of time.

Village Employee Called as a Witness:

1. A Village employee called as a witness by the Village shall be paid even if off duty.

2. A Village employee called as a witness by the employee or ex-employee shall be paid if the witness is on duty.

3. A Village employee called as a witness by the employee or ex-employee shall not be paid by the Village if the witness is off duty.

CHAPTER 12. PERSONNEL RECORDS

12-1 Records Kept

The Human Resources Department has custodial responsibilities for all official personnel records. Personnel records include the original application of the employee; grievances; complaints; all original hiring documents; all retirement paperwork including but not limited to (enrollment, beneficiary information, changes, retirement separation forms); job descriptions; evaluations; documentation of pay raises; promotions; disciplinary actions; layoffs; training records; and other relevant information.

Medical records will be maintained separately and will not be part of the personnel file.

12-2 Updating Information

Employees shall notify the Human Resources Department of any change of address, phone number, beneficiary, or relevant dependent information changes as they occur.

Any additional training which the employee has acquired since employment should be submitted to the Human Resources Department.

12-3 Availability

Employees are allowed to review the contents of their personnel file. To review their file, an employee should make an appointment with Human Resources Department at (575) 258-4343.

A. Access to Personnel Files by others:

- Human Resources Director and the Human Resources Department Staff
- Village Manager – The Village Manager may remove personnel files from the Human Resources Department and make copies or request copies of information supporting legal proceeding, lawsuit or to assist in the managing of personnel .
- With the approval of the Village Manager, the Village Attorney may request copies limited to legal proceeding and lawsuits.
- Department Director with a need to know. A Department Director may review information from the employee's personnel file under the supervision of the Human Resources Department Director.

Certain information contained in an employee's file is confidential and will not be released to anyone without the notarized written consent of the employee or through appropriate legal process. Personnel Records are privileged documents and may not be removed from the Human Resources Department without the approval of the Human Resources Director.

All records will be kept in accordance with §14-2-1 through §14-2-12, NMSA 1978, concerning 'Inspection of Public Records Act."

B. Request for Information from Personnel Files:
Requests by outside agencies or individuals for information contained in an employee's Personnel Record will be handled by the Human Resources Director. Only information that is required by law to be revealed may be given out.

Information other than employment verification (position held, hire date and termination date) must be requested in writing to the Human Resources Department. The Human Resources Department will take reasonable measures to insure the confidentiality of the employee's Personnel Record. (See "Inspection of Public Records Act Sections §14-2-1 to 14-2-3, NMSA 1978 Compilation).

The employee whose personnel file has been requested to be viewed by an outside agency or individual will be notified by the Human Resources Director of the request unless restricted by law.

C. Departmental Personnel Records:
All information contained in departmental personnel records is unofficial. However, departmental personnel records are confidential and access must be limited as described in this section. Departmental Personnel Records may only contain:

- Copy of original application, emergency contact information
- Copies of NCIC clearance and fingerprint cards as pertaining to law enforcement personnel
- Copies of Personnel Actions Notices
- Copies of Performance Evaluations
- Copies of Disciplinary Actions and commendations or thank you letters

D. The Village Manager may choose to approve items before being placed in the Personnel file.

E. Pre-employment information is not considered part of a personnel file.

12-4 Confidentiality of Employee Records

NOTICE OF PRIVACY PRACTICES: THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT AN EMPLOYEE MAY BE USED AND DISCLOSED AND HOW AN EMPLOYEE CAN GET ACCESS TO THIS INFORMATION. Questions about this Notice should be directed to the Village's privacy official: Human Resources Director, by calling 575-258-4343.

EFFECTIVE DATE
This Notice of Privacy Practices became effective on January 1, 2008.

The Village's RESPONSIBILITIES
The Village of Ruidoso maintains records according to the Protected Health Information (PHI), Health Insurance Portability and Accountability Act (HIPAA), and Employee Retirement Income Security Act (ERISA).

Information on:
PHI - http://www.hhs.gov/ocr/privacy/
ERISA - http://www.dol.gov/dol/topic/health-plans/erisa.htm
HIPAA - http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html
http://www.dol.gov/dol/topic/health-plans/portability.htm

COMPLAINTS

An employee may complain to the Village or to the Secretary of Health and Human Services if they believe the Village has violated their privacy rights. An employee may file a complaint concerning these privacy rights with the Village by notifying the person named below of the complaint. The Village will not retaliate against the employee for filing a complaint.

For further information about the complaint process, or to file a complaint, contact:
Human Resources Director
313 Cree Meadows Drive
Ruidoso, NM 88345
Phone: (575) 258-4343
Fax: (575) 258-5848

For further information about filing a complaint with the Secretary of Health and Human Services, or to file a complaint, contact:
U.S. Department of Health and Human Services, Office for Civil Rights
Medical Privacy, Complaint Division
200 Independence Avenue, SW
HHH Building, Room 509H
Washington, D.C. 20201
Phone: 866-627-7748
TTY: 886-788-4989

CHAPTER 13. VEHICLE USAGE

13-1 Purpose:

The Village of Ruidoso provides Village owned vehicles as required for the efficient operation of Village business. The Village understands that certain standards must be enforced and followed for safe and efficient fleet operation. In addition, to deliver quality municipal services, at times, it may be beneficial to require an employee to take home a Village vehicle.

13-2 Policy:

It shall be the policy of the Village of Ruidoso to maintain general procedures for all employees to follow when Village vehicle usage is permitted. In addition, the Village shall permit authorized employees to take home a Village vehicle according to the following procedures. Village vehicles shall not be for personal use. Any departmental policy cannot be in conflict with this policy.

13-3 Procedure:

A. Who can take home a vehicle?

1. If justification supports, employees who live within the Village of Ruidoso or within a three mile radius of the Village limits are eligible to take home a Village vehicle with written approval of the department director and Village Manager. Employees who reside outside the three mile radius of the Village of Ruidoso are not eligible to take a Village owned vehicle home except;

2. Emergency vehicles - which are defined by Federal regulations (Police and Fire department only) and as approved in writing by the Chief of the department and the Village Manager.

3. Other vehicles on a case-by-case situation as approved in writing by the Village Manager.

4. There may be circumstances where an employee may take a Village vehicle home on non-recurring basis. This is only when it is beneficial to the Village of Ruidoso, the department or Village Manager, such as on call personnel, snow removal, and during an emergency situation. Employees still need to fill out the “Request to Take Home a Village Vehicle” and approval is still needed by the Department Director and Village Manager. Employees that take a Village vehicle home on a non-recurring basis need to mark that box on the request and list the reasons and when they would be taking a Village vehicle home.

5. Each Department Director is responsible for having the employees fill out the vehicle take home agreement annually based on fiscal year. New agreements are due before July 1, to the Village Manager for approval for the fiscal year. Department Directors shall also submit any updates as they occur during the year. These updates are also subject to the approval of the Village Manager.
    a.) Employees shall also be required to sign an *Employee Take Home Vehicle Agreement*.
    b.) The Department Director or designee shall personally review this policy, the Employee Take Home Agreement, and any departmental vehicle policy with the employee.

B. Each operator of a Village-owned vehicle must possess a valid and properly classed New Mexico driver's license for the vehicle being operated.

C. Non-insurable employee:
An employee deemed non-insurable under the New Mexico Self Insurers Fund (NMSIF) will not be allowed to drive a Village vehicle. Based upon the position the employee holds, an employee may be subject to dismissal from employment.

D. Assigned Vehicles:
Some employees who regularly use Village vehicles may be assigned specific vehicles. However, during business hours when the vehicle is not in use, it shall be made available to other Village employees who may require the use of it.

E. Emergencies:
In a bonafide emergency, when transportation is not available, the Department Director may request that another Village vehicle transport the called out employee.

F. Vehicle Safety:
1. When operating a Village-owned vehicle, an employee shall strictly adhere to the safety manual, posted speed limits, and other motor vehicle and traffic regulations. Vehicles shall be operated in a safe and responsible manner appropriate to road, traffic, and weather conditions, with special regard to driving courtesy. It is the responsibility of the Department Director to ensure that all drivers receive Coaching the Experience Driver Training or Defensive Driving Course or a related equivalent every two years.

2. All employees operating Village vehicles shall exercise due regard for the safety of all persons; protection of life is paramount. Employees shall drive defensively at all times. No job, task, call, or incident justifies disregard of public safety and traffic laws. Further, Village drivers are expected to demonstrate exemplary driving behavior.

3. All employees operating Village vehicles or equipment are not to use a cell phone while driving a Village vehicle or equipment. You must have hands free device if talking on cell phone in a vehicle. This doesn’t pertain to Police Officers or Fire Fighters.

Texting and emailing are prohibited while operating a Village vehicle or equipment.

G. Maintenance of Vehicle:

1. Maintenance, repair, upkeep, and vehicle inspections of the assigned vehicle are the primary responsibility of the employee to whom the vehicle is assigned.

2. If the vehicle is not specifically assigned to any one employee, it is the Department Director's (or designee's) responsibility to assure that the maintenance, repair, upkeep, and inspections are performed.

3. Except for those exempt by the Village Manager, all Village vehicles are to be identified with approved Village emblems. These emblems are to be placed on the driver and passenger side doors. The logos must be permanent and not removable (example magnetic not allowed).

H. Abuse or misuse of a Village-owned vehicle:

An employee who abuses or misuses a Village vehicle may lose the privilege of assignment or operation of the Village-owned vehicle and possible dismissal from Village employment.

I. Passengers:

1. Animals are not permitted to ride in the same compartment in which humans ride.

2. Non-employees conducting Village business may at times ride in a Village owned vehicle with the approval of the Department Director or Village Manager.

J. Personal use of a Village owned vehicle:

1. A Village owned vehicle is not to be used for personal use. These vehicles are to be used to transport an employee to and from work and to conduct related business.

2. Use of a Village vehicle other than for work related business is strictly prohibited unless otherwise approved in writing by the Village Manager.

3. However, if needed and "within reason," an employee is permitted to stop at a store or cleaners etc. on his/her way to or from the work site. An example of "within reason" would be: An employee leaves work and drives by the grocery store on his way home from work. It would be appropriate to stop at the store for groceries. It would not be appropriate to drive the Village vehicle home, and then drive the Village vehicle back to the grocery store. If an employee is not sure of what is "within reason," the employee is responsible for asking the Department Director for approval.

4. No open alcoholic containers are permitted in a Village vehicle with the exception of evidence materials.

5. No unopened alcoholic containers are permitted unless approved by the Village Manager for Village sponsored activities.

K. Departmental Procedures:
This policy is the general guideline. A department that uses vehicles and allows take home vehicles may develop departmental polices. A Departmental policy cannot be in conflict with this policy. The Departmental policy is subject to the approval of the Village Manager and will be submitted to the Human Resources Office once approved.

L. Federal Benefit Tax:
The Federal Government has determined that taking home a vehicle is considered a benefit to the employee. According to the Federal Government, it does not matter why an employee takes home a vehicle, it is still considered a benefit, and therefore this benefit tax applies. An employee who takes home a vehicle, for any reason, (except for police and fire vehicles), is required to pay tax on an amount equivalent to $3.00 for each day the vehicle is taken home. ***However, it is noted that if the Federal government changes the $3.00 the Village will use the new amount for taxing purposes.*** The number of days a vehicle is taken home is to be entered on the employee's time sheet (days off are not counted). The Federal Government has determined that Police and Fire departments emergency vehicles are exempt from this law. In addition, it specifically says that just because a vehicle has lights on it, does not make it an exempt emergency vehicle. This means that only the police vehicles in department 40 and the Fire vehicles in department 50 are considered exempt. All other take home vehicles fall under this taxable benefit.

M. Use of Personal Vehicles for Village Business
All Village employees required to drive their personal vehicles on behalf of Village business will be paid reimbursement based on the amount allowable in the New Mexico State Statutes and are required to meet the following criteria.

- Meet the current requirements of the Village's auto insurance policy.
- Possess and provide copies of a New Mexico driver's license to the Human Resources Department.
- Possess and provide copies of proof of personal liability auto insurance, with minimum limits as required by state law. Copies must be provided to the Executive Secretary.

Employees who use their personal vehicle on official Village business must have prior approval from their immediate supervisor. A mileage reimbursement form will be maintained by the employee and reimbursement will be made according to the mileage driven. Actual odometer readings will be used to calculate reimbursement mileage. A recognized resource may also be used to establish mileage such as but not limited to State of New Mexico Map, MapQuest, etc.

Mileage reimbursement rates are set in accordance with §10-8-4, NMSA 1978 (Per Diem and Mileage Rates)

N. Use of Village Gas Cards
A Village gas card is not to be used for personal vehicles no matter what the

circumstance, without prior approval from the Village Manager. If approval is granted all gas receipts must be turned in to Director/Manager for reconciliation within ten (10) days of return from travel.

Travel request forms must be completed and approved in advance for issuance of out of town travel gas cards. If approval is granted all gas receipts must be turned in to Director/Manager for reconciliation within ten (10) days of return from travel.

13-4 Texting and Talking on Hand-Held Cell Phones While Driving Policy:

PURPOSE**:** To establish a policy that supports a safe driving environment to protect the employee, and the public from the dangers of distracted driving. The following establishes a policy concerning the use of Village owned and private cell phones on the job while driving Village vehicle, equipment, and a personal vehicle on Village business.

The increasing concerns to the Village of Ruidoso are the dangers of distracted driving. Recent deadly crashes involving drivers distracted by talking and texting while driving highlight a growing danger on our roads. Numerous studies have demonstrated how the use of hand-held cell phones while driving pose a significant safety risk to motorists, their passengers and others on the road. In fact, according to the National Highway Traffic Safety Administration (NHTSA), in 2008, nearly 6,000 people died in crashes involving a distracted driver.

POLICY: Therefore, the Village of Ruidoso will no longer tolerate texting or talking on a hand-held phone while operating a village vehicle or while using a village issued cell phone while operating a personal vehicle on village business. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, reading, or responding to e-mails and text messages. Hands-free devices are permitted; however conversations should be quick or pull over to carry on a long conversation. The main purpose of being in a vehicle or on equipment is to focus on your work at hand and the equipment you are using. Radio operations are not affected by this policy.

The Village of Ruidoso employees are required to:

- **Turn cell phones off or put on silent or vibrate before starting the car.**
- **Pull over to a safe place if a call must be made or received while on the road.**
- **Consider modifying voice mail greeting to indicate that you are unavailable to answer calls or return messages while driving.**
- **Inform clients, associates and business partners of this policy as an explanation of why calls may not be returned immediately.**

The Village of Ruidoso is concerned about the safety of its employees. It is our goal that if we lead by example, the practice of no texting or talking on hand-held cell phones while behind the wheel will spread throughout the community. Violations of this policy will lead to disciplinary action up to and including termination.

We understand that there are calls that need to be made while on the road, but we are now requiring that if you have to make that call, please pull safely over to the side of the road to do so. We are asking you to join us and simply "Put It Down." No conversation is worth causing a serious crash, or worse…losing your life.

Appendix A contains a statement of Acknowledgement that says you have read and fully understand the Village of Ruidoso policy on Texting and Talking on Hand-Held Cell Phones While Driving. Please sign it and return it to the Human Resources Department.

put it down

CHAPTER 14. ADA POLICY

14-1 Policy Statement

The Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amended Act (ADAAA) require employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Village of Ruidoso to comply with all federal and state laws concerning the employment of persons with disabilities. It is the policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The Village of Ruidoso does not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of a known disability.

Discrimination includes not making reasonable accommodations for known physical or mental limitations of an otherwise qualified individual with a disability, unless the agency can demonstrate that the accommodation would impose an undue hardship on the operation of the agency.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, and undue hardship issues. The Human Resources Department is responsible for any investigation of any complaint alleging noncompliance.

14-2 Definitions Related to Individuals with Disabilities

The term “disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the individual’s major life activities, a record of having such an impairment, or being regarded as having such an impairment. “Major life activities” means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, standing, lifting, bending, speaking, breathing, learning, reading, sleeping, concentrating, thinking, communicating, working, and the operation of a major bodily function such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

The term “qualified individual with a disability” refers to an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to the agency’s judgment as to what functions of a job are essential, and if a written description has been prepared before advertising or interviewing applicants for the job, this description shall be considered evidence of the job’s essential functions.

The term “essential job functions” means the primary job functions or tasks that an individual must be able to perform, with or without a reasonable accommodation. They are those activities of a job that are core to performing said job.

The term “reasonable accommodation” may include (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities and (2) job restructuring, part-time or modified work schedules, reassignment to a vacant position,

acquisition, or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of factors related to the nature and cost of the accommodation needed, overall financial resources of the affected facility and the Village, and other factors set out in law.

14-3 Exceptions to Definitions

A. Drug and Alcohol Abuse

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the Village acts on the basis of such use. Nor does it include any individual who is an alcoholic whose current use of alcohol prevents the employee from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

B. Direct Threat to Health or Safety

As a qualification standard, the Village may require that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. Although the term "physical and mental impairment" includes such contagious diseases as HIV disease (whether symptomatic or asymptomatic) and tuberculosis, an individual who by reason of such disease or infection would pose a direct threat to the health or safety of others that cannot be eliminated or reduced by reasonable accommodation or who is unable to perform the duties of the job shall not be considered a "qualified individual."

The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. The assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- The duration of the risk.
- The nature and severity of the potential harm.
- The likelihood that the potential harm will occur.
- The imminence of the potential harm.

14-4 Notice under ADA

The Village of Ruidoso shall make available to all applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act and its applicability to the Village's programs, services, and activities. The information shall be made available in such manner as the Village Council finds necessary to apprise such persons of the protections against discrimination assured them by the ADA.

The Village of Ruidoso shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of Title II of the ADA.

14-5 Desire and Ability to Work

Procedures may be adapted to provide reasonable accommodation so that people with disabilities may remain employed and productive for as long as possible. All employees, however, are expected to perform the essential functions of their job with or without reasonable accommodations.

14-6 Performance Standard

While the ADA does protect disabled employees from employment discrimination, all employees, those with and without disabilities, have the same performance and conduct standards regarding hiring, promotion, transfer, and dismissal.

14-7 Relevant Information

An employee who believes that they have a serious or disabling condition protected under the ADA must inform the Village of Ruidoso and they will be accommodated consistent with the business needs of the Village of Ruidoso and state and federal laws. The employee agrees to provide the relevant and necessary information including up to a medical authorization to permit the Village or Ruidoso to make a determination as to a reasonable accommodation consistent with the physical or mental disability of the employee and the business needs of the Village of Ruidoso.

14-8 Duty to Report Alleged Violations

An employee who believes that there has been a violation of the ADA shall report it immediately directly to the Department Director/Manager or Human Resources of Village Manager.

14-9 Assurance against Retaliation

The Village of Ruidoso prohibits retaliation against anyone who in good faith requests an accommodation or reports discrimination in violation of the ADA. The reporting of any alleged discrimination will not result in any type of disciplinary or retaliation of any nature.

CHAPTER 15. DRUG AND ALCOHOL POLICY

The Village of Ruidoso has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks not only to the user but to all those who work with the user. The use or sale of illegal drugs or alcohol in the workplace may also pose unacceptable risks for safe, healthful, and efficient operations.

The Village recognizes that its own future is dependent upon the physical and psychological health of its employees. Accordingly, it is the right, obligation, and intent of the Village to maintain a safe, healthful, and efficient working environment for all of its employees and to protect Village property, equipment, and operations.

An employee with a positive result of an alcohol or illegal drug will immediately be placed on leave without pay until such time as a determination is made by the Village Manager or designee as to the action to be taken.

If an employee has a positive result, but the result is not as a consequence of alcohol or illicit drugs the employee will be placed on leave until such as a determination is made by the MRO with substantiated documentation for such use. If the employee has complied with section 15-3 then the Village Manager or designee may make a determination that the employee may return to work prior to determination of the MRO. Leave status will be determined by the Village Manager.

With these basic objectives in mind, the Village has established the following policy with regard to use, possession, or sale of alcohol or drugs.

15-1 Definitions for this Chapter regarding Drug and Alcohol Policy

Abuse of Village property- is exemplified by, but not limited to, the following:

1. Negligent or willful damage or destruction of Village equipment or property;
2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of equipment;
4. Damage caused by the use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Accident - Any on the job injury which requires medical attention for the employee(s) and/or at the time of occurrence, any other individual, and/or injury which causes the employee to lose time from work, and/or when due to an employee's actions, Village property has been damaged during the work shift, and/or when due to an employee's actions, personal and/or private property is damaged during the work shift. Also see definition of vehicle accident.

Alcohol - means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcoholic beverage - means alcohol or any beverage containing more than one-half of one percent by volume, which is capable of use for beverage purposes, either alone or when diluted.

Alcohol concentration (or content) - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an Evidential Breath Test (EBT) or converted from a urine or blood sample.

Authorized Personnel - The Human Resource Director, Village Manager, and the specific Department Director. Also, on a case by case need to know, the supervisor shall also be considered authorized personnel. Personnel who are authorized to have access to alcohol or drug test results or medical information pertaining to this policy will maintain lawful confidentiality regarding this information.

Collection Facility - means a hospital, clinic, or laboratory, or other valid facilities, approved by the Village to be used to collect body fluid or breath samples to be analyzed for specific controlled substances or alcohol. The facility will have all the required Human Resource, materials, equipment, and supervision to provide for the collection, security, temporary storage, and transportation of the samples to the testing facility, or to conduct alcohol testing.

Confidentiality: The results of any drug or alcohol test shall be strictly confidential and shall not be disclosed without the prior written approval of the employee tested unless otherwise required by law. However, nothing in this paragraph will prohibit the lab, the MRO, or testing facility from releasing information relevant to an employee's test results to the authorized Village personnel. Additionally, only those persons authorized and those directly involved in the decision making process related to the tested employee will obtain any drug or alcohol testing information retained by the Village. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

Constitutional Rights of Employees - The Village of Ruidoso respects the constitutional rights of its employees. All actions taken by Village officials shall be consistent with the Constitution and laws of the United States and the State of New Mexico.

Contraband - means any article, the possession of which on Village premises or while on Village business causes an employee to be in violation of a Village work rule or penal law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and counterfeit money. Nothing shall preclude the possession of contraband for the purposes of educational instruction pursuant to the employee's job responsibilities.

Controlled substances - means any drug, substance or immediate precursor listed in Schedules I-V or Penalty Groups 1-4 of the Controlled Substance Act of 1988 as it may be revised from time to time.

Department Director - means the Department Director or designee.

Departmental Procedure - A Department's procedures will prevail over this procedure only where it is more restrictive than this procedure and is not in direct conflict to this procedure.

Disciplinary Action - When this term is used, it means discipline up to and including termination. Disciplinary action need not be progressive.

Illicit Drugs - any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy.

Illegal Drug - means any drug in any detectable amount which is not legally obtainable or excessive quantities of prescription drugs, examples of illegal drugs are cannabis substances absent a valid medical certification such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Human Resource Director - means the Human Resource Director or designee.

Manager - means the Village Manager or designee.

Medical Review Officer - (MRO) means a licensed physician (doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his medical history and any other relevant biomedical information.

Physician - means a physician licensed by the State Board of Medical Examiners.

Proper medical authorization - means a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the name of the substance, quantity/amount to be taken, the period of authorization, and whether the prescribed medication may impair the employee's job performance. This requirement also applies to refills of prescription drugs.

Rapid Drug Screen - a drug screen in which the results are known within minutes.

Reasonable Cause (or reasonable suspicion) - means that the actions, appearance, and/or conduct of an employee who is on duty are indicative of the use of a controlled substance or alcohol. Reasonable suspicion shall include, but not be limited to, the following:

a. Abuse of Village property,
b. Employee behavior problems such as fighting, declining work performance, argumentative, uncooperative, or other disruptive behavior;
c. Receipt of written or oral statements by others concerning use of drugs or alcohol by employees or being under the influence;
d. Possession of any drug or alcoholic beverage, or any drug or alcoholic beverage container, or any drug paraphernalia, during working hours, in a Village vehicle or on Village property;
e. Indications of being under the influence or intoxication include but are not limited to the following:

Abnormally dilated or constricted pupils
Glassy eyes
Aggressiveness
Glazed stare or redness of eyes
Change of Speech (e.g. faster or slower)
Increased appetite
Change of personality (e.g. paranoia)
Inattentiveness
Constant fatigue or hyperactivity
Job impairment (inability to perform routine jobs)
Constant sniffing
Difficulty walking
Mood swings
Disorientation
Needle marks
Drowsiness
Odor of alcohol
Dulled mental process
Odor of other substance(s)
Excessive unexplained absences
Redness under nose
Excitement or Confusion
Sudden weight loss
Euphoria
Unsteady gait or balance
Flushed face
Other erratic behavior
Forgetfulness -performance faltering

Refusal to submit to alcohol or drug test - means that an employee:

1. Refuses to sign a consent to testing form;
2. Fails to provide adequate breath or urine for testing without a valid medical explanation after he has received notice of the requirement for testing;
3. Engages in conduct that clearly obstructs the testing process.

Any refusal listed above will be treated the same as a positive illegal, controlled substance test result or a breath alcohol content equal to or greater than 0.04.

Substance abuse - is exemplified by, but not limited to, the following:

1. Ingestion, inhalation, or injection of a controlled substance without proper written medical authorization;
2. Ingestion of an alcoholic beverage during working hours or on Village property unless authorized as part of a Village-sponsored event where the employee's ingestion is pursuant to their job responsibilities and where the employee's breath alcohol content is below 0.04;
3. Ingestion of an alcoholic beverage in a Village vehicle, or while operating Village equipment, or while on call or standby duty;
4. Ingestion, inhalation, or injection of a controlled substance without proper medical authorization, or ingestion of an alcoholic beverage during non-

working hours, which causes an employee to be unable to work in a safe and effective manner during working hours;

5. Use of prescription or over-the-counter medication in a manner which it was not intended.

Testing Facility - means a certified laboratory or facility, approved by the Village to analyze body fluid or breath samples for specific controlled substances or alcohol.

A copy of the Village of Ruidoso Drug and Alcohol Procedures shall be provided to the testing facility. The testing facility shall comply with the procedures outlined in this document when conducting tests. The testing facility shall contact the Village Human Resource Director whenever it believes it is necessary to amend the testing procedures.

Under the influence - is defined as abnormal behavior during working hours or while on call or on standby duty, which results from indulging to any degree in any alcoholic beverage, controlled substance, or drug which may limit an employee's ability to safely and efficiently perform the duties or poses a threat to the safety of the employee or others.

Vehicle Accident - Means a vehicle accident in which an employee is involved during working hours and/or a vehicle accident in which the employee was involved driving a Village vehicle at any time.

Working Hours - (on duty) means from the time the employee arrives at the job site until the time the employee leaves including all lunch or other types of breaks.

15-2 <u>Department Directors and Supervisors</u>

Training - Department Director/Manager and Supervisory employees will be provided with specialized Training on alcohol misuse and drug abuse.

Supervisor's Responsibilities: Upon an observation or upon knowledge of an employee being under, or appearing to be under, the influence of drugs or alcohol or who poses a hazard to the safety and welfare of the employee or others, the supervisor will immediately notify the Department Director in a confidential manner.

Department Director/Manager: If the Department Director/Manager makes a determination that reasonable suspicion exists to conduct a drug or alcohol test, the Department Director/Manager will contact the medical facility for a drug screen and if warranted, the Police Department for a breath alcohol screen.

The Department Director/Manager or Supervisor will transport the employee to the collection facility.

**This information shall also be maintained in lawful confidentiality. Breach of confidentiality relating to test results or any other related matters will subject the employee to disciplinary action.

15-3 <u>Employee's Reporting Requirements - Legal Drugs</u>

Notification to Supervisor of Authorized Drug Use: Each employee shall report the use of medically authorized drugs or other substances which can impair job performance

to the immediate supervisor and provide proper written medical authorization to work from a physician. It is the employee's responsibility to determine from the physician whether or not the drug would impair job performance depending upon the nature of the employee's job. Failure to report the use of such drugs or other substances or failure to provide proper evidence of medical authorization will result in disciplinary action. Any information received from an employee under this provision will be kept confidential except to the extent it may be shared with individuals who are in a need to know position.

The Village reserves the right to have a physician of its own choice determine if the medication produces hazardous effects at the prescribed dosage and may restrict the employee's work activity.

Additional Employee Responsibilities: Each employee who observes or has knowledge of another employee in an impaired condition to perform the job duties or who poses a hazard to the safety and welfare of the employee or others shall promptly report this fact to the immediate supervisor. If a supervisor or Department Director is observed as being impaired then the observing employee is to report this to the Human Resources Director. The employee making the observations must file a written report to the suspected employee's supervisor by the end of the shift of observing or learning of the condition. Any employee concealing the use of or condition of being under the influence of drugs, controlled substances, or alcohol by other employees on the job, or failing to make such a report will be subject to disciplinary action.

**Any employee who makes a reasonable cause observation or who may be a witness at an accident scene shall also maintain lawful confidentiality. Breach of confidentiality in the matter will subject the employee to disciplinary action.

Employee Cooperation: All employees are expected to cooperate in the testing process. Any conduct that clearly obstructs the testing process such as tampering with the specimen or the testing procedure will result in termination.

15-4 Required Drug and/or Alcohol Testing shall be conducted:

1. After an offer of employment
2. After an offer of transfer, promotion, or change in job position
3. After an accident
4. After a vehicle accident
5. When a reasonable suspicion exists

15-5 Types of Testing

When an applicant is required to submit to a drug and/or alcohol test, the applicant shall complete a consent form prior to testing. If the applicant does not understand the form, it will be explained. The form authorizes the exam/test and the release of medical information regarding the medical condition and any test results. When the applicant reports to the collection facility, he/she will be required to show positive picture identification. In certain circumstances, a Supervisor may drive the employee to the testing facility.

15-5-1 PRE-EMPLOYMENT TESTING

The Village will require applicants to submit to drug and alcohol testing after offering employment and before final selection. The Village will maintain pre-employment screening practices designed to prevent hiring individuals who use illegal drugs or individuals whose use of legal drugs or alcohol indicates a potential for impaired or unsafe job performance. If an applicant tests positive for alcohol, illicit drugs or illegal drugs during a pre-employment screening, the job offer will be withdrawn.

Any employee transferring or being promoted will be required to submit to drug and alcohol testing before beginning the new position. If an applicant tests positive for alcohol or illegal drugs during a drug screen for transferring or being promoted, the job offer will be withdrawn, and the employee will be subject to disciplinary action up to and including termination.

15-5-2 <u>REASONABLE SUSPICION TESTING</u>

The Village will require drug and alcohol testing if they have a reasonable suspicion that the employee has abused drugs or alcohol based on the following:

- Direct observation of physical symptoms or manifestations of drug or alcohol use while on duty, for example:
    1. Liquor on the breath.
    2. Slurred speech.
    3. Unsteady walk.
    4. Impaired coordination.
    5. Direct observation of the use or possession of drugs or drug paraphernalia.
    6. Direct observation of alcohol use while on duty.

A supervisor must secure approval from the next level supervisor (chain of command) and the Human Resources Director before requiring an employee to be tested, unless the requesting supervisor is the Village Manager. For reasonable suspicion, testing needs to have written documentation and the supervisor needs to fill out the Observed Impairment Form that is in Appendix B. This form needs to be filled out and submitted to the Human Resources Department immediately.

15-5-3 <u>POST-ACCIDENT TESTING</u>

All employees will be required to undergo drug and alcohol testing if they are involved in an accident while driving to conduct business for the Village (whether in a Village vehicle or personal vehicle). This includes any employee involved in the accident whose performance cannot be completely discounted as a contributing factor to the accident.

a) The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable. If an alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.

b) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location or if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing and subject to disciplinary action, including termination.

c) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

d) In the rare event that the Village is unable to arrange for alcohol testing, (i.e., employee is unconscious, employee is detained by law enforcement agency), the Village may use alcohol post-accident test results directed by law enforcement officials.

15-6 On-the-Job Use, Possession, or Sale of Drugs or Alcohol

1. Alcohol

Being under the influence[1] of alcohol by any employee while on a Village property or in Village vehicles is prohibited in that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the overall safe and/or efficient operation of the Village. Except as permitted by management, consumption of alcohol in any Village facility is prohibited. The presence, in any detectable amount, of alcohol in an employee while performing Village business is prohibited.

2. Legal Drugs[2]

Except as provided below, the use of or being under the influence of any legally obtained drug by any employee while performing Village business or while in a Village facility or Village vehicle is prohibited in that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the Village facility. An employee may continue to work, even though under the influence of a legal drug, if the Department Director/Manager has determined, that the employee does not pose a threat to their own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by the Department Director/Manager.

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[1] *"Under the influence" means, for the purposes of this policy, that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a scientifically valid test, or, in some cases such as alcohol, by a layperson's opinion.*

[2] *"Legal Drug" includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.*

3. Illegal Drugs[3]

The manufacture, distribution, dispensing, sale, purchase, transfer, or possession of an illegal drug (including excessive quantities of prescription drugs) by any employee is prohibited. The presence of any detectable amount of any illegal drug in an employee, while performing Village business or while on Village property or in a Village vehicle, is prohibited.

15-7 Disciplinary Action

Violation of this policy can result in disciplinary action, up to and including termination, even for a first offense.

15-8 Searches

The Village may conduct unannounced searches for illegal drugs or alcohol on Village property or vehicles. Employees are expected to cooperate in the conducting of such searches.

Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee(s) are in violation of this policy. Searches of employees and their personal property may otherwise be conducted when circumstances or workplace conditions justify them.

An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, even for a first refusal.

Searches of Village property or Village vehicle can be conducted at any time and do not have to be based on reasonable suspicion.

15-9 Drug and Alcohol Screening

The Village may require a blood test, urinalysis, or other drug/alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol or where circumstances or workplace conditions justify it. An employee's consent to submit to such reasonable suspicion testing is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, up to and including termination, for a first refusal or any subsequent refusal. Any employee who is in an accident will be required to submit to drug and alcohol screening. The supervisor of an employee who is seriously injured in an accident and cannot provide consent for a breath or urine specimen at the time of the accident will accompany the employee to the hospital and request that the hospital perform the tests necessary in accordance with this policy to determine the presence of controlled substances or alcohol in the employee's body at the time of the accident.

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[3] *"Illegal Drug" means: any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes marijuana and inhalants.*

15-9-1 Intoxicating Beverages

No employee shall:

- Consume an intoxicating beverage, regardless of alcohol content, or be under the influence of an intoxicating beverage, within four hours before going on duty or operating a Village vehicle; or

- Consume an intoxicating beverage, regardless of alcoholic content, or be under the influence of an intoxicating beverage, while on duty, or operating, or in physical control of a Village vehicle.

15-9-2 Drug and Alcohol Testing

Employees will be subject to drug and alcohol testing, in the form of periodic testing, random testing, reasonable cause testing, and post-accident testing. Any driver who is involved in a reportable accident must submit to an alcohol test as soon as practicable. If an alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.

The refusal to submit to the alcohol testing will result in a driver not being qualified to drive. The employee may be subject to disciplinary action up to and including termination of employment.

15-10 Call Back Duty

Employees called back to work at a time when they are off duty and not on standby duty, and they have been consuming intoxicants, prescription and/or over the counter medication that could cause impairment, those employees shall report this usage to the person calling them for special duty. The person receiving the notification from the employee shall promptly notify the requesting supervisor. Employees will not be required to report for call back duty until such a time that they are in compliance with this drug and alcohol procedure (or their own departmental procedure if it is more strict than this procedure).

15-11 Participation in Treatment Programs

An employee may decide to seek assistance from drug and/or alcohol abuse education and treatment programs. The employee may use available sick leave or vacation leave to attend these programs. When the employee is seeking treatment, and not just impaired by substance usage, leave under Family Medical Leave Act (FMLA) or medical leave may also be available. See Chapter 6 Employee Benefits for more details on leave benefits.

15-12 Procedures for Administering Tests

When an applicant is required to submit to a drug and/or alcohol test, the applicant shall complete a consent form prior to testing. If the applicant does not understand the form, it will be explained. The form authorizes the exam/test and the release of medical information regarding the medical condition and any test results. When the applicant reports to the collection facility, he/she will be required to show positive picture identification.

After an offer of employment: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the job offer will be withdrawn.

After an offer of transfer, promotion, or change in job description: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the job offer will be withdrawn and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated.

After a reasonable suspicion: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated. When an employee is required to submit to a drug and/or alcohol test due to reasonable suspicion, the employee will be driven to the collection site by the Department Director or Supervisor.

Medical Examination: If the employee is unable to provide adequate breath or urine to conduct testing, the Village may require the individual to undergo a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. The cost of the medical exam shall be paid by the Village of Ruidoso and the employee will remain in a leave without pay status while awaiting the results of the medical exam.

Waiting for the test result:
The **applicant** will not be permitted to begin work with the Village of Ruidoso until the results of the test are received by the Human Resource Department.

An **employee,** who has been sent for a test due to suspicious reasonable cause, shall remain off duty in a leave without pay status until the results of the controlled substances test are received by the Human Resources Department.

Breath Alcohol Testing: Alcohol testing may be obtained through the blood or urine analysis and the certified lab shall convert the analysis into a breath alcohol reading. However, the Village of Ruidoso may choose to have the employee's breath alcohol content analyzed using an Evidential Breath Testing device (EBT) operated by a Breath Alcohol Technician (BAT). The test shall be conducted in a private setting.

15-13 <u>Procedures for Administering Post Accident Testing</u>

When the employee reports to the collection facility, he/she will be required to show positive picture identification. Consequently, employees are required to carry a valid driver's license with them while at work. Employees who do not have driver's licenses are required to carry a valid identification card while at work. The collection facility will do a rapid drug screen for all post accidents.

After an accident or vehicle accident: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated.

When an employee is required to submit to a drug and/or alcohol test due to an accident or vehicle accident, the employee will be driven to the collection site by the Department Director or Supervisor. The Department Director or Supervisor will be given the drug screen results right away by the collection facility. The Human Resources Department will be notified by the collection facility.

Medical Examination: If the employee is unable to provide adequate breath or urine to conduct testing, the Village may require the individual to undergo a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. The cost of the medical exam shall be paid by the Village of Ruidoso and the employee will remain in a leave without pay status while awaiting the results of the medical exam.

Waiting for the test result: The employee and the supervisor will get the results immediately.

15-14 <u>Post Test Procedures and Exam Results</u>

If requested, a copy of the results of the test shall be supplied to the employee tested. The original results shall be maintained in a locked cabinet in the Human Resources Director's office for a period of at least two years, after which time they may be destroyed. However, the Human Resources Director may maintain the results and any reports on individuals who have violated this policy for the purpose of recording the number of violations.

Negative Results: If the test results are negative, no disciplinary hearing will be held and the employee will be given back pay as though he worked as previously scheduled for this time.

Positive Results: A Medical Review Officer (MRO): shall review and interpret positive results obtained from the lab. The MRO will examine the possible alternate medical explanations for any positive test results and give the individual testing positive an opportunity to discuss the test results prior to making a final decision. The MRO will then contact the Human Resources Director with the information. The MRO may verify a positive test result to the Human Resources Director without having communicated with the employee if the employee expressly declines to discuss the results of the test, or if the employee has not contacted the MRO within 24 hours after notification.

Medical Review Officer - (MRO) means a licensed physician (doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Positive Illegal Drug Test Result: The employee will be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village.

Second Sample: An employee whose urine sample has tested positive has the option, within 72 hours of being notified by the MRO, of having the other portion of the split sample tested by the same lab or another certified lab. The employee will be required to pay the Village cash in advance for all costs related to the urine sample for the re-

testing. The employee will remain on leave without pay while awaiting the results of the re-test.

If the second portion produces a negative result, or for any reason, the second portion is not available, the test is considered negative, no sanctions will be imposed and no disciplinary hearing will be held. Additionally, the Village will reimburse the employee for the expense of the re-test and back wages will be paid as though the employee worked as previously scheduled for this time period.

If the second portion confirms a positive result, the employee will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Time Offense: If this is the employee's first time for a positive result for drug and alcohol testing equal to or less than.04 alcohol , at the hearing the employee may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving the problem. If the employee chooses to follow through with the course of action the SAP chooses, then the employee will not be terminated for violating the drug and alcohol policy at this time. The employee shall also be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The employee's Department Director and/or the Human Resources Department will determine when the unannounced tests will be conducted. If the employee chooses not to be evaluated by the professional or the employee does not follow through with the course of action directed by the SAP, then this action by the employee shall be treated as though this were a subsequent positive result.

If an employee tests positive a second time during any other time while employee is employed with the Village of Ruidoso, the employee shall be terminated in accordance with Chapter 11of this personnel policy.

Substance Abuse Professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Subsequent positive results: for alcohol testing at equal to or greater than .04 will result in termination of the employee's employment with the Village of Ruidoso, if within five (5) years of a previous offense, regardless of any break in service.

Law Enforcement Officers: the Village of Ruidoso has a zero tolerance policy regarding armed police officers under the influence of alcohol, regardless of level, while on duty. Employees who violate this policy are subject to disciplinary action up to and including termination.

Employees who test negative for illegal drugs or controlled substances, but positive for breath alcohol concentration below 0.02: will be allowed to return to duty

unless the employee's departmental rules and regulations do not allow an employee's return to duty with any level of alcohol in their system.

Employees who test negative for illegal drugs or controlled substances, but positive for breath alcohol concentration equal to 0.02 but less than 0.04 will:

A. Be placed on leave without pay and will not be allowed to perform any work on behalf of the Village for the 24 hour period immediately following the alcohol test and are no longer under the influence of alcohol. Another breath test will be performed to ensure that the employee is no longer under the influence of alcohol.
B. Be required to submit to unannounced alcohol testing at least six times while on duty during the 12 months immediately following the initial test. The employee's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;
C. Be terminated if the breath alcohol concentration falls in this range twice in any consecutive 12 month period.
D. Further, an employee will be terminated if the employee's breath alcohol concentration falls in this range a total of four times during the employee's employment with the Village of Ruidoso, regardless of any break in service;

Employees who test negative for illegal drugs or controlled substances, but positive for breath alcohol concentration equal to or greater than 0.04 will:

A. Be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village;
B. The employee will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Offense: If this is the employee's first time for a positive result for drugs or alcohol testing 0.04 or greater, at the hearing, the employee may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving the problem. If the employee chooses to follow through with the course of action the SAP chooses, then the employee will not be terminated for a positive drugs or alcohol test at this time. The employee will be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The employee's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted; If the employee chooses not to be evaluated by the professional or the employee does not follow through with the course of action directed by the SAP, then this action by the employee shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the employee's employment with the Village of Ruidoso, regardless of any break in service.

15-15 Operation of Vehicles and Equipment

Any time the alcohol test produces a breath alcohol content equal to or greater than 0.02, the Department Director or Supervisor shall ensure that the employee does not drive himself home in either his personal vehicle or in an assigned Village vehicle.

Under no instances shall an employee operate a motor vehicle or motorized equipment while he is suspected of or is intoxicated, under the influence of drugs, or under the influence of medication which may affect the employee's ability to operate such equipment.

15-16 Department of Transportation (DOT)

Departments with positions covered by DOT will adhere to the Federal regulations of the Department of Transportation.

PURPOSE: To provide guidelines for commercial motor vehicle drivers regarding alcohol and drug testing requirements established by the Federal Highway Administration as mandated by the Omnibus Transportation Employee Testing Act of 1991(OTA).

While at work, each driver has a responsibility to deliver services in a safe, efficient and conscientious manner. In order to perform a job in the safest manner possible. Village employees must be able to work in a drug-free environment and themselves be free from the effects of alcohol and other impairing substances while on the job. Accordingly, while on the job or in a Village vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees is strictly prohibited and will result in suspension or termination. The use of illegal drugs or alcohol on the job or being under the influence of these substances, casts serious doubt on the employee's ability to perform the job and undermines the public confidence in the integrity of Village Human Resources.

Furthermore, the Village takes note of its obligation to comply with United States Department of Transportation regulations relating to controlled substances and alcohol abuse. The Village will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

GENERAL

The provisions of this Policy are applicable in addition to, and not in lieu of, the provisions that apply to all applicants and employees under the Village's Drug and Alcohol Testing Policy.

An employee subject to the provisions of this Policy may be a person employed by the Village, a contractor engaged by the Village or an employee of such contractor.

All drug and alcohol testing performed under this section will conform to Department of Transportation procedures.

Employees who are subject to this policy are also required to comply with the Village-wide Drug and Alcohol Policy.

The Village reserves the right to amend, modify, or delete any policy at any time.

Federal law (Omnibus Transportation Employee Testing Act, Title V of P. L. 102-143) requires all transportation-related employers to perform mandatory drug and alcohol testing. Employees affected are those holding a valid CDL and who drive, as part of their work, any of the following vehicles:

1. with a gross weight rating or gross combination weight rating of 26,001 or more pounds;
2. designed to transport 15 or more persons, including the driver; or
3. used to transport hazardous materials in a quantity requiring warning signs under federal regulations.
4. vehicle of any size which is used to carry a placardable amount of hazardous material

States and municipalities are considered employers under the federal law and drivers that meet these criteria are subject to the testing requirements.

The federal policy for CDL holders requires pre-employment, post-accident, reasonable suspicion, random, follow up and return-to-work drug testing. (For the federal CDL drug and alcohol testing guidelines see the Federal Motor Carrier Safety Administration's web page: http: //www. fmcsa. dot. gov/safetyprogs/drugs/engtesting. htm.)

Random Testing

The random testing must be done on an unannounced schedule before, during, or immediately after performing safety-sensitive functions such as driving. At least 50% of the eligible employees must be tested annually. Each employee in the pool must have an equal chance of being selected and that means it is possible for an employee to be selected more than once per year.

Drug testing is done through urinalysis and the federal regulations require the following procedures.

1. Employees provide the urine samples in private.
2. Samples are analyzed at laboratories certified and monitored by the federal Department of Health and Human Services.
3. Samples are split into two testing samples; one is the initial test sample, and if illegal drugs are detected, the employee has the option of requesting a "second opinion" using the second sample at another laboratory. An employee is only found to have tested positively for drugs or drug use if both samples test positive.

15-16-I <u>DEFINITIONS</u>

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration or content - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an Evidential Breath test (EBT).

Alcohol Prohibitions - The DOT prohibits any alcohol misuse that could affect performance of a safety sensitive function. Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations.

Alcoholic Beverage - means alcohol, or any other beverage, containing more than one-half of one percent by volume, which is capable of use for beverage purposes, either alone or when diluted.

Authorized Personnel - The Human Resource Director, Village Manager, and the specific Department Director. Also, on a case by case need to know, the supervisor shall also be considered authorized personnel. Personnel who are authorized to have access to alcohol or drug test results or medical information pertaining to this policy will maintain confidentiality regarding this information.

Breath alcohol technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

CDL - Commercial driver's license.

Collection Facility - means a hospital, clinic, or laboratory, or other valid facilities, approved by the Village to be used to collect body fluid or breath samples to be analyzed for specific controlled substances or alcohol. The facility will have all the required Human Resource, materials, equipment, and supervision to provide for the collection, security, temporary storage, and transportation of the samples to the testing facility, or to conduct alcohol testing.

Commercial motor vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or more than 10,000 pounds; or
(2) has a gross vehicle weight rating of 26,001 or more pounds; or
(3) Is designed to transport 16 or more passengers, including the driver; or
(4) is of any size and is used in the transportation or hazardous materials requiring placards.

A person who drives a commercial motor vehicle in the State of New Mexico is deemed to have given consent to submit to the taking of one or more specimens of the person's breath, blood, or urine for the purpose of analysis to determine the alcohol concentration or the presence in the person's body of controlled substances, drugs or alcohol (reference the New Mexico Department of Public Safety Commercial Driver's Manual).

Confirmation test - for alcohol testing means a second breath test, following a breath screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances, confirmation testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

Contraband - means any article, the possession of which on Village premises or while on Village business causes an employee to be in violation of a Village work rule or penal law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and counterfeit money.

Controlled substances - means any drug, substance or immediate precursor listed in Schedules I-V or Penalty Groups 1-4 of the Controlled Substances Act of 1988 as it may be revised from time to time. Testing for marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines is required under the DOT regulations.

Department Director - means the Department Director or designee.

Departmental Policy - A Department's policy will prevail over this policy only where it is more restrictive than this policy and is not in direct conflict to this policy.

Disciplinary Action - When this term is used it means discipline up to and including termination.

Driver - any Village employee who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; part-time, temporary, seasonal, or casual drivers; leased drivers, and independent owner operator contractors who are either directly employed by or under lease to an employer who operates a commercial motor vehicle at the direction of or with the consent of the Village of Ruidoso. For the purposes of pre-employment testing, the term driver includes a person applying for a job which requires them to drive a commercial motor vehicle.

Drug or illegal drug - means any drug in any detectable amount which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances such as marijuana and hashish, cocaine,

heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Drug Prohibitions - The DOT prohibits any drug use that could affect the performance of the driver. Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations.

Employees subject to testing - All employees who operate a commercial motor vehicle are required by the DOT to have a valid commercial driver's license (CDL) and are therefore subject to this controlled substance and alcohol testing policy. In addition, certain other positions are considered to be of a sensitive nature from a safety standpoint and are therefore subject to testing.
These positions include but are not limited to:
Truck Driver
Heavy Equipment Operator
Street Supervisor
Street Foreman
SW Operation Manager
SW Operator/Driver
Water/WW Foreman

This list of titles may change as job responsibilities change or as new jobs are added or deleted to the Village work force. Employees required by the Department of Transportation to hold a Commercial Driver's License due to the type of vehicle they drive are subject to this policy whether or not this list is immediately updated to include their job title. Employees who hold these jobs are required to carry their Commercial Driver's License on their person at all times when they are at work or are operating any qualifying Village vehicle.

Evidential Breath Testing device (EBT) - A device approved by the National Highway Traffic Safety Administration (NMTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate and individual's confirmed positive test result together with his medical history and any other relevant biomedical information. The MRO will review all positive laboratory results in a confidential manner and give the individual testing positive an opportunity to discuss the test results prior to making a final decision. Information will be released only to authorized personnel.

Premises or facilities - means all property of the Village, including but not limited to offices, building and surrounding areas on Village-owned or leased property, parking lots, and storage areas.

The term also includes Village-owned or leased vehicles and equipment wherever located.

Proper medical authorization - means a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the name of the substance, quantity/amount to be taken, the period of authorization, and whether the prescribed medication may impair the employee's job performance. This requirement also applies to refills of prescriptions drugs.

Reasonable cause (reasonable suspicion) - a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. Such a belief is based on objective, articulable facts. A reasonable cause or "for cause" situation is any situation in which an employee's performance in the safety sensitive function is in conflict with established job standards relating to safety and efficiency. The term includes accidents, near accidents, erratic conduct suggestive of drug or alcohol use, any unsafe performance behaviors, and unexplained deviation from productivity. Refer to Subpart C, part 382 of the Federal Motor Carriers Safety Regulations.

Refusal to submit (to an alcohol or controlled substance test) Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations. Refusal means a driver:

(1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing;
(2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after her or she has received notice of the requirement for urine testing; or
(3) engages in conduct that clearly obstructs the testing process.

Safety-sensitive function - any of the following on-duty functions:

(1) All time when waiting to be dispatched, unless the driver has been relieved from duty by the employer.
(2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
(3) All time spent at the driving controls of a commercial motor vehicle.
(4) All other time spent on or in a commercial motor vehicle.
(5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The performing of a safety sensitive function is any period in which the driver is actually performing, ready to perform, or immediately following the performance of any safety-sensitive function.

Screening test (aka initial test) - in alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his system. In controlled substance testing it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Split Sample: is required for all DOT controlled substance tests. This regulation requires that each urine sample is split into two containers. The first shall be tested and if positive, the driver has the option to have the second sample sent to another DDHS certified laboratory for analysis (at employee’s expense).

Substance abuse - is exemplified by, but not limited to, the following:

(1) Ingestion, inhalation, or injection of a controlled substance without proper written medical authorization;

(2) Ingestion of an alcoholic beverage during working hours, in a Village vehicle, on village property, or while on call or on standby duty;

(3) Ingestion, inhalation, or injection of a controlled substance without proper medical authorization, or ingestion of alcohol during non-working hours, which causes an employee to be unable to work in a safe and effective manner during working hours;

(4) Use of prescription of over-the-counter medication in a manner which it was not intended.

Substance Abuse Professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Testing facility - a hospital, clinic or laboratory to be used to conduct a breath alcohol test or urine drug test.

Under the influence - condition in which a person is affected by a drug or alcohol in any detectable manner. The symptoms or influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test such as urinalysis, breath analysis, or blood analysis and in some cases by the opinion of a layperson.

Vehicle Accident - Means after a vehicle accident in which an employee is involved during working hours and/or after a vehicle accident in which the employee was involved driving a Village vehicle at any time.

Working hours - means the time the employee arrives at the job until the time he leave including all lunch or other types of breaks.

15-16-2 <u>REQUIRED DOT TESTING</u>

Pre-employment testing: All Applicants or present employees selected for employment in positions requiring a CDL at the time of hire will, as a pre-qualifying condition, be subject to testing for controlled substances and receive an alcohol breath test prior to the first time the employee performs the safety sensitive function. If an applicant tests positive, the job offer will be revoked. If an employee tests positive the job offer will be revoked and the employee shall be subject to discipline.

If an applicant or employee refuses to be tested, it will be considered the same as a positive result.

Random testing: Random "**alcohol** testing" will be administered at a minimum annual rate of 10% of the average number of positions requiring a CDL. Random "**drug**" testing will be administered at a minimum annual rate of 50% of the average number of positions requiring a CDL. The Village may modify this percentage as needed to comply with any changes made to the regulations by the DOT or Federal Highway Administration. (382.305)

The Village is shall use random sampling technique "sampling with replacement." This means that each time a driver is selected and tested, that driver is placed back in the pool for the next selection and the driver may be selected and tested again (more than once in any year). A few drivers will be tested several times in a given year while other drivers may not be tested at all in that year. Prior to such testing, drivers will be required to sign a consent form to Consent to Drug and Alcohol Tests and Consent to Related Searches and Seizures.

Post-accident testing: Currently, federal regulations place the burden of compliance with post-accident drug and alcohol testing on the driver operating a commercial motor vehicle. Therefore, all drivers are required to submit to drug and alcohol testing within two hours (or as soon as practicable) following an accident. The driver is responsible for remaining readily available for such testing. Drivers who do not remain available for drug and alcohol testing will be considered to have refused to submit to testing and will be subject to disciplinary action. However, a driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

If an employee is seriously injured and cannot provide a breath or urine specimen at the time of the accident, the Department Director shall

require and collect the sample as soon as the employee is able to give the sample.

Refer to Subpart C, part 382.303 of the Federal Motor Carriers Safety Regulations.

Reasonable cause (suspicion) testing: A driver will be required to submit to an alcohol and/or a drug test when a Department Director has reasonable cause to believe the driver has violated the alcohol or controlled substances rules.

A driver will be tested for alcohol as well as controlled substances if the observations are made during or just prior to the driver performing safety sensitive functions. The Department Director or Management employee who makes a determination that reasonable cause exists shall be responsible for making sure the employee is tested. The Department Director or management employee shall also prepare a written record of the observation leading to the test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Refer to Subpart C, part 382.307 of the Federal Motor Carriers Safety Regulations.

Searches and inspections in the workplace when reasonable cause exists: Drivers and their personal property, as well as Village property and equipment may be searched when there is reasonable cause (as defined in the preceding section) to believe that the employee is in violation of this policy.

15-16-3 TESTING PROCEDURES

Procedures for conducting the alcohol test: The alcohol testing will be conducted by a breath alcohol technician (BAT). Refer to Subpart C, part 40 of the Federal Motor Carriers Safety Regulations.

Refer to Subpart C part 40 of the Federal Motor Carriers Safety Regulations for alcohol testing.

Procedures for conducting the drug test: when sent for a drug screen, the driver is required to show the Commercial Driver's License as identification at the testing facility. Refer to Subpart B part 40 of the Federal Motor Carriers Safety Regulations for drug testing.

15-16-4 TESTING RESULTS

The Village's policy regarding test results which indicate the presence of alcohol or a controlled substance in an employee's specimen will be treated as outlined below. Employees who do not hold a CDL and therefore voluntarily participate in testing conducted under the provisions of the policy are also subject to the same consequences as employees who are required by law to submit to testing.

Negative Results: If the test results are negative, no disciplinary hearing will be held and the employee will be given back pay as though he worked as previously scheduled for this time.

Positive Results: Refer to part 40 and 382 of the Federal Motor Carriers Safety Regulations for positive results. Although in the federal regulations for positive is talked about in several subparts some of the main sections are part 40 subpart B 40.33, 40.35, Subpart C, 40.37, 40.81, 40.83, part 382 subpart D, subpart E, subpart F.

A Medical Review Officer (MRO) shall review and interpret positive results obtained from the lab. If the test is positive, the driver will be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village.

Second Sampling - A driver whose urine sample has tested positive has the option, within 72 hours of being notified by the MRO, to request a re-test of the split specimen. The driver will pay cash for the re-test.

If the second portion produces a negative result, or for any reason, the second portion is not available, the test is considered negative, no sanctions will be imposed and no disciplinary hearing will he held. Additionally, the Village will reimburse the employee for the expense of the re-test and back wages will be paid as though the driver worked as previously scheduled for this time period.

If the second portion confirms a positive result, the driver will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Time Offense: If this is the driver's first time for a positive result for drugs or alcohol testing .04 or greater, at the hearing, the driver may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance if any, the driver needs in resolving the problem. If the driver chooses to follow through with the course of action the SAP chooses, then the driver will not be terminated for drug abuse at this time and the driver shall be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The driver's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted. However, depending on the circumstances and on a case by case situation, although a driver might not be terminated for drug abuse, the driver may be terminated if he/she loses his/her CDL license.

If the driver chooses not to be evaluated by the professional or the driver does not follow through with the course of action directed by the

SAP, then this action by the driver shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the driver's employment with the Village of Ruidoso, regardless of any break in service.

Drivers who test negative for illegal drugs or controlled substances, but positive for breath alcohol concentration equal to 0.02 but less than 0.04 will:

1. Be placed, on leave without pay and will not be allowed to perform any work on behalf of the Village for the 24 hour period immediately following the alcohol test and are no longer under the influence of alcohol. Another breath test will be performed to ensure that the driver is no longer under the influence of alcohol.
2. Be required to submit to unannounced alcohol testing at least six times while on duty during the 12 months immediately following the initial test. The driver's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;
3. Be terminated if the breath alcohol concentration falls in this range twice in any consecutive 12 month period, or
4. Further, a driver will be terminated if the driver's breath alcohol concentration falls in this range a total of four times during the driver's employment with the Village of Ruidoso, regardless of any break in service;

However, depending on the circumstances and on a case by case situation, although a driver might not be terminated immediately for the alcohol misuse, the driver may be terminated if he/she loses his/her CDL license.

Drivers who test negative for illegal drugs or controlled substances, but positive for breath alcohol concentration equal to or greater than 0.04 will:

1. Be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village;
2. The driver will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Offense: If this is the driver's fist time for a positive result for drugs or alcohol testing 0.04 or greater, at the hearing, the driver may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance if any, the driver needs in resolving the problem. If the driver chooses to follow through with the

course of action the SAP chooses, then the driver will not be terminated for a positive alcohol test (but may be terminated if CDL license is lost) at this time and the driver will be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The driver's Department Director and/or the Human Resources Department will determine when the unannounced tests will be conducted;

If the driver chooses not to be evaluated by the professional or the driver does not follow through with the course of action directed by the SAP, then this action by the driver shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the driver's employment with the Village of Ruidoso, regardless of any break in service.

15-16-5 <u>PROHIBITED CONDUCT</u>

The following alcohol and controlled substance-related activities are examples of prohibited conduct:

1. Reporting for duty, remaining on duty or on stand-by, to perform safety sensitive functions while having an alcohol concentration level of 0.02 or greater.
2. Using alcohol while performing safety-sensitive functions.
3. Using alcohol during the 4 hour period immediately prior to performing safety sensitive functions.
4. Using alcohol within 8 hours following an accident or prior to undergoing a post-accident alcohol test, whichever occurs first.
5. Refusing to submit to an alcohol or controlled substance test or a medical exam if required.
6. Refusing to produce adequate urine or breath without a valid medical explanation.
7. Reporting for duty, remaining on duty or on stand-by duty, or performing a safety sensitive function, if the driver tests positive for controlled substances.
8. Using, selling, purchasing, distributing, transferring, or possessing alcohol, illegal drugs, drug paraphernalia, or contraband by the driver while on Village property or performing Village business, or offering to participate in these activities.
9. Under Village policy, refusing to submit to a search of one's person, personal effects and property, and Village property in the driver's possession or use, while on the job when a supervisor has reasonable cause to conduct a search.

Refer to Subpart B part 382 of the Federal Motor Carriers Safety Regulations.

15-16-6 CONSEQUENCES OF PROHIBITED CONDUCT

Drivers who are known to have engaged in prohibited behavior, with regard to misuse of alcohol or use of controlled substances, are subject to the procedures outlined in the previous sections of this policy. Those employees covered under this policy are also subject to the Village or Ruidoso's non-CDL drug policy.

15-16-7 RESPONSIBILITIES

Under the Village's policy, each driver shall report their own use of medically authorized drugs or other substances which can impair job performance to their immediate supervisor and provide proper written medical authorization to work from a physician. It is the driver's responsibility to ascertain from his physician whether the prescription drug can or may have an adverse impact on the driver's job performance. This provision is intended to protect the safety of each driver, co-workers, property and the public. Failure to report the use of such drugs or other substances or failure to provide proper evidence of medical authorization will result in disciplinary action. The Village reserves the right to have a physician of its own choice determine if the medication at the prescribed dosage produces hazardous effects and may restrict that employee's work activity.

Under the Village's policy, each Village employee who observes or has knowledge of a Village driver in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of the employee or others shall promptly report this fact to his immediate supervisor. The supervisor shall then determine whether this information, along with the supervisor's own observation, warrants a reasonable cause test. Any employee concealing the use of or condition of being under the influence of controlled substances or alcohol by other employees on the job, or failure to make such a report will be subject to disciplinary action including suspension or termination.

Additionally, drivers who are required to submit to drug and alcohol testing shall as soon as practicable, provide that required biological specimens for testing. Failure to meet this responsibility is an offense which will result in disciplinary action including termination.

If a driver is called to special duty at a time when they are off duty and not on standby duty, and they have been consuming intoxicants, the employee shall report this usage to the person calling them for special duty. The person receiving the notification from the driver shall promptly notify the requesting supervisor. The driver will not be required to report for special duty until such a time that the employee is in compliance with this drug and alcohol policy.

Supervisors shall supply all written reports and documentation required by the federal regulations and outlined in this policy. Failure to meet these responsibilities will result in disciplinary action.

Supervisors who are eligible to make reasonable cause determinations of the use of controlled substances or alcohol which require a driver to undergo testing shall attend training of at least 60 minutes on controlled substances abuse and an additional 60 minutes on alcohol misuse. The training shall cover the physical, behavioral, speech, and performance indicators of probable substance abuse.

15-16-8 CONFIDENTIALITY — EVERYONE'S RESPONSIBILITY

The results of any drug or alcohol test shall be strictly confidential and shall not be disclosed without the prior written approval of the driver tested unless otherwise required by law. However, nothing in this section will prohibit the laboratory, MRO, or testing facility from releasing information relevant to a driver's test results to the authorized personnel. Additionally, only those persons in management directly involved in the decision-making process related to the tested driver will obtain any drug or alcohol testing information retained by the Village. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

The driver is entitled to a copy of his/her test results, and the original results shall be maintained in a locked cabinet in the Human Resources Director's office in compliance with Federal Highway Administration record keeping rules. The Human Resource Director may maintain the results and any reports on individuals who have violated this policy.

Management and supervisory personnel who are authorized to have access to alcohol or drug testing results, or medical information pertaining to this policy, will maintain complete confidentiality as permitted by law regarding this information. Any Village employee who makes a reasonable cause observation or who may be a witness at an accident scene shall also maintain the same confidentiality. Breach of confidentiality relating to test results, or any other related matters, will subject to disciplinary action.

15-16-9 RECORD KEEPING

Information regarding an individual's drug or alcohol test results or rehabilitation must be released regardless of employee consent to appropriate state or federal agencies upon request as part of an accident investigation. Statistical data related to drug or alcohol testing and rehabilitation that is not name-specific and training records must be made available to appropriate state or federal agencies upon request.

CHAPTER 16. MISCELLANEOUS

16-1 On-the-Job Injuries

All on-the-job injuries are to immediately be reported to the appropriate supervisor and the Human Resources Department. It is each injured employee's responsibility to see that an incident report is completed within 24 hours of the injury occurrence. The injured employee is to sign the incident report attesting to its completeness and accuracy. These reports should be returned to the supervisor for completion and signature and then forwarded to the Human Resources Department.

Any employee who suffers an on-the-job injury that involves medical attention shall be required to submit to drug and alcohol screening.

For employees who are injured on the job and will be out more than three days, FMLA will run concurrently with Worker's Compensation leave. All rules for FMLA apply. See Section 6. Employee Benefits.

16-2 Smoking

The Village of Ruidoso maintains a smoke-free environment in accordance with State law. No smoking is permitted in any part of a Village building or in vehicles owned, leased, or rented by the Village. Departments may designate smoking-permitted areas a reasonable distance beyond doorways so that a person does not have to pass through smoke to enter a building. Smoking-permitted areas must also be beyond windows and other ventilation intakes so that smoke does not enter the building. This is in compliance with the Dee Johnson Clean Indoor Air Act adopted by the State of New Mexico on June 15, 2007.

16-3 Weapons Policy

No employee, while on duty for the Village of Ruidoso, shall be allowed to:

- Carry any firearm on his/her person;
- Carry any firearm in any Village Vehicle, or;
- Keep or store any firearm in any Village-owned building or facility. This section shall not prohibit the proper and safe display or exhibition of firearms within a historical or cultural exhibit.

Exceptions to this policy are police officers in the discharge of their duties, and other properly trained employees as authorized by the Village Manager and Chief of Police.

16-4 Cell Phones

The Village of Ruidoso does not provide cell phones to individual employees. If it is determined that an individual requires a cell phone for effective performance of their duties, the employee may apply for a cell phone allowance as described below.

A. To increase the efficiency and effectiveness of local government communications, the Village Manager will determine who is required to acquire a personally owned cellular phone and make themselves available thereby at all reasonable times in accordance with this cellular phone policy.

B. The Village Manager authorizes Department Directors/Managers to determine which employees require the use of a cellular phone.

C. Cellular Phone policy Stipend and Requirements:

1. The employees designated by the Village Manager to acquire a personally owned cellular phone shall receive a monthly cellular phone stipend of $50.00 or $30.00, depending on position with Village of Ruidoso, data package on cellular phone and the Village Manager's approval. This will be payable in one installment on the last paycheck of each month.

2. Employees designated by the Village Manager who personally own an IPAD and use it for Village Business such as emails, scheduling, presentations, notes etc. shall receive a monthly stipend of $30.00 depending on position with the Village of Ruidoso and must have the Village Manager's approval. This will be payable in one installment on the last paycheck of each month.

3. Employees who are currently assigned a cellular phone by the Village of Ruidoso shall continue the use of their current cellular phone number. Employees who are subsequently designated by the Village Manager shall acquire a cellular phone of their choice and subscribe to a cellular phone plan of their choice in their own name and for which they shall be financially responsible.

4. Each employee receiving a cellular phone stipend shall, prior to the receipt of such stipend, fill out a form for the cellular phone stipend stating the cellular phone number and cellular phone carrier. Cellular phone numbers must be a local call, meaning the area code needs to be (575) and the cellular number needs to be local. This is to avoid long distance charges when calling these numbers from a landline. Cellular numbers shall be published and distributed as necessary to management, administrative staff, and public. This form will contain the employee's signature, Department Director/ Manager, and Village Manager signature to be considered as fully executed.

5. Exempt employees receiving cellular phone stipends shall make themselves available by cellular phone at all reasonable times, including weekends, days off, holidays, and when cellular phone service is available during out of town vacations and business travel. Classified employees that are on standby will follow the standby section in the Personnel Manual.

6. Exempt employees receiving cellular phone stipends will be allowed to make and receive personal calls on the cellular telephone they use in the course of their work duties. Personal calls made or received during normal work hours will be kept to a minimum.

7. Employees receiving cellular phone stipends will be expected to maintain continuous cellular phone service; significant lapses in cellular phone services may render an employee ineligible for cellular phone stipend and may result in additional sanctions.

8. The allowance plan is not designed to cover the full cost of a cellular telephone, but rather to fund a portion of the allowance plan granted to an employee, since the telephone can be used for personal business. Additional compensation may be considered from time to time for extraordinary business-related circumstances.

9. The Village of Ruidoso may cancel the stipend by written notification to the employee thirty (30) days prior to cancellation. Every year, a new Authorization Request Form for Cellular Phone Allowance will be filled out to coincide with the budget for the fiscal year. Therefore, each of the authorization Request Forms for Cellular Phone Allowance will end on June 30th of each year. The cellular phone allowance will not continue until a new request form is approved by the Village Manager.

10. Employees will be responsible for all phone equipment purchases including the cellular phone and any other accessories.

11. Employees are solely responsible for their individual cellular phone contract regardless of their status as a Village employee.

12. Exceptions to this policy may be granted when, for security purposes, it is necessary for the Village of Ruidoso to purchase a cellular phone and cellular usage plan for an employee or department.

13. Employees may at the discretion of the Village Manager or their designee be requested to present the cell phone call log and/or text log provided by the phone carrier as it relates to Village of Ruidoso business.

The Village of Ruidoso may provide cell phones to a department for use as needed by the department. These phones are normally assigned to a location or vehicle and not to an individual.

16-5 Solicitation and Distribution

Solicitations and distributions of information/materials on Village premises are permitted to the extent that they do not interfere with the work of the employee, other workers, and/or customers.

16-6 Unauthorized Purchases

All purchases shall follow the Village Procurement Policies. All purchases and/or financial obligations must have prior authorization as stated in the Procurement Manual. Employees who incur unauthorized expenses in the name of the Village may have the cost of the unauthorized expense deducted from their paychecks. **Refer to the Village of Ruidoso Procurement Policies and Procedures Manual.**

16-7 Dress and Appearance

All employees are expected to appear in a manner that will reflect favorably upon themselves as well as the Village of Ruidoso. Employees are expected to be suitably attired and groomed during working hours or when representing the Village. Personal appearance should be a matter of concern for each employee.

While it is not the Village's intention to dictate the personal wardrobe of employees, the appearance and dress of employees is important in creating a favorable image supportive of public confidence. The following guidelines shall be followed:

A. Uniformed Personnel: Uniforms are expected to be neat, fresh, and clean when reporting for duty. Uniforms will be complete and appropriate for the season. Employees are responsible for wearing proper uniforms, related accessories, and equipment.

Uniforms will not be worn during off duty hours (except to and from work) or in combination with non-uniform clothing. Employees shall not wear uniforms into drinking establishments or for other jobs.

Uniforms that are paid for and supplied by the Village must be returned to the Village upon termination. If the employee refuses to return or has excessively damaged the items and/or uniforms, the cost of the items or uniforms may be withheld from the last paycheck. Uniforms purchased by the Village for the employees, such as jeans, which is determined to be taxable items as defined by the IRS will be taxed and will be a deduction from the employees' paycheck.

Employees are responsible for wearing proper attire and being properly groomed to perform the job for which they have been hired to perform. Employees not wearing proper attire or being properly groomed for the job, for which they have been hired to perform, shall be sent home, without pay until the proper attire or grooming is altered. Employees with vacation leave balance shall be permitted to use vacation leave when sent home to change.

See specific departments for policies on uniforms.

B. <u>Non-uniformed personnel</u>: Employees not provided uniforms should wear clothing which is neat, clean, attractive, and suitable for conducting business with the public. Departmental regulations will serve as a guide to dress. The Village Manager must approve requests for deviations to this code in advance in writing. Department/Manager deems attire not appropriate for dealing with the public and will be sent home to change without pay. Employees with vacation leave balance shall be permitted to use vacation leave when sent home to change.

Hair grooming, style, and length should be an individual's choice and should avoid extremes.

The Fire and Police Departments may be required to follow departmental regulations regarding dress and hair length.

All clothing, accessories, and shoes should be functional and safe for the type of work performed.
Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.

16-8 Benevolent Fund Policy

At times, there is a need to send flowers or plants to an employee due to certain occurrences. The Village needs a way to provide the funds immediately for purchase of those flowers or plants. The Village has set up an Employee Benevolent Fund that is to be funded by the employees on a voluntary basis. The Employee Benevolent Fund Deduction Authorization Form is located in Appendix B. The money collected by payroll deduction will be used for flowers or plants when;

- an employee is hospitalized
- an employee gets married
- an employee has a child or adopts a child
- an employee passes away
- an employee's spouse, child, mother, father, or sibling passes away

<u>Procedure:</u>
This fund will be voluntary for all employees. If the employee wants to participate, the employee is responsible for completing a payroll deduction authorization form. The employee can cancel at any time as long as the employee submits a written cancellation notice no later than Monday of any payroll week. The money donated by the employee is non-refundable. When the checking account has reached a balance of $2,000.00 all contribution will cease until the balance falls below the $2,000.00 limit.

A checking account will be opened for this fund. It shall be a separate account from the Village because it is money privately donated by the employees. This is a non-public fund. These funds have been designated by the Council solely for the purpose of sending flowers or plants to employees based on the reasons listed above. There shall be two signatures needed to issue a check.

When one of the above situations occurs in a department, the Department Director/Manager will notify the Human Resources Department as soon as feasible. The

Department Director/Manager cannot be held responsible for not notifying the Human Resources Department if the employee does not make the Department Director/Manager aware of the occurrence. The Human Resources Department will then order the flowers or plants and have them sent to the proper location.

16-9 Travel Policy
Refer to the Village of Ruidoso Travel Policy

16-10 Procurement Policy
Refer to the Village of Ruidoso Procurement Policy

16-11 Safety Manual
Refer to Village Manager Policy 00-08

16-12 Bulletin Boards
Employees are held responsible for viewing information or official notices and items of interest posted on Village bulletin boards. Current job vacancies will be posted on all such bulletin boards. Because of the public nature of the boards, distasteful, potentially offensive material, political, or commercial material shall not be posted. However, with the approval of the Village Manager political information such as bond issues of concern to the Village of Ruidoso may be posted.

16-13 Safety Incentive
Purpose: The Village of Ruidoso takes safety seriously and in order to keep safety as a high priority, the Village has instituted a policy of rewarding the employee who works safely and does not have any preventable accidents.

Policy: New employees will be eligible after their first three (3) years of employment with the Village of Ruidoso based on fiscal year to receive a jacket for not having a preventable accident and the employee has to have met all safety training requirements for the three (3) years.

In addition, each year the Village of Ruidoso has an “Employee Appreciation” event to honor those who have worked safely for the past year and to say thanks for a job well done. The Department Directors help to sponsor the event by providing side dishes and desserts.

Procedure: Safety incentives offered every three years:

Eligibility: If the employee does not have a preventable accident and has received the number of safety training hours required by the New Mexico Self-Insurer’s Fund for the length of time listed in the appropriate category, the employee will be offered a safety incentive. Department Directors will also have to meet the above mentioned requirements plus keep their department’s safety matrix up to date, in order to be eligible for a safety award. The safety incentive will be the employee’s choice of a jacket from the approved catalog.

Ineligibility: However, if an employee has a preventable, on the job accident, or if the employee has not met the safety training requirements of the New Mexico Self-Insurer’s Fund the employee will start over in calculating the years without a preventable accident.

The calculation will be the same if an employee does not meet the training requirements. The time frame will start over with the next year. The Village will use its fiscal year as a year (July 1st – June 30th).

Employee Appreciation Event: The Safety Incentive will be presented to the employees at the safety picnic. The Safety Incentive is a “Safety Morale Day Off” which would be one regular paid day off. For those employees who have not had a preventable accident during the past fiscal year and have received all their safety training based on the New Mexico Self-Insurer’s Fund requirements are eligible for the safety incentive. The Safety Morale Day off must be utilized by June 30th of the fiscal year.

CHAPTER 17. WORK RULES

17-1 Village Work Rules – Purpose

The orderly and efficient operation of the Village requires that certain work rules be established. Work rules covering personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service, and protect the Village's goodwill and property.

17-2 Implementation

All Village of Ruidoso Department Director/Managers shall be responsible for the overall administration of the work rules to include recommending revisions, deletions, or adoption of new rules. Human Resources shall also be responsible for advising supervision on proper implementation of work rules. Violation of these work rules may lead to disciplinary action up to and including termination.

17-3 Work Rules

The following work rules apply to all Village employees. These rules are not intended to be all-inclusive and the Village shall, when it deems appropriate, establish additional rules to ensure effective operation of the Village.

1. Employees must be at their designated work place on time and ready to work. Employees who come to work prior to the start time are not eligible for overtime or hour worked unless authorized by their Director. Employees shall remain at work, until the scheduled quitting time, unless permission to leave earlier is granted by their supervisor. Where operations are continuous, an employee shall not leave his/her post until replaced by the next shift employee or until relieved by the supervisor.
2. Village Hall offices will be staffed at least between 8:00 A.M. and 5:00 P.M. Monday through Friday to provide prompt assistance to Village residents. Supervisors will arrange for their office staff members to take staggered lunch hours or shifts so Village offices are staffed during these hours.
3. Employees shall not gather on Village premises to conduct any personal business without authorization.
4. Employees shall follow all safety regulations including wearing safety articles and using protective equipment. Employees shall immediately report accidents or injuries to supervision.
5. Employees shall be responsible for and shall not misuse Village property, records, or other materials in their care, custody, and control. Village property, records, or other materials shall not be removed from the premises without written permission from the Department Director/Manager or Village Manager.
6. Employees shall not litter work areas.
7. Employees shall deal with the public and co-workers in a courteous and professional manner.
8. PUBLIC STATEMENTS ON BEHALF OF THE VILLAGE - The Public Information Officer, Village Attorney, Department Directors, and the Village Manager are authorized to make public statements on behalf of

the Village. No Village employee will make a public statement on behalf of the Village on a matter involving litigation or confidential personnel matters without expressed authority to do so from the Village Manager. Village employees will direct media inquiries to the appropriate authorized person to address the media's particular questions.

9. Prior to the usual reporting time, each employee shall advise their direct supervisor of his/her inability to report to work and the reason.
10. Employees shall immediately report the loss of their badge or identification card to their supervisor. Employees shall not allow other persons to use their badges or identification card at any time.
11. Employees shall only smoke in designated smoking areas.
12. Employees will notify their supervisor and the Human Resources Department whenever there is a change that may affect their employment or benefit status.
13. Employees are responsible for obtaining and renewing any license, certificate, permit, or other credential required in order to perform their job. Moreover, employees are required to report the loss or revocation of any credential to supervision immediately. Failure to report shall result in disciplinary action.
14. All employees of the Village who are required by their duties to wear uniforms will wear regulation uniforms provided by the Village as determined by the Village Uniform Policy or Standard Operating Procedures of the Ruidoso Fire Department or Ruidoso Police Department.
15. In the course of conducting Village business, employees shall not park in handicap areas or fire lanes.
16. Employees shall not unduly restrict or interrupt work or interfere with the work of others.
17. Employees shall report for and remain at work only when able to safely perform their job duties.
18. Employees will notify their immediate supervisor whenever they will be absent, late, or need to leave early.
19. Employees may not use his/her position to coerce or abuse another person.
20. Employees may not engage in theft, unauthorized possession or use, vandalism or damage of Village property, or private property while in performance of his/her official duties.
21. Employees shall not fight, engage in horseplay, gamble, use abusive language, assault, including sexual assault, or make threats while on duty or on Village premises.
22. Employees shall not use Village facilities or equipment to conduct personal business during working hours on Village premises and shall not remove Village property from Village premises without prior written consent of the supervisor.
23. Employees shall not engage in unapproved soliciting or any partisan political activity while on the job.
24. Employees shall not post notices on the Village premises without prior written approval from the appropriate authority.
25. Employees shall not possess unauthorized weapons, illegal drugs, or alcohol on Village premises.

26. Employees shall not sell, distribute, use, or be under the influence of any illegal drug or alcohol while on Village premises or while operating any Village owned or leased equipment.
27. Employees will not engage in personal conduct, which interferes with the proper performance of another employee's duties.
28. Employees shall not falsify time sheets, public records, or claims of illness or injury.
29. Employees shall not punch or sign another employee's time card or work sheet (except for supervisors signing time sheets for employees under their jurisdiction).
30. No employee shall engage in any unapproved outside employment or business activity that conflicts with his/her municipal employment. The Village Manager must approve any outside employment for full-time employees.
31. No employee shall harass, discriminate, or retaliate against any other employee or citizen.
32. No employee shall be insubordinate, which is failure to obey a direct lawful order of a supervisor or someone higher in the chain of command.
33. Employees shall not engage in negligent or careless operation or maintenance of equipment; unsafe practices which endanger the employee, other employees, or the public.
34. Employees shall not abuse legitimate grievance processes resulting in repeated unsubstantiated claims.
35. Employees will make themselves available, participate fully in all administrative investigations and be completely honest in said participation.
36. All employees shall immediately notify their Director/Manager following any accident or citation received in the course of operating Village equipment. The Director/Manager will then forward this information on to the Human Resources Director.
37. No Village employees shall solicit anything of value from a citizen or business for services that the Village is expected to provide.

CHAPTER 18. DEFINTIONS

Definitions of some terms used in this manual:

A

Administrative Leave - Paid leave approved at the discretion of the Department Director/Manager and Village Manager. Administrative Leave allows the employee to be away from work without losing any work-related benefits.

Adverse Action - Suspension without pay, demotion, dismissal.

Anniversary -The date on which an employee was hired into a full time or part time classified position.

Appeal - Formal request that a decision on a formal grievance petition be reconsidered at a further stage in the grievance procedure.

Applicant – Individual who has filed an application for a vacant position and desires to be considered for appointment to a position in the Village service.

Appointing Authority - Officials authorized to recommend appointment of individuals to positions in the Village service. The Governing Body is the ultimate appointing authority.

B

C

Call-Back - Call-Back occurs when an employee is on scheduled time off (excluding lunch breaks) and is unexpectedly notified to return to work. The order to return to work is due to an unexpected event beyond control of management and normally results in an increase to the scheduled number of employees on duty. It is not one employee replacing another scheduled employee.

Cause - Means reason for discipline of regular employees, determined by the standards of job performance and maintenance of the public interest.

Censure – Express severe disapproval of (someone or something), typically in a formal statement. A judgment involving condemnation, the act of blaming or condemning sternly.

Classification - One or more positions which are sufficiently alike to warrant using the

same (or similar) title, qualification requirements, examination, and pay range.

Classification Plan - The sum total of all classification specifications in the municipal service.

Classified Employee - A full or part-time employee holding a classified position who has completed the Probationary period. A classified employee is entitled to all of the rights and benefits of the Village Personnel Ordinance and Personnel Manual.

Classified Position - A position, for which there is a job description, and a set salary range, is subject to recruitment procedures, and for which all employment actions must be based solely on merit.

Compensatory Time -Those hours granted to employees covered by the Fair Labor Standards Act in lieu of overtime, on the basis of one and one-half (1-1/2) hour's compensatory time for each hour of overtime.

Contract Employee - A person who contracts with the Village to perform a certain task for a set fee. Such a person is not a "regular" Village employee. All duties, conditions, appointment duration, fees, benefits, and other terms shall be specified by contract. The only contract employee that the Village has is the Village Manager. An independent contractor does not fall under this category.

Creditable Service -Time on the Village payroll constitutes creditable service. Creditable service does not include time that an employee is on leave without pay, lay-off status, or the time the employee is on workers compensation.

D

Demotion -The assignment of an employee from one class to another which has a lower pay grade and lower maximum rate of pay (also called downgrade and reclassification).

Department Director/Manager - A Village official designated with responsibility for operation and management of a major division or individual department of Village government. Departments can be comprised of several section and units with similar service missions. Department Director/Manager are exempt employees from FLSA.

Disability - An employee or applicant who has: a physical or mental impairment which substantially limits one or more major life activities; or a record of having such an impairment; or is regarded as having such an impairment.

Discipline - Action taken with regard to an employee, including reprimand, suspension, demotion, or dismissal.

Discretion -The comparison and evaluation of possible courses of conduct, and acting

or making a decision after the various possibilities have been considered.

Dismissal - Involuntary termination of employment for reasons other than lack of funds or lack of work.

Domestic partners -Two individuals who are in a mutually exclusive, committed relationship for at least the last six (6) months, who share a primary residence, who are jointly responsible for the common welfare of each other, who share financial obligations and have executed an affidavit of domestic partnership with the Human Resources Department and granted domestic partnership status.

Due Process -The right granted to a full-time or part-time classified regular employee, who has completed the Probationary period, to pre- and post-disciplinary hearings, for actions of suspension, demotion, or dismissal.

E

Eligible - A person whose name is included with a list of qualified candidates for a vacant position in accordance with procedures described in Chapter 2.

Eligible List - A list of persons qualified to fill a vacancy in a particular class.

Employee - An individual who is legally employed by the Village government and is paid through the Village payroll, except for Village Councilors, Mayor, contracted persons, and consultants.

Entry Level Rate - The minimum base rate in any salary grade established for each classification.

Essential Job Functions -The fundamental job duties of the employee's position.

Ethics - the discipline dealing with what is good and bad and with moral duty and obligation.

Exempt Employee – All positions that are designated by the Village of Ruidoso and that meet as defined in Department of Labor regulations relating to the Fair Labor Standards Act, and whose compensation is based on a fixed annual salary. Once an exempt employee uses all vacation leave and sick leave, the employee will not be subject to a salary reduction for absences of less than four (4) hours.

External Job Posting - Competition for a position which is available to all interested persons.

F

Fair Labor Standards Act (FLSA) - Means the Federal law which sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are covered by the Act.

Family Medical Leave - Leave granted under the Family and Medical Leave Act of 1993.

Fire – When Fire is used in this manual to describe the department, employees, or positions, it means Fire Fighter, Fire Lieutenant, Fire Captain, and Assistant Fire Chief.

Full-Time - An employee working 40 hours per seven day period or Fire who work 96 hours or more in a fourteen day period.

G

Grievance - An employee complaint regarding alleged poor working conditions, unjust application of discipline, or unjust application, interpretation, or violation of the rules and regulations of the Village or the department for whom the employee works.

H

Hearing - A formal review of the facts and circumstances surrounding a personnel action.

I

Immediate Family (Bereavement) - For purposes of bereavement leave: legal dependent, significant other (domestic partner), or a parent, spouse, sibling, child, grandparent, or grandchild (including step relatives or in-laws that parallel this list).

Immediate Family (Sick) - For purposes of sick leave: any legal dependent, significant other (domestic partner), parent, spouse, sibling, child, stepchild, step grandparent, grandparent, step grandchild, or grandchild.

Independent Contractor – A natural person, business, or corporation that provides goods or services to the Village under terms specified in a contract or within a verbal agreement. Unlike an employee, an independent contractor does not work regularly for an employer but works as and when required.

Independent Judgment - The comparison and evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered.

Insubordination - Failure to obey a direct lawful order of a supervisor or someone higher in the chain of command.

Interim/Acting Appointment -The Village Manager may appoint an incumbent to a

vacant position for a period of time pending selection of a qualified person to fill a vacancy. Interim/Acting appointees may receive additional temporary compensation if certain conditions are met.

Interim Pay/Temporary Pay Upgrade -Employee compensation for temporarily performing assigned duties or responsibilities of a higher pay grade, provided the temporary upgrade in assignment exceeds more than 28 calendar days.

Internal Job Posting - Competition for a vacancy which is available only for eligible Village employees.

J

Job Analysis - Comprehensive analysis of the duties and responsibilities and essential functions of a position and of the qualifications required of persons selected for the position.

Job Description - A written statement of duties, responsibilities and essential functions which characterizes a job and includes the education, experience, knowledge, and ability required to perform the duties of the job along with working conditions and physical demands.

L

Layoff - The separation of an employee which occurs when a regular position has been abolished because of material changes in duties, or shortage or stoppage of work or funds, or other reasons in the best interest of the Village, as determined by the Village Manager.

Leave - An authorized absence from regularly scheduled work hours for reasons specified in the personnel rules (holidays, vacation, sickness, injury, disability, jury duty, etc.).

Leave With Pay - Authorized absence from work with pay.

Leave Without Pay - Authorized absence from work without pay.

Loudermill - The informal “due process” or “pre-disciplinary” hearing given to an employee prior to termination, demotion, or suspension of any regular non-exempt employee for more than three (3) work days and five (5) days for exempt employee.

M

Management & Supervision - Persons designated as directors/managers of a group of employees, a section, a major functional unit, or an activity, with authority and responsibility to exercise independent judgment; who assign tasks, set standards of job performance, recommend hires, transfers, suspensions, layoffs, recalls, promotions,

and terminations of subordinates. Further, they may assign, reward, or discipline others, and direct or adjust employee grievances.

Merit System - A personnel system designed to attract and hold employees by making individual employment decisions based on qualifications, experience, and performance rather than on political association.

Military Leave - Paid leave granted to an employee who is a member of the armed services or air national guard or a military reservist not to exceed fifteen (15) working days per calendar year.

N

Nepotism - Patronage of one's relatives by providing them employment or position. Restrictions concerning nepotism may be found in Chapter 2-20 of the Personnel Manual Ordinance.

New Hire - A person not previously employed by the Village.

Non-Exempt Employees - All employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act or as determined by the Village of Ruidoso. Therefore, non-exempt positions are covered by FLSA.

O

Overtime - Means time an employee is directed and authorized to physically work in excess of the 40 hours per week, or fire personnel 106 hours per 14-day period.

P

Part-Time Employee - One who is scheduled to work less than 32 hours per seven day period.

Pay Period - A two-week period, of which there are twenty-six (26) specified per year.

Pay Plans -The salary schedules for salaried exempt and non-exempt employees or any other class(es) of positions in the municipal service.

Pay Rate - Also called base rate.

Pay Range -The minimum, midpoint, and maximum base rates established for each salary grade.

Performance Evaluations - An assessment of an employee's work.

Post-Determination Hearing - A hearing conducted by the Village Manager or Designee at the request of an employee who is grieving a suspension or demotion, or a former employee who is grieving a dismissal and who has complied with the administrative process as set forth in the Personnel Manual. This information can be found in Chapter 11.

Pre–Determination Meeting – Occurs when an adverse action is being recommended. The pre-determination meeting will be provided to a classified employee. This informal meeting provides the classified employee with the opportunity to be heard as to why discipline or termination should not be taken. This information can be found in Chapter 11.

Probation/Introductory Period - A one year (12 month) trial period of employment, during which an employee is required to demonstrate fitness for regular employment. The probation period is another aspect of the selection process.

Probationary Employee - A full-time or part-time employee hired to fill a position in the classified service who has not yet completed the Probationary period of employment during which time the employee may be terminated at will.

Promotion -The assignment of an employee from one classification to another, which has a higher maximum rate of pay, and greater responsibility. Promotion requires that an employee be upgraded and reclassified.

R

Rater – The immediate supervisor of the employee being evaluated.

Reclassification - Reassignment of a position from one class (grade) to a different class (grade) to correct an error in the original assignment or to recognize a change in the duties and responsibilities of a position. Ideally, reallocation should occur when a position is vacant. Reclassification shall not be used solely as a method of awarding an incumbent a salary increase or decrease.

Reasonable Accommodation - A reasonable accommodation is any modification or adjustment to a job, the work environment, or the way in which the work is customarily done that makes it possible for a qualified individual with a disability to perform the essential functions of the job and ensure equal employment opportunity.

Recruitment Process - Procedures used by the Human Resources Department in attracting job applicants for Village positions; i.e., posting vacancies in the Human Resources Department , newspaper, and radio advertising, mailings to employment agencies and community organizations or by other means.

Regular Employee - One who is an incumbent and has completed probation/introductory period in a continuing, budgeted position within the municipal service and who satisfies all requirements for the position.

Re-Hire - Re-employment of a former employee who left the municipal service in good standing.

Resignation - Voluntary separation from Village employment prior to retirement.

Retirement Date - The date on which a regular Village employee retires and begins drawing PERA retirement.

Reviewer - The rater's immediate supervisor who is required to review and approve each performance review within his/her purview before it is included as part of the reviewed employee's permanent record.

Rules - Means the Personnel Rules and Regulations of the Personnel Manual promulgated in accordance with the provisions of the Personnel Ordinance.

S

Salary -Payment for work performed that is pre-determined and uniform from one payday to the next and does not depend on the number of hours worked.

Salary Schedule - (Refer to "Pay Plans") matrices of base rate salaries ranging from minimum, midpoint and maximum, depicting approved pay ranges for employees in the municipal service.

Salary Range – The range each position is placed in based on the job descriptions, job duties and responsibilities.

Sanction – A threatened penalty for disobeying a law or rule (Rich or Steve is there something more that should be added to this definition).

Selection - Means the choosing of a candidate for employment.

Selection Device - Devices used separately or in combination, as appropriate, to obtain the best-qualified candidates for vacant positions. Such devices may include, but are not limited to, work sample and performance tests, practical written tests, oral examinations, rating of training and experience, interview, skill tests, and others.

Separation - Removal of an employee from the municipal payroll for voluntary or involuntary reasons; to include dismissal, resignation, layoff, retirement, abandonment of the job, death, and other reasons.

Sick Leave - Leave with pay, granted to a classified or unclassified employee, after accrual at a specific rate for illnesses.

Significant Other – See Domestic Partner herein.

Standby Duty - An employee is on standby duty when the employee is required to be available for call to duty. The employee may move about within range of a cell phone or pager, but must remain fit for duty.

T

Temporary Employee - Means an employee who has been hired to a temporary position in accordance with the personnel rules, who is not eligible to receive leave and benefits, and who is not entitled to rights of grievance and appeal. A temporary employee may be full-time or part-time.

Termination - The resignation, retirement, dismissal, or death of an employee.

Transfer - Assignment of an employee from one position to another in the same salary schedule. May also be assignment of an employee from one work site to another, from one department to another, to more or less responsible or skilled occupations, or from one operational assignment to another in accordance with existing municipal policy. Transfers may be voluntary or involuntary.

U

Unauthorized Absence - Absence from duty without supervisory approval.

Unclassified Employees - At will employees who may be terminated for any or no reason and who have no layoff rights or recourse to the grievance procedure. Unclassified employees are Temporary and Probationary employees.

V

Vacancy - An authorized position not occupied by an incumbent which has been approved by the appropriate designated authority for filling.

Vacation Leave - Leave with pay granted to employees to be used by an employee with prior approval from Department Director/Manager.

Village - The municipal government, composed of the Village Council, the Village Manager, all divisions, departments, and employees who comprise the organization designed to provide service to the citizenry.

Village Council/Governing Body -The duly elected or appointed officials who comprise the legislative body of the municipal government with powers defined by N.M. State law and Section 2-31 of Municipal Code of Ordinances.

Village Manager -The municipal government's chief executive officer charged with complete responsibility of employees, facilities, and other resources as set forth by N.M. State Law and Section 2-53 of Municipal Code of Ordinances.

Violence - The word “violence” in this policy shall mean an act or behavior that is

physically or verbally assaultive, reasonably likely to result in harm or threats of harm to persons or property, consists of a communicated or reasonably perceived threat to harm or in any way endanger the safety of another individual, would be interpreted by a reasonable person as carrying potential for physical harm to the individual, or involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceive to be threatening

W

Wage -Payment that is calculated according to the number of hours worked and which may fluctuate from one pay day to the next as the number of hours worked varies.
Definitions of some of the wording used in this manual:

APPENDIX A

ACKNOWLEGEMENT RECEIPTS

Confidentiality Statement	pg176
Voluntary submission for physical examination of Drug/alcohol Testing and the release of findings and information	pg177
Personnel Policies Acknowledgment of Receipt	pg178
Texting and Talking on Hand-Held Cell Phones While Driving Policy Acknowledgement of Receipt	pg179

VILLAGE OF RUIDOSO
Confidentiality Statement

I hereby state that I shall hold as strictly confidential all information regarding customers and employee to which I have access as an employee of the Village of Ruidoso.

I assert that I shall not disclose now nor at any time in the future, either directly or indirectly, any information regarding Village employees or customers. A violation of the confidentiality requirement is prohibited and is subject to civil and criminal penalties. Further, this confidentiality requirement continues after the term of employment.

I agree to handle all records, reports, and other documents containing employee or customer information in such a way that, while the work is in process, it shall not be inadvertently revealed to any other person. This includes, but is not limited to, the process of contacting customers by phone as well as the complete destruction of any rough drafts of reports or other similar material. I shall not maintain any files that contain confidential information for my personal use.

I have received training related to this issue and understand the concepts related to it. I have had the opportunity to ask questions and to have them satisfactorily answered. I understand that I may ask questions regarding confidentiality of my supervisor at any time in the future should it be necessary.

I realize and acknowledge that any breach of confidentiality on my part shall be considered a serious allegation and will not be tolerated by my employer. Further, I realize and acknowledge that any breach of confidentiality on my part may result in legal action.

The terms of this confidentiality statement shall be effective immediately and shall apply to all work performed by me in the process of carrying out my job duties.

_____ _____

Employee's Signature Date

_____

Employee's Printed Name

VOLUNTARY SUBMISSION FOR PHYSICAL EXAMINATION OF DRUG/ALCOHOL TESTING AND THE RELEASE OF FINDINGS AND INFORMATION

I, _____, voluntarily agree, at any time requested by the Village of Ruidoso, to take a physical examination which may include blood, breath, saliva and/or urine analysis by a physician, medical center, hospital, or medically qualified personnel. Furthermore, I authorize the release of these tests and examination results to the Village of Ruidoso or any of its representatives. By this authorization, I do hereby release any physician, medical personnel, hospital, medical center, clinic, and the Village of Ruidoso or any of its representatives from any and all liabilities arising from the release or use of the information derived from or contained in my physical examination and test results.

I have read and I understand the Village's policy regarding drug and alcohol abuse. I understand that it is the practice of the Village to conduct drug and alcohol tests for the purpose of carrying out the policy.

I understand that I cannot be compelled to give a specimen of my urine or breath. I understand that if I give a specimen that it will be tested for drugs or alcohol. I understand that the giving of a specimen when requested by the Village is a condition of continued employment.

I understand that if a test reveals an unexplained presence of a drug or alcohol, the Village will take disciplinary action against me, up to and including termination of my employment.

I In the interest of maintaining a safe and efficient environment for employees and non-employees, the Village has and enforces a policy designed to control drug and alcohol abuse on Village premises and in connection with Village business.

The Village administers a search program to ensure compliance with its drug and alcohol abuse policy. Based upon reasonable suspicion, I may from time to time be asked to submit to a search of my person, personal effects or personal vehicle while entering, on, or departing Village premises, or while performing Village business. I understand that an employee who fails to cooperate or declines to submit to a search when requested will be subject to disciplinary action, including discharge.

_____

Employee's Signature Date

_____

Employee's Printed Name

_____

WITNESS

_____

WITNESS

VILLAGE OF RUIDOSO PERSONNEL POLICIES
ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received my Personnel Policy Manual describing the Village of Ruidoso policies for employees. I understand that the Personnel Policy Manual includes certain other policies and manuals that may not be attached to the manual but are noted and described therein and are incorporated by reference, such as the Managers Standard Operating Policies, Safety Manual, Purchasing Policy, Travel Policy etc. I understand that it is my responsibility to become familiar with the Personnel Policy Manual and all related items referenced therein. I understand that the handbook does not create a contract and that it may be changed at any time. I understand that either the Village or I can terminate my employment at any time with or without cause and with or without notice. I understand that my employment is for no fixed or definite time.

_____ _____

Employee's Signature Date

_____

Employee's Printed Name

VILLAGE OF RUIDOSO TEXTING AND TALKING ON HAND-HELD CELL PHONES WHILE DRIVING POLICY ACKNOWLEDGMENT OF RECEIPT

Below is a statement of Acknowledgement that says I have read and fully understand the Village of Ruidoso policy on Texting and Talking on Hand-Held Cell Phones While Driving. Please sign it and return it to the Human Resources Department.

I have received a written copy of this policy and I fully understand the terms of this policy and agree to abide by them.

_____

Employee Signature Date

_____

Employees Printed Name

APPENDIX B

FORMS

Grievance Statement Form	pg182
Employment Complaint Form	pg184
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Employee Take Home Agreement Form	pg187
Benevolent Form	pg189
Request for Cellular Phone Reimbursement Form	pg190
Oral Warning/Verbal Counseling Form	pg191
Performance Correction Notice (Probationary Employee)	pg192
Performance Correction Notice (Classified Employee)	pg194
Village of Ruidoso Permission for Outside Employment	pg196
Memorandum to Request Sick Leave Donations	pg197
Voluntary Sick Leave Donation Form	pg198

Village of Ruidoso
Grievance Statement

Name of Employee: _____

Employing Department: _____

Name of Immediate Supervisor: _____

Provide a clear and concise statement of your grievance. Include only one grievance on this form. Other relevant information may be attached.

1. What applicable policy or law do you believe has been violated?

2. Date of alleged action or violation:

3. Provide a clear and concise statement of the issue involved.

4. What specific resolution do you seek?

You may attach other relevant information. You may also seek help in the completion of this statement from the Human Resources (HR) Department.

Employee's Signature	Date
Signature of Person Receiving Grievance Form	Date

Document dates:

Step 1_____

Step 2_____

Step 3_____

REPRODUCE AND USE THIS FORM

EMPLOYEE COMPLAINT FORM

The Village of Ruidoso takes all employee complaints—including those of unethical conduct or safety violations, as serious matters. So that we may properly investigate your concern, you are requested to fill out this form completely and return it as soon as possible. Please use additional sheets of paper where needed. After a prompt and thorough investigation into your complaint, you will be notified of the Village's intended action. Should you have any questions about the process see Chapter 11 Section 9, any additional questions please set them forth at the end of this form and we'll do our best to answer them. Thank you.

Employee Name: Title

Department: Supervisor Name:

1. Please describe in as much detail as possible the nature of your complaint:

2. Please attach or identify all known persons, documents and witnesses to your concerns:

3. Are there any other employees you know of with a similar complaint?

4. Please describe how the actions you complain about have affected your ability to perform your job:

5. Please describe any solutions you believe can help resolve your complaint:

6. Please provide any additional matter or comments you wish the company to consider when investigating your complaint (again, please use additional paper if needed):

I declare that the facts set forth in this complaint form are true and accurate pursuant to the penalty of perjury under the laws of the State of New Mexico.

Employee signature: Date:

Document dates:

Step 1_____

Step 2_____

Step 3_____

REPRODUCE AND USE THIS FORM

Village of Ruidoso
Observed Impairment Form

Date: **Department:**

Name of suspected employee:

Employee's Supervisor/Dept. Director:

I, the supervisor of the above named employee, have reasonable suspicion that this employee was/is under the influence of alcohol and/or drugs during working hours or while on call or on standby duty. I have observed the following indicators: (check all that apply)

- ☐ **Abnormally dilated pupils**
- ☐ **Aggressiveness**
- ☐ **Change of speech (e.g. faster, slower, slurred)**
- ☐ **Change of personality (e.g. paranoia)**
- ☐ **Constant fatigue or hyperactivity**
- ☐ **Constant sniffing**
- ☐ **Disorientation**
- ☐ **Difficulty walking**
- ☐ **Drowsiness**
- ☐ **Dulled mental process**
- ☐ **Euphoria**
- ☐ **Excessive unexplained absences**
- ☐ **Excitement or confusion**
- ☐ **Flushed face**
- ☐ **Forgetfulness – performance faltering**
- ☐ **Glassy eyes**
- ☐ **Glazed stare or redness of eyes**
- ☐ **Increased appetite for sweets**
- ☐ **Inattentiveness**
- ☐ **Job impairment**
- ☐ **Mood swings**
- ☐ **Needle marks**
- ☐ **Odor of alcohol**
- ☐ **Odor of other substance(s)**
- ☐ **Redness under nose**
- ☐ **Sudden weight loss**
- ☐ **Unsteady gait or balance**
- ☐ **Other (must explain below)**

Observation of one or two of these indicators alone is not necessarily indicative of impairment. The totality of the circumstances must be taken into consideration.

Employee ☐ **Admits** ☐ **Denies**

Comments:

Signature: **Printed Name:**

Department Director Use Only:

Date received: _____

Reasonable Suspicion exists for a chemical test: ☐ **Yes** ☐ **No**

Dept. Director Signature: _____

Employee Take Home Vehicle Agreement

Employee Name: _____

I am requesting, or my Department Director has requested that I take home a village vehicle. I acknowledge that my Department Director and I have gone over the:

- ✔ Village Vehicle Usage Policy
- ☐ Department Vehicle Take Home Policy

I acknowledge that I have read the policy (or policies) and that I understand, and I agree to follow the policy (or policies).

I do understand that if I fail to follow the policy (or policies), I am subject to disciplinary action, up to and including termination.

I understand that should my physical address change I will notify my Department Director immediately.

I further understand that I am not guaranteed a take home vehicle and that the Village has the right to discontinue my take home privilege at any time.

Employee Signature and Date: _____

Department Director/Manager:

By signing this, you are acknowledging that you as the Department Director and or Department Manager understand the Vehicle Usage policy (and any vehicle take home policy pertaining to your department). You have gone over the Village Vehicle Take Home Policy (and your department's vehicle take home policy) with your employee and have given the employee the opportunity to ask questions of the policy (or policies), and that you have made the employee aware of the importance and seriousness of following the policy (or policies). I also understand that final approval of a take home vehicle is subject to the Village Managers approval.

Department Director/Department Manager Approval

Signature and Date: _____

** This agreement will replace any previously approved agreements that are on file.

Request to Take Home a Village Vehicle

Department: _____

Type of Vehicle: _____ Year of Vehicle: _____ Vehicle Model: _____

Driver's Name: _____

Driver's Physical Address where the Vehicle is driven to after each shift:

_____

Is the physical address in the Village Limits? _____

If no, how far away is this address from the Village limits? _____

Why does this employee need to take home a Village vehicle?

_____

How often will this vehicle be taken home each week? _____

_____

Department Director/Department Manager Approval: _____

All Village Take Home Vehicles are subject to the approval of the Village Manager.

Village Manager Approval: _____

Submitted to HR for record on: _____

Employee Benevolent Fund
Deduction Authorization Form

Employee name: _____

I desire to participate in the Employee Benevolent Fund for the Village of Ruidoso. I authorize the Village to withhold from my pay check each pay day:

Circle one amount: $ .50 $ .75 $1.00

I understand this is voluntary, that it is non-refundable and I may cancel this as long as I submit written cancellation notice before the Wednesday of any payroll week.

_____

Employee Signature and Date

Village of Ruidoso Cellular Phone Allowance and Authorization Request

☐ $30.00 Allowance
☐ $50.00 Allowance (based on data package and position within VOR)
☐ $30.00 IPAD Allowance

Employee's Name: Must be the local Area Code and number Cell #: ( )

Position: Date:

Cell Phone Provider: ☐ Data Package (VOR Email) *check box if it applies*

Reason for Cellular Phone Allowance:

☐ Key Staff member needed in the event of an emergency

☐ An Elected Official

☐Employee is involved in frequent off-hours/out of town activities

☐ Anticipated level of business use is significant

☐ Related cost is justified when compared with alternative communication choices

☐ Other:

I have read the Cellular Phone Allowance Policy. I understand that my cell phone number may be published or given out and that the main intent of a cell phone is for business. I also understand that I am financially responsible for any and all charges for my cell phone plan and equipment. I also understand that I may be requested to present my phone/text call log upon Village Manager or their designee's request.

Employee's Signature Date

Approval of Department Director/Manager (Signature):

Approval of Village Manager (Signature):

Start Date for Reimbursement:

Village of Ruidoso
Record of Verbal Counseling/Oral Warning

Name: Date:

This is documentation to memorialize the conversation. The following counseling/warning has taken place: (Check and give detail under explanation)

[ ] Absence
[ ] Tardiness
[ ] Violation of VOR Policy
[ ] Horseplay
[ ] Smoking in unauthorized areas
[ ] Failure to follow instructions
[ ] Unauthorized use of equipment, materials

[ ] Inappropriate conduct for a law enforcement officer
[ ] Violation of Department Policy
[ ] Violation of safety rules
[ ] Leaving work without authorization
[ ] Poor performance
[ ] Insubordination
[ ] Falsification of records
[ ] Other

Summary of Violations:

Summary of Corrective Plan of Action:

Follow up Date(s): _____ _____

Employee's Signature: Date:

Supervisor Signature Date:

Department Director/Manager Signature Date

Village of Ruidoso

PERFORMANCE CORRECTION NOTICE (Probationary)

Employee Name: **Department:**
Date Presented: **Supervisor:**

Disciplinary Level

___**Verbal Correction -** (To memorialize the conversation.)
___**Written Warning -** (State nature of offense, method of correction, and action to be taken if offense is repeated.)
___**Investigatory Leave -** (Include length of time and nature of review.)
___**Final Written Warning**
___Without decision-making leave
___With decision-making leave (Attach memo of instructions.)
___With unpaid suspension

Subject: fill in the subject
___Policy/Procedure Violation
___Performance Transgression
___Behavior/Conduct Infraction
___Absenteeism/Tardiness

Prior Notifications

Level of Discipline	Date	Subject
Verbal	____	_____
Written	____	_____
Final Written	____	_____

Incident Description and Supporting Details: Include the following information: Time, Place, Date of Occurrence, and Persons Present as well as Organizational Impact.

Performance Improvement Plan

1. Measurable/Tangible Improvement Goals:

2. Training or Special Direction to Be Provided:

3. Interim Performance Evaluation Necessary?

4. In addition, I recognize that you may have certain ideas to improve your performance. Therefore, I encourage you to provide your own **Personal Improvement Plan Input and Suggestions:**

(Attach additional sheets if needed.)

Outcomes and Consequences

Positive: If you meet your performance goals, no further disciplinary action will be taken regarding this issue.

Negative: *If you fail to correct the issues stated in this performance correction notice, further disciplinary action up to and including dismissal may result.* A copy of this document will be placed in your personnel file.

Scheduled Review Date:

Employee Comments and/or Rebuttal

(Attach additional sheets if needed.)

X_____
Employee Signature

Employee Acknowledgment

I understand that the Village of Ruidoso is an "at-will" employer, meaning that my employment has no specified term and that the employment relationship may be terminated any time at the will of either party on notice to the other. I also realize that the Village of Ruidoso is opting to provide me with corrective action measures, and can terminate such corrective measures at any time, solely at its own discretion, and that the use of progressive discipline will not change my at-will employment status.

I have received a copy of this notification. It has been discussed with me, and I have been advised to take time to consider it before I sign it. I have freely chosen to agree to it, and I accept full responsibility for my actions. By signing this, I commit to follow the company's standards of performance and conduct.

Employee Signature	Date	Supervisor's Signature	Date

Department Director/Manager Signature Date

Witness: (if employee refuses to sign)

Name	Date	Time in conference

Distribution of copies:___Employer___Supervisor___Department Director/Manager ___Human Resources

Village of Ruidoso

PERFORMANCE CORRECTION NOTICE (Classified Employee)

Employee Name: **Department:**
Date Presented: **Supervisor:**

Disciplinary Level

___**Verbal Correction -** (To memorialize the conversation.)
___**Written Warning -** (State nature of offense, method of correction, and action to be taken if offense is repeated.)
___**Investigatory Leave -** (Include length of time and nature of review.)
___**Final Written Warning**
___Without decision-making leave
___With decision-making leave (Attach memo of instructions.)
___With unpaid suspension

Subject: fill in the subject
___Policy/Procedure Violation
___Performance Transgression
___Behavior/Conduct Infraction
___Absenteeism/Tardiness

Prior Notifications

Level of Discipline	Date	Subject
Verbal	____	_____
Written	____	_____
Final Written	____	_____

Incident Description and Supporting Details: Include the following information: Time, Place, Date of Occurrence, and Persons Present as well as Organizational Impact.

Performance Improvement Plan

1. Measurable/Tangible Improvement Goals:

2. Training or Special Direction to Be Provided:

3. Interim Performance Evaluation Necessary?

4. In addition, I recognize that you may have certain ideas to improve your performance. Therefore, I encourage you to provide your own **Personal Improvement Plan Input and Suggestions:**

_____

_____

_____

(Attach additional sheets if needed.)

Outcomes and Consequences

Positive: If you meet your performance goals, no further disciplinary action will be taken regarding this issue.

Negative: *If you fail to correct the issues stated in this performance correction notice, further disciplinary action up to and including dismissal may result.* A copy of this document will be placed in your personnel file.

Scheduled Review Date:

Employee Comments and/or Rebuttal

_____

(Attach additional sheets if needed.)

X_____
Employee Signature

Employee Acknowledgment

I understand I am a classified employee and that I may only be terminate for cause, layoff, or abolishment of positions. Although discipline can be progressive, circumstances may dictate that progressive discipline need not be followed. Depending on severity, some incidents in and of themselves will be sufficient cause for suspensions, demotion, and/or dismissal.

I have received a copy of this notification. It has been discussed with me, and I have been advised to take time to consider it before I sign it. I have freely chosen to agree to it, and I accept full responsibility for my actions. By signing this, I commit to follow The Village of Ruidoso's standards of performance and conduct.

Employee Signature	Date	Supervisor's Signature	Date
Department Director/Manager Signature	Date		

Witness: (if employee refuses to sign)

Name	Date	Time in conference

Distribution of copies:___Employer___Supervisor___Department Director/Manager ___Human Resources

Village of Ruidoso

313 Cree Meadows Drive Ruidoso, New Mexico USA 88345
Phone: (575) 258-4343 Fax: (575) 258-5848

REQUEST FOR PERMISSION FOR OUTSIDE EMPLOYMENT FOR THE YEAR 20__

Date:

To: Department:

Printed Name: Last 4 of SSN:

(Print full name as in personnel records)

I hereby request permission to engage in outside employment, business activity, or enterprise as set forth below.

Job/Business Name:

Job/Business Type:

I understand that approval of this request may only be granted under the appropriate provisions of the *Personnel Manual* of the Village of Ruidoso and that should any conflict exists or develop, such approval will be denied or revoked at the discretion of the Village Manager. I understand that this permission will only be effective during the year 20___.

Employees Signature

To: Village Manager

- ☐ No apparent conflict with the employee's request and his/her present duties or responsibilities. Therefore, I recommend this request be approved.
- ☐ This request should be denied as it is in conflict with the best interests of the Village and this department for the following reason(s):

Additional Comments/Restrictions:

(Use reverse side if necessary.)

Department Director's Signature: **Date**:

☐ **Request Approved** ☐ **Request Denied**

Village Manager Date

Memorandum

DATE:

TO: Village Manager

THROUGH: Human Resources Director

FROM:

SUBJECT: Request for Donated Sick Leave

As of this current payroll, I do not have any vacation or sick leave balance. I have had a personal injury or illness and will need to be out of work for approximately_____. I am requesting donated sick leave from the employees.

I give my approval for my attendance records to be made public to those employees who are thinking about donating sick leave time (the attendance record does not show reasons why the employee has taken off, it just shows when the employee has taken off).

I have attached the attending physician's written reasons as to why the time off from work is needed and the estimated length time off.

I respectfully ask for your approval of this request.

To the HR Department:

Date: _____

Village Manager Approval: _____

Voluntary Donation of Sick Leave

Print employee name wishing to donate

HR dept: Initial and note date and time of receipt

I have a sick leave balance of _____ hours. I wish to donate _____ sick leave hours to _____.

I understand that:

This is strictly voluntary on my part and that no one is forcing me to or demanding that I donate any of my sick leave time to the named employee.

I can donate any amount up to ten percent of my sick leave balance as long as I maintain my sick leave balance at 120 hours.

The donated hours will be deleted from my balance and will be given to the employee named. Once the time is donated and used for this employee, I cannot get these sick leave hours back.

By donating sick leave hours to the named employee, it will not in any way obligate the named employee to donate time to me if I am ever in a position where I request sick leave donations.

This donation is to be kept confidential.

Employee Signature

APPENDIX C

Certification and Incentive Pay Plan

Certification and Incentive Pay Plan pg200

Village of Ruidoso Certification and Incentive Plan

Type of Incentive			Monthly Rate	Annual Rate	Hourly Rate
EDUCATION					
Eligible:	Must have received a degree from a fully accredited college or university verified by a Certified Official Transcript. The Degrees need to be job related and enhance job performance.	Associates Degree	$ 45.00	$ 540.00	$ 0.26
		Bachelor's Degree	$100.00	$1,200.00	$ 0.58
		Master's Degree	$150.00	$1,800.00	$ 0.87
		Doctorate Degree	$200.00	$2,400.00	$ 1.15
Ineligible:	Employees in a classification for which a degree is a bona fide Qualification for employment.				
LANGUAGE SKILLS					
Eligibility:	Must pass a basic literacy skills test in Spanish and they must have interactions with the public routinely.	Bilingual in Spanish	$ 20.83	$ 250.00	$ 0.12
TRAINING CERTIFICATIONS - CURRENT					
*	Training that is Required for a position or job classification by Federal, State or Village regulation or standards of the governing body. Training that is a specific benefit to job performance or ability.	3 yrs experience with VOR and 45 hrs training (Identified in Annual Goals)	$ 25.00	$ 300.00	$ 0.14
		5 yrs experience with VOR and 75 hrs training (Identified in Annual Goals)	$ 25.00	$ 300.00	$ 0.14
*	Certifications - tests administered by the State or official representative of a professional organization or NMML and must be the equivalent of accredited classes.	Library Certification I	$ 50.00	$ 600.00	$ 0.29
		Library Certification II	$ 50.00	$ 600.00	$ 0.29
		Flood Plain Certification	$ 25.00	$ 300.00	$ 0.14
*	Certification advancement which requires continuing education for Certification or recertification may result in advancement of one or more steps in the pay plan.	Fuel Specialist Airport	$ 25.00	$ 300.00	$ 0.14
		GIS Certification	$ 25.00	$ 300.00	$ 0.14
*	Microsoft Certification, Systems Administrator, System Engineer	Mechanic Certification	$ 25.00	$ 300.00	$ 0.14
		Microsoft Certified Professional	$100.00	$1,200.00	$ 0.58
		Novell Certified Administrator	$100.00	$1,200.00	$ 0.58
Voluntary:	That which will enhance an employee's job performance for which formal training is required. Such training and pay plan incentive must be approved by the Department Head and adequate funds budgeted.	Human Resources Essential (SHRM) - includes Recruitment, Labor Relations, Employment	$ 50.00	$ 600.00	$ 0.29
		Human Resources Certification from HRCI (PHR)/(SPHR) and/or Society of Human Resource Management (SHRM-CP)/(SHRM-SCP)	$166.67	$2,000.00	$ 0.96
		Certified Dispatcher	$ 52.00	$ 624.00	$ 0.30
		Emergency Medical Dispatch	$ 43.83	$ 526.00	$ 0.25
		EMT Basic	$ 52.00	$ 624.00	$ 0.30
		EMT License (Adv. EMT)	$ 83.33	$1,000.00	$ 0.48
		CMC Certification	$ 83.33	$1,000.00	$ 0.48
		MMC Certification	$166.67	$2,000.00	$ 0.96
		State Inspector Certification (building, plumbing or electrical)	$ 83.33	$1,000.00	$ 0.48

	ICC Inspector Certification (building, plumbing or electrical)	$ 50.00	$ 600.00	$ 0.29
	Permit Technician Certification	$ 25.00	$ 300.00	$ 0.14

Village of Ruidoso Certification and Incentive Plan

Type of Incentive		Monthly Rate	Annual Rate	Hourly Rate
	Certified Procurement Officer	$ 87.33	$1,048.00	$ 0.50
	NM Certified Purchaser	$ 52.00	$ 624.00	$ 0.30
	Certified Buyer Schedule A	$ 52.00	$ 624.00	$ 0.30
	First Responder- Not in job description but would be a benefit to department	$ 50.00	$ 600.00	$ 0.29
	NPSI Certification	$ 20.83	$ 250.00	$ 0.12
	Certified Playground Safety Inspector	$ 52.00	$ 624.00	$ 0.30
	Basic Licensed Aquatic Facility Technician	$ 27.73	$ 332.80	$ 0.16
	Certified Pool Operator	$ 86.67	$1,040.00	$ 0.50
	Pesticide Applicators License	$ 27.08	$ 325.00	$ 0.16
	DFW Certification	$ 52.00	$ 624.00	$ 0.30
	Certified Transfer Station Operator	$ 52.00	$ 624.00	$ 0.30
	Water Systems, or Distribution level I, and Waste Water Collections I, or Waste Water Systems I	$ 52.00	$ 624.00	$ 0.30
	Water Systems, or Distribution level II, and Waste Water Collections II, or Waste Water Systems II	$ 86.67	$1,040.00	$ 0.50
	Water Systems, or Distribution level III, and Waste Water Collections III, or Waste Water Systems III	$130.00	$1,560.00	$ 0.75
	Water Systems level IV, and Waste Water Systems level IV	$173.33	$2,080.00	$ 1.00
	Water Sampling Technician Level 1 not cumulative each certification is worth .20	$ 34.67	$ 416.00	$ 0.20
	Water Sampling Technician Level 2 (not cumulative each certification is worth .20 but if you skip level 1 you get .40 for level 2)	$ 69.33	$ 832.00	$ 0.40
	Wastewater Laboratory Technician Level 1 (not cumulative each certification is worth .20)	$ 34.67	$ 416.00	$ 0.20
	Wastewater Laboratory Technician Level 2 (not cumulative each certification is worth .20 but if you skip level 1 you get .40 for level 2)	$ 69.33	$ 832.00	$ 0.40
	Wastewater Laboratory Technician level 3 (not cumulative each certification is worth .20 but if you skip level 1 & 2 you get .60 for level 3)	$104.00	$1,248.00	$ 0.60
	Animal Control Certified (Level 1)	$ 40.00	$ 520.00	$ 0.25
	Animal Control Certified Officer (Level 2)	$ 86.67	$1,040.00	$ 0.50
	Expert Animal Cruelty Investigator (Level 3)	$130.00	$1,560.00	$ 0.75
	Master Animal Cruelty Investigator (Level 4)	$173.33	$2,080.00	$ 1.00
LICENSE - CDL				
For those positions which this is an additional responsibility thru cross	CDL - Equipment Operator	$ 34.67	$ 416.00	$ 0.20

	training that would benefit the Village of Ruidoso.			
SPECIAL ASSIGNMENTS	Special Assignment	$ 87.33	$1,048.00	$ 0.50
Eligibility:	Special Assignment are additional duties and responsibilities that that are temporary or permanent and can be removed at any time and given to another individual. (ex. TAC duties for dispatch, Detective, Field Training Officer, etc)			

* It is the responsibility of the employee to keep proof of training credits and to present them with application for advancement. Training records should be submitted to the Human Resources Department for inclusion in the employee's personnel file. Training for voluntary certification must be pre-approved by the Department Director/Manager and the Village Manager in advance of training.

APPENDIX D

MANAGERS STANDARD OPERATING PROCEDURES

Employee Safety Shoe Allowance Policy	pg 204
Firefighter Progression Schedule	pg 208
Fire Promotional Policy	pg 210
Police Department Promotional Policy	pg 217

VILLAGE OF RUIDOSO
Debi Lee, Manager
Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, NM 88345
Phone: 575-258-4343 · Fax 575-258-5361

Manager Directive: **Employee Safety Shoe Allowance Policy**

Number: **MSOP 12-01**

Effective Date: **March 1, 2012**
Revised **June 19, 2014**

Signed: Debi Lee, Debi Lee, Village Manager

Purpose:
As some Village of Ruidoso Departments provide safety shoes for their employees, this Managers Standard Operating Procedure (MSOP) will streamline the process and costs to the village, while providing a fair and balanced policy to all departments and their employees.

Policy:

1. A Village of Ruidoso full-time employee, whose job requires them to wear safety shoes per the department's Job Hazard Analysis, may submit a Village of Ruidoso Safety Shoe Request to their Department Director.

2. Safety Shoe requests will be accepted on the employee's anniversary date for their current position, or the Department Directors designated annual shoe replacement date. Department Directors have the discretion to approve the request annually or every two years.

3. The Department Director will make sure the employee's Safety Shoe Request Form is complete with Employee Name, Employee ID#, Budget Line Item Shoes will be charged to, Employee Job Title/Position, Employee Department Name, Vendor choice, the Director's Signature and Date, and then submit the Request Form to the Village of Ruidoso (VOR) Safety Coordinator for Final Approval.

4. If an employee has an early request for shoe replacement (not on their anniversary), then they will need to submit a reason in the designated area on the Request Form. Acceptable reasons are to include, but not limited to, shoe manufacture failure, shoe damage due to work being conducted while on duty, and abnormal wear and tear for unforeseen reasons. The VOR Safety Coordinator will have final approval for early Safety Shoe Requests.

5. The VOR Safety Coordinator will advise the Department Director in writing if the Safety Shoe Request has been approved or denied. If approved, the Safety Coordinator will send the Safety Shoe Voucher to the Department Director. A copy of the Shoe Voucher is to be given to the employee for the necessary purchase. The Shoe Voucher will have the name of approved local vendors the employee is to utilize for the safety shoe

purchase, listed on the top of the voucher. The employee MUST follow the guidelines of the Safety Shoe Voucher. If they do not, the Village of Ruidoso will deny the payment to the merchant used, and full payment responsibility will belong to the employee, and dealt with accordingly.

6. The Safety Coordinator will submit the approved Safety Shoe Request Form to the Finance Director for proper billing and charging to the stated Budget Line Item. The Finance Director, or designee, will match the merchant invoice to the Safety Shoe Request Form to verify approval of payment.

7. If vouchers are used inappropriately and it is found out that an employee used their voucher to buy someone else shoes the employee will be subject to disciplinary action up to and including termination.

VILLAGE OF RUIDOSO
SAFETY SHOE REQUEST FORM

The Village of Ruidoso (VOR) safety shoe policy allows eligible employees an **annual allowance** of $150.00 for safety shoes. Employees are required to obtain the permission of their department director before requesting safety shoes. The director grants approval by signing this form and forwarding it to the VOR Safety Coordinator. The VOR Safety Coordinator will review the request for safety shoes, and an authorization letter will be sent to the requesting employee.

Safety shoes are required to be non-slip, skid resistant or have a protective toe, and be of substantial quality. Safety shoes must meet or exceed the requirements of American National Standards Institute, Z-41.1, in the most recent edition.

Safety shoes are to be purchased at one of the following approved vendors:

☐ **Boots & Jeans**
134 Sudderth Dr.
575-630-8034

☐ **Brunnell's**
2316 Sudderth Dr.
575-257-2911

EMPLOYEE: _____ EMP ID#: _____

DEPARTMENT BUDGET LINE ITEM TO CHARGE: _____

JOB TITLE/POSITION: _____ DEPT: _____

DIRECTOR'S SIGNATURE: _____ DATE: _____

IF THIS IS AN EARLY REQUEST, PLEASE STATE REASON BELOW:

_____

_____

SAFETY COORDINATOR: _____ DATE: _____

Village of Ruidoso Safety Shoe Voucher

☐ **Boot & Jeans**
134 Sudderth Dr.
575-630-8034

☐ **Brunnell's**
2316 Sudderth Dr.
575-257-2911

This letter identifies **Employee** as an employee of the **Name of Dept.** Department of the Village of Ruidoso. The employee **must** present his/her Driver's License and/or Employee Badge as additional identification. The employee number is **XXXX**. Please assist the employee in selecting footwear that meets the following criteria:

HEAVY LEATHER SLIP/SKID RESISTANT WORK FOOTWEAR WITH/WITHOUT PROTECTIVE TOE
Shoes must meet or exceed the requirements of American National Standards Institute, Z-41.1 or most recent edition.

This letter is valid only for the identified employee, and is valid for fifteen (15) days from the date of this letter.

Per the award with your store, this letter provides payment for one (1) pair of safety shoes for up to the amount of $150.00. Amounts over the limit will be the employee's responsibility and must be paid at the time of pick up.

Remit the invoice for the shoes to Village of Ruidoso, Finance Department, 313 Cree Meadows Dr, Ruidoso, NM 88345. If you have any questions regarding the authorization, please call Ms. Tania Proctor, Village of Ruidoso Safety Coordinator at 575-258-4343 extension 1031.

Sincerely,

Tania L. Proctor
Village of Ruidoso
Human resources Director/Safety Coordinator

VILLAGE OF RUIDOSO
Debi Lee, Manager
Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, NM 88345
Phone: 575-258-4343 · Fax 575-258-5361

Manager Directive: **Firefighter Progression Schedule**

Number: **MSOP 02-01.1**

Effective Date: **March 1, 2012**
Revised: **June 19, 2014**
Signed: Debi Lee, Debi Lee, Village Manager

Purpose:
The Village of Ruidoso is committed to having trained Fire personnel and wants to reward the Firefighter who takes the initiative to continue training. Therefore, the positions of Firefighter, Lieutenant, and Capitan in the Fire department are eligible for automatic increases based on approved training.

Procedure:
It shall be the practice of the Village of Ruidoso to give level increases as follows:

Mandatory Level	After probation (or trial period) and with the following training: FFI 40 hours First Responder 40 hours Vehicle Extraction 24 hours Basic Rope Rescue 20 hours Wildland Fire 130/190 16 hours Emergency Vehicle Operations 08 hours Haz-Mat 1st Responder 08 hours Confined Space 08 hours Blood Borne Pathogens 04 hours Total 168 hours Employee is responsible for keeping the mandatory training current at all times. This training must be obtained within one year from date of hire into this position.
Level Increases after mandatory:	In order to be eligible for a level increase, an employee must complete 200 hours of approved training.

Approved Training Courses:

Training courses are subject to the approval of the Chief or the Chief's designee. Accredited college courses will not be approved in the training hours until a degree is obtained. See below for approved college degree.

Updates:

Certain training or classes require periodic updates. If the employee does not keep the level current, the employee shall lose the level pay increase until such time as the level is once again maintained.

College Degrees:

Related Fire degree, as approved by the Chief and the Village Manager:
Once employee has obtained related Associates Degree (2 yr) = 200 hours
Once employee has obtained related Bachelor's Degree (4 yr) = additional 200 hours

If an employee receives the related four year degree without getting the two year degree first, the employee will be credited with 400 hours of training.

Specialty Pay:

See the Village's Specialty pay for EMT certification.

Current and Future Levels:

In the event an employee completes more than 200 approved hours, the excess hours will be applied to the next level. An employee may receive no more than one level increase per year.

Officer Training:

When an employee is promoted to or hired as an officer (Lieutenant or Capitan), the employee must complete the officer training within one year from date of hire into that position. This is considered part of the Officer's mandatory training. This means that an Officer must have not only the 168 hours of entry level training but also 16 hours additional hours of officer training.

Other Increases:

Employees eligible for this Fire progression policy are not eligible for the service credit pay. However, employees are eligible for council approved cost of living adjustments and properly submitted and approved one time merits.

Maximum:

Fire employees shall not be entitled to pay over the maximum annual base wage for the position.

Village of Ruidoso

Debi Lee, Manager

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 575-258-4343 · Fax: 575-258-5361 · E-Mail: DebiLee@ruidoso-nm.gov

Manager Policy:	Fire Department Promotional Policy
Policy #:	MSOP 12-02
Effective Date:	October 8, 2012
Revised Date:	November 9, 2012 June 19, 2014

Signed: Debi Lee — Debi Lee, Village Manager

Signed: Harlan Vincent — Harlan Vincent, Fire Chief

I. GENERAL

The Fire Promotional Policy is for Lieutenant, Captain, and Assistant Chief Positions.

II. PROMOTIONAL REVIEW BOARD:

A. The Promotional Review Board shall be appointed by the Village Manager and shall consist of the Manager or designee as a non-voting member and one firefighter from each rank of Fire classification including Fire Chief.

B. Appointing the Board:

1. Those officers interested in serving on the Promotional Review Board shall submit a written request to the board. The board shall submit recommendations to the Village Manager.

2. The Village Manager shall consider the recommendations when making the appointment but the final decision shall be the Village Manager's. The Manager shall contact the Chief in writing with the appointments to the Promotional Review Board.

2. If a member of this Board is promoted, the promoted employee shall give up the seat on the Board due to the fact that there must be one firefighter from each rank of Fire classification. If the promoted firefighter wishes to be considered for another opening then the firefighter shall submit written application as stated in item one above.

C. The Promotional Review Board shall be responsible for:

1. Review and make recommendations for revisions to the Fire Department Promotional Policy
2. Recommending updates for Fire promotional policies
3. Creating the questions for the Oral Assessment Committee
4. Meeting after promotional testing as needed to review the procedures
5. Organizing the evaluation rating for each promotional testing
6. Setting the criteria for awarding points for scoring.
7. Scoring and tabulation of all portions of the examination
8. Choosing the Oral Assessment Committee as needed for the oral interview.
9. Formalize the selection/promotion process for signature of the Fire Chief

D. At any time the Promotional Review Board may vote to refuse a member from temporarily participating due to a conflict of interest or other justified reason. Justification must be in writing with a copy to the Fire Chief.

Any board member testing shall be excluded from the preparation of the upcoming exam which the member is testing.

III. TESTING:

Testing shall consist of an objective examination process entailing a:

Written examination,
Practical examination,
Overall evaluation rating,
Seniority compilations score (length of service),
Oral assessment committee interview, and
Personal interview.

At the discretion of the Fire Chief for this abbreviated testing procedure may be used for the positions of Assistant Fire Chief, Captain and Lieutenant when there is only one eligible candidate to test for the position.

Oral Assessment Committee Interview, and
Personal Interview

IV. ELIGIBILITY:

Only non-probationary Firefighters will be eligible for testing. This includes the initial probationary period, trial period and any disciplinary probation. Eligibility Date refers to the date of hire or date of previous promotion to date of the promotional examination.

A. Assistant Chief: When there is a budgeted vacant position for Assistant

Chief, the vacancy will be opened to all Captains.

If there is more than one eligible candidate interested, then the eligible candidates will submit a letter of interest for the position and will be notified of promotional examination date.

If there is no eligible or interested Captain candidate, then non probationary employees with at least two (2) years continuous employment as a Lieutenant with the Ruidoso Fire Department prior to the date of the promotional examination are then eligible to test.

B. Captain: When there is a budgeted vacant position for Captain, the vacancy will be opened to all Lieutenants.

If there is more than one eligible candidate, then the testing shall take place for the interested candidates and notification will be given to them of the promotional examination date.

If there is no eligible or interested Lieutenant candidate, then non probationary employees with at least two (2) years continuous employment as a Firefighter with the Ruidoso Fire Department prior to the date of the promotional examination are then eligible to test.

C. Lieutenant: When there is a budgeted vacant position for Lieutenant, the vacancy will be opened to Firefighters.

To be eligible to participate in the Lieutenant promotional examination, the employee must be a non-probationary employee and have at least two (2) years continuous employment as a Firefighter with the Ruidoso Fire Department prior to the date of the promotional examination.

V. ORAL ASSESSMENT COMMITTEE (OAC):

A. A pool of eligible candidates for the oral assessment committee shall be selected as follows:

1. The Promotional Review Board shall submit suggestions for the list of oral assessment committee participants.

2. Once the list is agreed upon, then one member of the Promotional Review Board will contact the members of the oral assessment to inform them of date, time, and location.

3. In the event that a member of the committee voluntarily withdraws from the committee or if a committee member is deemed to no

longer be eligible (as described above) the Promotional Review Board will accept more suggested names and follow the background process.

B. The oral assessment committee shall be comprised of three (3) to five (5) people. The Board will make reasonable effort to ensure that the OAC has at least one person at large from within the community or surrounding area and one person with structural fire service.

VI. EXAM AND SCORING:

A. **Written Examination:** an objective standard written examination. This carries a weight of twenty (20) points where .20 point will be assigned to each correct answer.

B. **Practical Examination:** a test of the candidate's ability to make critical decisions in a practical scenario worth twenty-five (25) points. This test will be relevant to the position for which the candidate is testing. The test may be a sand table exercise, a tabletop exercise, a computer generated exercise, or any other format which will allow the candidate to make critical decisions when faced with job relevant problems. The scenario; objectives, rules, criteria, and parameters will be set by the Promotional Review Board. The exercise will be scored based on 5 objectives effective attack, scene size up, water source supply, communications, and safety each objective is worth 5 points. Each candidate will be given fifteen (15) minutes to complete this practical examination. The Promotional Review Board will select two (2) members from the fire profession to score this exercise.

C. **Evaluation Rating:** a promotional evaluation rating conducted by Fire Department Supervisors chosen by the Promotional Review Board with the assistance of the Human Resources Director. This carries a weight of fifteen (15) points of the examination process. Information used for this process shall be based on the most recent two years of :

- Performance Evaluations =– Max + 4 points filed in the Permanent File in HR,(2pt each year)
- Disciplinary Actions= – Max +6 points filed in the Permanent File in HR,
- Current Certification Levels= – Max + 5 points filed in the Permanent File in HR

By applying to test, the employee acknowledges by the signing of the Fire Department Promotional Policy that he/she understands and gives permission to the board to investigate the employees personnel file, complaints, internal investigations, or other material needed to score in this section. The employee also understands that all information obtained by the Board shall be kept confidential. Failure to sign this policy will result in a disqualification from the promotion process.

D. **Seniority Compilation:** score will be done by the Human Resource Department: the first part will be based on the firefighter's continuous service with the Ruidoso Fire Department as a paid employee only. The second portion will be based on any additional experience with any other fire departments in the firefighter's career as a paid fire professional. The section carries the weight of fifteen (15) points.

1. Two (2) points shall be given for each consecutive year as an employee with the Ruidoso Fire Department, up to five (5) years. One (1) point for each additional year to ten (10) years.

2. One-half (1/2) shall be given for each year as a career firefighter as a paid fire professional with any other agency or with the Ruidoso Fire Department prior to current continuous service.

3. No participant shall exceed the maximum of fifteen (15) points for the above scoring.

E. **Oral Interview:** conducted by the Oral Assessment Committee and shall carry a weight of fifteen (15) possible points.

1. A possible twelve (12) points shall be awarded to the context of the questions (right answers) with a 4 point maximum per question and a total of three questions asked. Oral Assessment Committee may ask relevant follow up questions for clarification.

2. A possible three (3) points shall be awarded to the overall presentation of the applicant's presentation (e.g. communication skills, impromptu responses, eye contact etc.)

3. The Fire Chief or designee may participate on any oral interview but will bear no mark on the scoring.

F. **The Personal Interview:** shall be conducted by the Fire Chief. The Chief shall interview the eligible candidates before being notified of the scores of each applicant. This section shall have a possible ten (10) point's for each candidate testing for Captain and Lieutenant total.

If the Firefighter, Lieutenant, and Captain are testing for a promotion and the abbreviated testing procedures are used then the candidates are only required to interview before the oral board and the personal interview with the Fire Chief, the total interview will carry a weight of 45 possible points for Captain and Lieutenant testing with (35 points for the oral board and 10 for the personal interview with the Chief). For Assistant Fire Chief testing using the abbreviated testing procedures all that is required is to interview before the oral board and the

personal interview with the Fire Chief, the total interview will carry a weight of 45 possible points (35 points for the oral board and 10 for the personal interview with the Chef).

VII. PREPARATION AND TESTING OF PARTICIPANTS:

When there is a vacancy and when the Fire Chief deems it necessary to request the vacancy to be filled, the request shall follow the same criteria as any other request for vacancy or new position. Once it has been approved, the following shall begin.

A list of all eligible employees shall be posted on a memo announcing the upcoming opening and a closing date for submitting written notice. The closing date will be 10 days from the original posting date unless all eligible employees submit written notices sooner. The eligible employees who intend to participate shall submit written notice to the Fire Chief stating such intentions.

Should an opening at a higher grade become available and only one (1) employee in the department is eligible, only one (1) employee is interested in testing, or no employee in the department is eligible, then all officers in the eligible class may be tested, excluding employees on probation. However, in the seniority compilation scoring, the officer(s) without required continuous service shall be scored zero (0).

Once the posting is closed, no other applicants will be accepted.

The Oral Assessment Committee participants shall be picked randomly by the Promotional Review Board. The Board shall choose one of its members to be responsible for the organization of the Oral Assessment Committee. S/he shall contact the Oral Assessment Committee to set the date, time, and place of examination.

The employee responsible for the OAC organization shall notify eligible employees who requested to be tested, the chief, and other Board members of the date, time, and place of the written testing, oral assessment interview, and unless otherwise stated, the personal interview will be conducted in the Fire Chief's office.

During each process of the testing, excluding the Chief's personal interview, there shall be at least one Board member present at all times.

In an effort to evaluate candidates during the oral assessment interview, every Oral Assessment Committee member shall have a copy of the interview questions; however, the Promotional Review Board member shall read the questions for each candidate to answer.

VIII. SELECTION:

There shall be at least two board members to compile the scores for each section and certify the total scores of each participant.

In order for an applicant to be considered for promotion or for the promotional list, the applicant must have an overall score of at least 75.

Should two (2) or more participants have identical composite scores; the tie will be broken by continuous service with the Ruidoso Fire Department.

XI. AFTER SELECTION:

A. A promotional list will be created with the candidates listed in order by the overall testing scores from the promotional process. This promotional list will be posted at Fire Station #1.

B. Upon request, the participant shall be given a copy of his or her personal separate scores of all parts of the examination in order to show how the total score was achieved.

C. The promotion list shall be held for a period of one (1) year and used for appropriate promotional openings during that year. Prior to a promotion, the Fire Chief will review the promotional list and promotions will be given in order of position on the promotional list for that position.

X. TRIAL PERIOD FOR NEW PROMOTIONS:

A. All personnel promoted shall serve a three (3) month trial period and shall be evaluated monthly during probation

B. Any problems or deficiencies involving the promoted employee during this trail period shall be addressed in writing through the chain of command.

1. Deficiencies, if substantiated, are to be corrected immediately. Upon second notification to the Fire Chief, concerning the same issue and if deemed appropriate, the promoted employee shall be disciplined up to being reduced to the former rank and assignment or even dismissal (depending on the circumstances).

2. If the Chief requests the vacancy to be filled and it is approved by management, the next eligible employee on the eligibility list shall then be promoted and all rules in this policy shall begin for that employee.

RECEIVED BY: DATE:

_____ _____

Village of Ruidoso

Debi Lee, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345
Phone: 575-258-4343 · Fax: 575-258-5361

Manager Directive:	Police Department Promotional Policy
Number:	MSOP 99-01.1
Effective Date:	August 1, 1999
Revised:	August 8, 2003 October 30, 2009 January 15, 2010 January 5, 2011 June 19, 2014 November 13, 2015

Signed: Debi Lee — Debi Lee, Village Manager

Signed: — Darren Hooker, Police Chief

I. GENERAL

The Police Promotional Policy is intended to solicit ideas, support and assistance for the promotion of Corporal, Sergeant, and Lieutenant Positions. The Chief of Police has the discretion to post any vacant position, utilizing this Promotion Policy or advertise outside the department, utilizing the Village of Ruidoso Personnel Manual.

II. PROMOTIONAL REVIEW BOARD:

A. The Promotional Review Board shall be appointed by the Village Manager and shall consist of the Manager or designee as a non-voting member and at least three commissioned Police officers.

B. Appointing the Board:

1. Those officers interested in serving on the Promotional Review Board shall submit a written request to the Chief. The Chief shall submit recommendations to the Village Manager.

2. The Village Manager shall take the recommendations into consideration when making the appointment but the final decision shall be the Manager's. The Manager shall contact the Chief in writing

with the appointments to the Promotional Review Board.

C. The Chief or his designee shall be responsible for, and may solicit the input and involvement of the Promotional review Board:

1. Review and make recommendations for revisions to the Police Department Promotional Policy
2. Creating the questions for the Oral Assessment Committee
3. Meeting after promotional testing as needed to review the procedures
4. Organizing the evaluation rating for each promotional testing
5. Setting the criteria for awarding points for scoring.
6. Scoring and tabulation of all portions of the examination
7. Choosing the Oral Assessment Committee as needed for the oral interview.
8. Formalize the selection/promotion process for signature of the Police Chief

D. When a member of the Promotional Review Board has been deemed to have a conflict of interest, written justification shall be submitted to the Chief of Police requesting that member be temporarily removed from the Promotional review Board. The Chief shall review the justification, make the final determination and shall notify the member and the Village Manager.

Any board member testing shall be excused from the Promotion review Board.

III. PREPARATION AND TESTING OF PARTICIPANTS:

When there is a vacancy and when the Chief of Police deems it necessary to request the vacancy to be filled, the request shall follow the same criteria identified in the Village Personnel Manual. Once it has been approved by the Village Manager, the following shall begin.

- A list of all eligible employees shall be posted on a memo announcing the upcoming opening and a closing date for submitting written notice. The eligible employees who intend to participate shall submit a letter of interest to the Chief of Police stating such intentions.

- Should an opening at a higher grade become available and only one (1) employee in the department is eligible, only one (1) employee is interested in testing, or no employee in the department is eligible, then all officers in the eligible class may be tested, excluding employees on probation.

- Once the posting is closed, no other applicants will be accepted.

- The Oral Assessment Committee participants shall be selected by the Chief of Police. The Board shall choose one of its members to be responsible for the organization of the Oral Assessment Committee. S/he shall contact the Oral Assessment Committee to set the date, time, and place of examination.

- The Chief will assign a member of the Promotional Review Board to notify eligible employees who requested to be tested, and other Board members of the date, time, and place of the written testing, oral assessment interview, and unless otherwise stated, the personal interview with the Chief of Police.

- During each process of the testing, excluding the Chief's personal interview, there shall be at least one Board member present at all times.

- In an effort to evaluate candidates during the oral assessment interview, every Oral Assessment Committee member shall have a copy of the interview questions and, as a Committee, shall determine how the questions will be asked.

IV. SELECTION:

There shall be at least two board members to compile the scores for each section and certify the total scores of each participant.

In order for an applicant to be considered for promotion or for the promotional list, the applicant must score 70% or more of the overall points allotted (example overall points equal 105 points 70% equals 73.50 points).

Should two (2) or more participants have identical composite scores, the tie will be broken by the Chief of Police

V. AFTER SELECTION:

Upon request to the Chief, the participant shall be shown his or her personal separate scores of all parts of the examination in order to show how the total score was achieved.

The promotion list may be held for a period of one (1) year and used for appropriate promotional openings during that year by the Police Chief.

VI. TRIAL PERIOD FOR NEW PROMOTIONS:

A. All personnel promoted shall serve a three (3) month trial period and shall be evaluated monthly by their supervisor during probation. This trial period can be extended by the Chief of Police

B. Any problems or deficiencies involving the promoted employee during this trail period shall be addressed in writing through the chain of command.

1. Deficiencies shall be communicated within a reasonable time to the promoted employee in an effort to correct the deficiency immediately. Upon second notification to the Chief of Police, concerning the same issue and if deemed appropriate, the promoted employee may be disciplined in accordance with the Village Personnel Manual.

2. If the Chief requests the vacancy to be filled and it is approved by management, the next eligible employee on the eligibility list shall then be promoted and all rules in this policy shall begin for that employee.

VII. TESTING:

A. Testing shall consist of an objective examination process entailing a
written examination,
overall evaluation rating,
seniority compilations score (length of service),
oral assessment committee interview, and
personal interview with the Chief of Police

B. At the discretion of the Police Chief, the positions of Lieutenant, Patrol Sergeant, and Corporal, may be promoted using the approved abbreviated testing when there is only one eligible candidate to test for the position, as determined by the Chief of Police and the Human Resources Director.

Abbreviated testing consists of the following:
- Oral Assessment Committee Interview
- Personal Interview with the Chief of Police

VIII. ORAL ASSESSMENT COMMITTEE (OAC):

A. A pool of eligible candidates for the oral assessment committee shall be selected as follows:

1. The Promotional Review Board shall submit suggestions for the list of oral assessment committee participants to the Chief of Police.

2. Once the Chief has approved the participants, then a background check is

performed on any non-current law enforcement participant.

3. All persons with acceptable background checks will be notified by the Chief or his designee asking for their participation on the Oral Assessment Committee.

4. In the event that a member of the committee voluntarily withdraws from the committee or if a committee member is deemed to no longer be eligible (as described above) the Chief or his designee shall find a replacement.

B. The oral assessment committee should be comprised of three (3) to five (5) people with at least one person from within the community or surrounding area and one person involved in current law enforcement education or practice.

IX. EXAM AND SCORING:

A. Written Examination: an objective standard written examination. This carries a weight of thirty (30) points.

B. Evaluation Rating: a promotional evaluation rating will be developed by the Human Resources Director with two supervisors chosen by the Chief of Police. This carries a max of fifteen (15) points in the examination process. Information used for this process shall be based on the most recent two years of:

1. **Performance Evaluations:** A maximum of four (4) points is automatically awarded. Deductions will be made for below average evaluations. If evaluation is average then one (1) point will be given for that year. If evaluation is above average then two (2) points will be awarded for that year. (filed in the Permanent File in HR)

2. **Additional Duties:** A maximum of four (4) points can be given for those individuals that have taken on additional duties as approved by the Chief of Police. Additional duty example (dwi grant paperwork and tracking, safety committee representative, training coordinator, etc.)

3. **Current Certification Levels:** A maximum of 5 points will be awarded for current certification levels. (Intermediate 1, Intermediate 2, Advanced 1, Advanced 2, and 1st Line Supervisor, filed in the Permanent File in HR)

4. **Chief Commendations:** A maximum of 2 points will be awarded for commendations received within the applicable two year period. (filed in the Permanent File in HR)

5. **Disciplinary Actions:** Deductions will be made for disciplinary actions within the applicable two year period. One (1) point will be deducted for each documented verbal counselling and two (2) points for each written reprimand/performance correction notice. (filed in the Permanent File in

HR)

By submitting a letter of interest and applying to test, the employee acknowledges that he/she understands and gives permission to investigate complaints, internal investigations, or other material needed to score in this section. The employee also understands that all information obtained by the Board shall be kept confidential. Seniority compilation score: the first part will be based on the officer's continuous service with the Ruidoso Police Department only. The second portion will be based on any additional experience with any other police departments in the officer's career. The section carries a max of 15 points.

1. One (1) point shall be given for each year with the Ruidoso Police Department, up to ten (10) years.

2. One (1) point shall be given for each year as a certified police officer with any other police department prior to current continuous service up to five (5 years) .

3. No participant shall exceed the maximum of 15 points for the above scoring.

D. Oral interview: conducted by the Oral Assessment Committee and shall carry a maximum of thirty-five (35) possible points.

1. A possible thirty (30) points may be awarded to the applicant for context of the questions (right answers) with a 3 point maximum per question and a total of ten questions asked. Oral Assessment Committee may ask relevant follow up questions for clarification.

2. A possible five (5) points shall be awarded to the applicant for their presentation (e.g. communication skills, impromptu responses, eye contact, body language, job knowledge etc.)

E. The Personal Interview: shall be conducted by the Chief of Police or designee. The Chief shall interview the eligible candidates before being notified of the scores of each applicant. This section shall have a maximum ten (10) point's for each candidate testing for Sergeant and Corporal. However for the Lieutenant testing the Chief of Police may award up to fifteen (15) points for each candidate testing to award.

F. If the Patrol Officer, Corporal, and Sergeant are testing for a promotion and the abbreviated testing procedures are used then the candidates are only required to interview before the oral board and the personal interview with the Chief. The total interview will carry a max of 40 possible points for Corporal and Sergeant testing with (25 max points for the oral board and 15 max for the

personal interview with the Chief). For Lieutenant testing using the abbreviated testing procedures all that is required is to interview before the oral board and the personal interview with the Chief. The total interview will carry a max of 45 possible points (25 max points for the oral board and 20 max for the personal interview with the Chief).

X. ELIGIBILITY:

Eligibility Date: refers to the date of hire or the date of previous promotion. These promotions must comply with the VOR Personnel Policy.

A. Lieutenant: This position is a tested position that is second in command to the Chief of Police for the area of responsibilities assigned. The Chief has the discretion to have two Lieutenants whereby one is assigned to the Patrol Division and one is assigned to Administration, CID and Dispatch.

If the Lieutenant position becomes vacant, eligible Sergeants can test for the Lieutenant position. To be eligible for the promotional examination, the employee must meet the following criteria:

- Non-Probationary
- Have at least three (3) years consecutive service in the capacity of a Sergeant with the Ruidoso Police Department (number of years may be waivable with consent from Village Manager)
- Have no founded internal affairs investigations within 365 days prior to the promotional test date
- Have no category 2 or 3 violations within 365 days prior to the promotional test date

If only one eligible Sergeant is interested in the position of Lieutenant, the abbreviated testing process will be conducted. Any promotion must be approved by the Chief of Police and Village Manager.

If more than one eligible Sergeant, then the approved testing shall take place for the interested candidates.

In certain circumstances, the Chief of Police may appoint an interim Lieutenant, for a time not to exceed one year. This position holds the same authority as that of the tested Lieutenant position. The interim Lieutenant will remain in this position until such time as the testing process can be conducted, or until removed by the Chief of Police. Any promotion must be approved by the Chief of Police and Village Manager

B. Sergeant: When there is a budgeted vacant position for Patrol Sergeant, or Detective Sergeant the vacancy will be opened first to all current Sergeants.

If a Detective Sergeant is interested in the vacant Patrol Sergeant position, the Sergeants meeting the eligibility requirements will be interviewed by the Chief of Police. The Chief of Police will make the determination as to which Sergeant is to be transferred to the Patrol Sergeant position.

If a Patrol Sergeant is interested in the vacant Detective Sergeant position, the Sergeants meeting the eligibility requirements will be interviewed by the Chief of Police. The Chief of Police will make the determination as to which Sergeant is to be transferred to the Detective Sergeant position.

If no Sergeant is interested in the transfer, the position will be opened to eligible Corporals. Corporals eligible for this position must meet the following:

- Non-Probationary
- Have at least two (2) years consecutive service as a Patrol Corporal with the Ruidoso Police Department (number of years may be waivable with consent from Village Manager)
- Have no founded internal affairs investigations within 365 days prior to the promotional test date
- Have no category 2 or 3 violations within 365 days prior to the promotional test date

If there is more than one eligible Corporal, then the approved testing shall take place for the interested candidates.

If only one eligible Corporal is interested in the position of Sergeant, then after the position has been formally posted for a minimum of 5 working days, the abbreviated testing process will be conducted. Any promotion must be approved by the Chief of Police and Village Manager.

If no eligible Corporals are interested in the position of Sergeant, the position will be opened to all Corporals.

If there is no eligible or interested Corporal candidate, then non-probationary employees, with at least two (2) years continuous employment as a Patrol Officer with the Ruidoso Police Department prior to the date of the promotional examination, are then eligible to test. Any promotion must be approved by the Chief of Police and

Village Manager.

C. **Corporal**: When there is a budgeted vacancy for a Patrol Corporal, the vacancy will be opened to all eligible Patrol Officers. Patrol Officers eligible for Corporal testing must meet the following:

- Non-Probationary
- Have one year experience as a certified Patrol Officer with the Ruidoso Police Department
- Have no founded internal affairs investigations within 365 days prior to the promotional test date
- Have no category 2 or 3 violations within 365 days prior to the promotional test date

If more than one Patrol Officer is interested in the position of Corporal, then the approved testing process shall take place.

If no eligible Patrol Officers are interested in the position of Corporal, the position will be opened to all non-probationary Patrol Officers and the approved testing process shall take place. Any promotion must be approved by the Chief of Police and Village Manager.

RECEIVED BY: _____ DATE: _____

Village of Ruidoso
Lorri McKnight, Manger
Manager Standard Operating Procedure

313 Cree Meadows Dr., Ruidoso, New Mexico 88345
Phone: 505-258-4343 Fax: 505-258-5361 E-MAIL: LorriMcKnight@voruidoso.com

Manager Policy: **Exposure Control Plan**

Number: **MSOP 00-06**

Effective Date: **November 1, 2005**

Signed: **Original filed in the Executive Office**
Lorri McKnight, Village Manager

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June 15, 2000 REVISED

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EXPOSURE CONTROL PLAN

I. PURPOSE AND POLICY

The purpose of the Exposure Control Plan for this facility is to implement the requirements of OSHA Standard 29 CFR 1910.1030 Bloodborne Pathogens, and thereby reduce the risk of employee infection with bloodborne pathogens such as, but not limited to, Hepatitis A Virus (HAV), Hepatitis B Virus (HBV) and Hepatitis C (HCV), and Human Immunodeficiency Virus (HIV) which results in the disease commonly known as AIDS. The OSHA standard is included as Appendix I of this plan. This plan shall be reviewed and updated at least annually and as needed, to reflect any changes.

The policy of this facility is that employees shall adhere to universal precautions. Universal precautions is an approach to infection control. According to this concept, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV and other bloodborne pathogens.

A copy of the exposure control plan and Standard 29 CFR 1910.1030 Bloodborne Pathogens will be kept in each department that has exposure to bloodborne pathogens and available to all employees at all times.

II. DEFINITIONS

Appropriate Personal Protective Equipment:
Means that it does not permit blood or other potential infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used see (1910.1030 (d) (3) (I)) in Appendix I.

Bloodborne Diseases or Pathogens:
Diseases that are generally spread through blood to blood contact.

Contaminated:
Means the presence or reasonably anticipated presence of blood or other potentially infectious material on an item or surface.

Decontamination:
Means the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface of the item is rendered safe for handling, use or disposal.

Exposure Control Officer:
The Human Resource Department and the immediate Department Director.

Exposure Incident:
Means a specific eye, mouth, other mucous membrane, non-intact skin, or other parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Mode of Transmission:
Needle Sticks, Splashes, Wastewater, etc.

Occupational Exposure:

Means reasonably anticipated skin, eye, mucous, membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials (OPIM):

1. The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids where it is difficult or impossible to differentiate between fluids;

2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead);

3. HIV containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other solutions; and blood or other tissues from experimental animal infected with HIV or HBV.

Parenteral:
Means piercing mucus membranes or the skin barrier through such events as needle sticks , human bites, cuts, and abrasions.

Regulated Waste:
Means liquid or semi-liquid blood or other potentially infectious materials, contaminated items that could release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed, items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling, contaminated sharps, pathological and microbiological wastes containing blood or other potentially infectious materials.

Sharps:
Any contaminated object that can penetrate the skin including but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Work Practice Controls:

Means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needle be a two hand technique).

For definitions of other terms used in this exposure control plan, see 1910.1030 (b) Definitions in Appendix I.

III. JOB CLASSIFICATION AND DESCRIPTIONS

The exposure determinations have been made without regard to the use of personal protective equipment.

JOB CLASSIFICATIONS IN WHICH "ALL" EMPLOYEES HAVE BEEN IDENTIFIED AS HAVING OCCUPATIONAL EXPOSURE:

JOB CLASSIFICATION AND DESCRIPTION:
Patrol Officer
Corporal
Sergeant
Lieutenant
Chief of Police:

DESCRIPTION:
Investigates crimes, complaints, makes arrests, maintains order, obtains evidence, performs crowd and traffic control, assists injured.

JOB CLASSIFICATION AND DESCRIPTION:
Communication Detention Officer
Communication Detention Officer Supervisor:

DESCRIPTION:
Supervision of prisoners in the detention facility, greets walk in traffic.

JOB CLASSIFICATION AND DESCRIPTION:
Firefighter I & II
Capitan
Lieutenant
Fire Chief:

DESCRIPTION:
Fire fighting, cleaning of premises after fire has been extinguished, assists injured, performs lifesaving operations.

JOB CLASSIFICATION AND DESCRIPTION:
Airport Manager

Emergency Response Chief
Head Lineman
Line Service Technician (Lineman)

DESCRIPTION:
The Airport is in an isolated area. The field employees are first responders to in any life saving operation.

JOB CLASSIFICATION AND DESCRIPTION:
All Water department field positions
All Waste Water Collection field positions
All Waste Water Treatment Plant positions

DESCRIPTION:
Would be considered to have "exposure" due to the fact the water or waste water may, at times, not be cold enough to kill a virus, employee(s) may become injured around contamination.

JOB CLASSIFICATION AND DESCRIPTION:
Solid Waste Workers
Solid Waste Operator Drivers
Solid Waste Maintenance Support Technician

DESCRIPTION:
Handles larger quantities of garbage by hand and truck. Clean and maintain dumpsters and run transfer station.

JOB CLASSIFICATION AND DESCRIPTION:
All Parks and Recreation positions this also includes all Pool positions

DESCRIPTION:
Maintain all Parks and Recreational facilities. Deals with public on community wide sporting and holiday events.

JOB CLASSIFICATION AND DESCRIPTION AS TO TASKS OR GROUPS OF CLOSELY RELATED TASKS AND PROCEDURES IN WHICH OCCUPATIONAL EXPOSURE COULD OCCUR:

ALL OTHER EMPLOYEES

DESCRIPTION:
Would be considered to have "some exposure" due to the fact that the Village of Ruidoso is a public entity with public facilities, and maybe applicable to work practice per Department Directors.

IV. METHODS OF COMPLIANCE

A. General

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials.

2. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

3. Each department of the Village of Ruidoso is responsible for ensuring the employees, identified as having occupational exposure, are knowledgeable of this plan, are properly trained at the time of initial assignment, and at least annually, in the proper methods of avoiding exposure and contamination from human blood and certain body fluids (see section III of this plan).

4. Once the employee has been trained, the employee must act in a responsible manner when dealing with situations that are addressed in this policy.

B. Engineering and Work Practice Controls

1. Employees shall wash their hands immediately or as soon as possible after removal of gloves or other personal protective equipment and after hand contact with blood or other potentially infectious materials. If hand washing facilities are not immediately available, employees shall use antiseptic hand cleaner or towelettes and shall wash hands with soap and water as soon as feasible.

2. All personal protective equipment shall be removed immediately upon leaving the work area or as soon as possible if overtly contaminated and placed in an appropriately labeled and designated area or container for storage, washing, decontamination or disposal.

3. All clothing which has come in contact with blood or other potentially infectious material shall be removed immediately or as soon as possible or feasible and the employee will:

    a. Wash that body area with soap and water.

    b. Place contaminated clothing in the provided bio hazard bag and handle according to Departmental procedures.

    c. Employees are not responsible for laundering contaminated laundry.

4. Used needles shall not be shared, bent, broken, recapped or removed by hand. Any exception must comply with 29 CFR 1910.1030 (d) (2) (vii).

5. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood for occupational exposure.

6. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on counters or bench tops where or anywhere else where blood or other potentially infectious materials have a potential to be present.

7. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, splattering, and generation of droplets.

8. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited. (In the event of a snake bite seek medical attention immediately. Snake bite kites shall be used only if properly trained).

9. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.

    a. The container for storage, transport or shipping shall be closed and labeled or color coded according to **paragraph VII, A** of this plan.

    b. If outside contamination of the primary container occurs, it shall be placed within a second container which prevents leakage during handling, processing, storage, transport or shipping. The second container shall be labeled or color coded according to **paragraph VII, A** of this plan.

    c. If the specimen could puncture the primary container, it shall be placed in a puncture resistant second container meeting the characteristics of the above paragraph.

10. Equipment which may become contaminated with blood or other potentially infectious material shall be decontaminated as necessary unless decontamination is not feasible.

    a. Contaminated equipment shall be labeled according to requirements in **paragraph VII, A** of this plan and shall state which portions remain contaminated.

b. It is the responsibility of the Village of Ruidoso to notify all affected employees, the servicing representative and/or manufacturer as appropriate prior to handling, servicing or shipping of contaminated equipment so that appropriate precautions can be taken.

C. Personal Protective Equipment

1. When there is occupational exposure, employees will be provided with and shall use appropriate personal protective equipment such as: Gloves, aprons, lab coats, head and foot coverings, face shields, or masks and eye protection; and mouthpieces, resuscitation bags, pocket masks or other ventilation devices. The appropriate personal protective equipment shall be discussed with each employee and shall be required based upon the tasks involved and the hazards of the job duty. The equipment shall be readily accessible.

2. Appropriate personal protective equipment in the appropriate sizes will be provided at the work site. If deemed appropriate, non-disposable multi-use equipment may be assigned to individual employees.

3. Cleaning, laundering, or disposal of personal protective equipment will be provided by employer without cost to employees.

4. When necessary, issued personal protective equipment will be repaired or replaced by the Village of Ruidoso. Employees must notify their supervisor when the equipment needs repairing or replacing.

5. Gloves: Gloves shall be worn when it can reasonably be anticipated for the hands to have contact with blood, other potentially infectious materials, mucous membranes, non-intact skin and when touching or handling contaminated items or surfaces.

   a. Disposable (single use) gloves, such as surgical or examination gloves, shall be replaced as soon as possible when contaminated, torn, punctured or when their ability to function as a barrier is compromised. Disposable gloves shall not be washed or disinfected for re-use.

   b. Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised, however they must be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration, or when their ability to function as a barrier is compromised.

   c. Gloves shall be worn when performing vascular access procedures except as specified in 1910.1030(d)(3)(ix)(D) of Appendix I.

6. Masks and eye protection or chin length face shields shall be worn whenever splashes, spray, spatter, droplets or aerosols of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

7. Gowns, aprons, and other protective body clothing: Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degrees of exposure anticipated.

8. Surgical caps or hoods and/or shoe covers shall be worn in instances when gross contamination can be anticipated (i.e., homicide investigation scenes.)

D. Housekeeping

The work site is to be maintained in clean and sanitary condition. Each department will determine and implement the appropriate written schedule for cleaning and method of decontamination based upon the location within this facility, type of surface to be clean, type of soil present, and tasks and procedures being performed in the area.

1. Cleaning and disinfection: All equipment and environmental working surfaces shall be properly cleaned and decontaminated after contact with blood or other potentially infectious materials.

    a. Work surfaces shall be decontaminated with a 1 part bleach to 10 parts water solution or another approved antiviral disinfectant after completion of procedures; whenever surfaces are overtly contaminated; immediately or as soon as feasible and as scheduled; after any spill of blood or other potentially infectious materials; and at the end of the work shift if contaminated since the last cleaning.

    b. Protective coverings such as plastic wrap, aluminum foil or imperviously backed absorbent paper may be used to cover equipment and environmental surfaces. These covering shall be removed and replaced at the end of the work shift or when they become overtly contaminated.

    c. All bins, cans and similar receptacles intended for re-use which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as possible upon visible contamination.

    d. Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such a brush and

dust pan, tongs or litter grippers and deposited directly into an approved sharp container.

E. Regulated Waste

a. Contaminated Sharps:

(i). Contaminated sharps shall be discarded immediately or as soon as feasible in close able, puncture resistant, leak proof (on sides and bottom) containers. The container shall be labeled in accordance with this plan.

(ii). Contaminated sharps containers shall be easily accessible to employees and located as close as feasible to the immediate area where sharps are used or can reasonably anticipated to be found.

(iii). Contaminated sharps containers shall be kept upright throughout use and not allowed to over fill.

(iv). If leakage is possible, contaminated sharps containers shall be placed in a close able, appropriately labeled container constructed to contain all contents and prevent leakage.

F. Record Keeping

a. Medical Records

(i). The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.

(ii). This record shall include:

A. Then name and social security number of the employee;

B. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);

C. A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);

D. The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5); and

E. A copy of the information provided to the healthcare professional as required by paragraphs (f)(4)(ii)(B)(C)and (D).

(iii). Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are:

B. Kept confidential; and

C. Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv). The employer shall maintain the records required by paragraph (h) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.1020.

V. VACCINATIONS

A. Hepatitis B vaccination shall be made available to all employees with occupational exposure at no cost to the employee according to the requirements and procedures specified in 1910.1030 (f) in Appendix I of this plan. Any employee refusing vaccination must sign a release found in Appendix III. Which will be kept in his/her medical record. If the employee later changes his/her mind and still has occupational exposure, the vaccination will be provided at no cost to the employee.

B. Vaccination will also be made available to the employee, if exposure incident occurs and the medical provider determines it is necessary, using current U. S. Public Health Service guidelines.

VI. POST EXPOSURE:

A. Post exposure evaluation and follow-up shall be made immediately available following the report of an exposure incident as defined in Section II, and shall follow the procedures and requirements of 1910.1030 (f) (1) through (6) in Appendix I of this plan.

1. Post Exposure evaluation will be done by the Department Director and the Exposure Control Officer will be notified immediately.

2. The exposure control officer will receive the medical providers written report and insure the employee receives a copy of the report.

3. The exposure control officer shall document the;

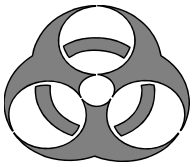
a. Routes of exposure and circumstances of the exposure incident.

b. Identification and documentation of source individual.

4. Source individual blood shall be tested as soon as feasible according to 1910.1030 (F)(3)(ii)(a).

5. 1910.1030(f)(3)(ii)(c)

6. The Medical Provider will provide post exposure prophylaxis when medically indicated as recommended by the US Department of Public Health Service and counseling will be provided by Medical Provider.



VII. COMMUNICATION OF HAZARDS TO EMPLOYEES

A. Labels and Signs

1. Warning labels shall be affixed to containers of regulated waste, containing blood or other potentially infectious material.

2. Labels shall include the following legend:

BIOHAZARD

3. Labels shall be fluorescent orange or orange red with lettering or symbols in a contrasting color.

4. Labels shall be affixed as close as possible to the container by string, wire, adhesive or other method to prevent their loss or unintentional removal.

5. Red bags or red containers may be substituted for labels.

6. Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, shipping, transport or disposal are exempt from the labeling requirement.

7. Labels required for contaminated equipment shall state which portion of the equipment is contaminated.

B. Employee Information and Training

1. All employees identified as having occupational exposure and potential occupational exposure as determined in Section III will participate in a training program.

2. Employees will be trained at the time of initial assignment to tasks where occupational exposure may occur and at least annually thereafter.

3. Additional training shall occur when changes such as modification of tasks or procedures or when new tasks or procedures may affect employees occupational exposure.

4. At a minimum, the training for employees with occupational exposure will include:

   a. The location of an accessible copy of OSHA's Bloodborne Pathogen Standard 1910.1030 and an explanation of its contents.

   b. A general explanation of the epidemiology(signs) and symptoms of bloodborne disease.

   c. An explanation of the modes of transmission of bloodborne disease.(e.g. needle sticks, splashes, wastewater)

   d. An explanation of this Exposure Control Plan and the location where an easily accessible copy will be kept.

   e. An explanation of methods employees may use to recognize tasks that may involve occupational exposure.

   f. An explanation of the methods and their limitations that will present or reduce occupational exposure.

   g. Information on the selection, limitations, locations, decontamination and proper disposal of personal protective equipment.

   h. Information on Hepatitis B, Hepatitis A vaccine, including information on its effectiveness, safety, method of administration, benefits of vaccination, and that vaccine will be administered without cost to the employee, as well as information regarding Hepatitis C and HIV.

   i. Information on appropriate actions and the person to contact in the event of an emergency involving blood or other potentially infectious materials.

j. An explanation of proper procedures to follow if an exposure incident occurs, including reporting procedures and the medical follow-up that will be made available.

k. Information on post exposure follow-up that the employer is required to provide.

l. An explanation of the labels and/or color coding system by Department.

m. An opportunity for the employee to ask follow-up questions and obtain answers during the training.

5. This record will be maintained for a minimum 3 years.

APPENDIX III

Employee Request/Declination Form for Hepatitis B Vaccine

Employee Name: _____

Department: _____

Date: _____

I understand that due to my occupational exposure to blood or other infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

At this time, I choose **NOT** to have the Hepatitis **B** vaccine: _____

Employee Signature

If I choose not to participate in the Hepatitis B vaccination and later decide that I would like to, I will contact my Department Director.

Fill this portion out only if you are requesting the Hepatitis B vaccine series

I request the Hepatitis **B** vaccine: _____

Employee Signature

I understand that by signing this request to have the vaccine series, that the Village of Ruidoso is paying for the cost of my vaccine series. I also understand that if I choose to not complete the series, I will immediately come to the Human Resource Department and sign the declination form. I also acknowledge that I have received a copy of the procedures for obtaining the vaccine series.

APPENDIX IV

Employee Request/Declination Form for Hepatitis A Vaccine

Employee Name: _____

Department: _____

Date: _____

I understand that due to my occupational exposure to potentially infectious materials, I may be at risk of acquiring Hepatitis A Virus (HAV) infection. I have been given the opportunity to be vaccinated at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis A. If in the future I continue to have occupational exposure to potentially infectious materials and I want to be vaccinated with Hepatitis A vaccine, I can receive the vaccination series at no charge to me.

At this time, I choose **NOT** to have the Hepatitis **A** vaccine: _____

Employee Signature

If I choose not to participate in the Hepatitis A series and later decide that I would like to, I will contact my Department Director.

Fill this portion out only if you are requesting the Hepatitis A vaccine

I request the Hepatitis **A** vaccine: _____

Employee Signature

I understand that by signing this request to have the vaccine series, that the Village of Ruidoso is paying for the cost of my vaccine. I also understand that if I choose to not complete the series, I will immediately come to the Human Resource Department and sign the declination form.

APPENDIX V

This is reserved for individual departmental directives and includes:
Airport Department Directive
Convention Center Directive
Fire Department Directive
Parks & Recreation/Pool/Building Maintenance Directive

June 15, 2000 REVISED

Police Department Directive
Public Library Directive
Purchasing Directive
Regional Wastewater Treatment Plant Directive
Senior Citizen Directive
Street/Vehicle Maintenance Directive
Solid Waste Directive
Village Hall Directive
Water/Wastewater Directive

June 15, 2000 REVISED

VILLAGE OF RUIDOSO
Lorri McKnight, Manager
Manager Standard Operating Procedure
313 Cree Meadows Drive Ruidoso, New Mexico 88345
Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@voruidoso.com

Manager Directive:	Hazard Communication Program
Number:	MSOP - 02-02
Effective Date:	November 1, 2005 June 23, 2000
Signed:	Signed Original in Executive Office Lorri McKnight, Manager

Purpose:

The purpose of this program is to insure that the hazards of all chemicals produced or brought on to Village of Ruidoso property are evaluated, and that information of their hazards is transmitted to employees and outside contractors. This transmittal of information shall be accomplished by means of comprehensive hazard communication programs, which include container labeling, material safety data sheets, and training of employees and outside contractors.

Scope:

The scope of this program shall include all chemicals present in the workplace that employees are or could be exposed too. Chemicals shall include; any element, chemical compound or mixture of elements and/or compounds. The scope of this program shall include information concerning the labeling, material safety data sheets, and the training program as they apply to chemicals that employees may be exposed under normal conditions of use or in a foreseeable emergency.

Procedure:

Hazard Determination:
Chemicals brought to the Village of Ruidoso shall depend upon the chemical manufacturer for hazard evaluation of all products imported into the facility. This hazard determination, contained on the material safety data sheet supplied by the manufacturer, and the precautions listed shall be followed by all employees.

Chemicals manufactured at the Village of Ruidoso: The Department Director or designee

shall take responsibility for all chemicals manufactured at our facility including those that may be by-products produced at our facility. We will evaluate hazards, label, produce material safety data sheets, and train employees on determinations and precautions. Before remodeling, rebuilding, or demolition of any part of our facilities is allowed, management shall provide training to employees of any potential chemical hazards of such work (IE. Breaking cement creates silica dust).

LABELING PROGRAM

Each container of chemicals entering or leaving the workplace shall be labeled as per pertinent federal regulations. Labeling shall include the following: manufacturer, phone number, address, chemical identification, appropriate hazard warnings (including target organ). For metals, the required label may be transmitted at the time of the initial shipment and need not be included with subsequent shipments unless the information on the label changes. This exemption is for the metal only and does not apply to the hazardous chemicals used in conduction with, or known to be present with, the metal and to which employees handling the metal may be exposed (for example, cutting fluids or lubricants).

In-plant labeling program: The Department Director or designee have been designated as the responsible person for ensuring that all in-plant containers are labeled. Should any containers be found without a label, this person shall be responsible to replace the label. All incoming shipments of chemicals shall be inspected for labeling before accepting the shipment.

Labeling for chemicals being shipped: The Department Director or designee have been designated as the responsible person for ensuring that all chemicals being shipped are properly labeled. The departments shall use their appropriate labels for all chemicals being shipped out.

The designated and responsible persons shall review labeling procedures on a regular basis. Should this review show deficiencies in the labeling program, the deficiencies shall be brought to the attention of management. Management will determine how to up-date the labeling program to correct any and all deficiencies.

MATERIAL SAFETY DATA SHEETS:

Obtaining MSDS's: The Department Director or designee is the responsible person to obtain all MSDS's from suppliers and contractor's. Once obtained they shall be cataloged as per below procedures. Should any chemicals be found at the facility without an MSDS, the designated person will contact the supplier or manufacturer immediately. The missing MSDS's will be faxed or be provided as quickly as possible. The designated person shall be responsible to meet with all outside contractors before work begins to exchange MSDS's and then on a regular basis to stay current as to all chemicals located or being used at the facility.

Maintenance of MSDS's: The Department Director or designee is designated as the responsible person to maintain all MSDS's received. MSDS's shall be maintained in each department.

The master copy of all MSDS's shall be maintained in each Department. The Police and

Fire Department will have a complete master copy of all departments MSDS's. The MSDS's in these notebooks shall be kept in alphabetical order and cross referenced to the departments in which they are stored and used. The index of this maintenance will provide a complete listing of chemicals at the facility and their location within the facility. The cross index listing of all chemicals shall be up-dated whenever an MSDS's is added or deleted from the facility.

Each Department shall be provided with an MSDS's notebook containing all MSDS's of chemicals stored and used in the area. These notebooks shall keep the MSDS's in alphabetical order by product name and crossed reference with the chemical name for ease of use by all employees and outside contractor employees.

These Department MSDS's notebooks shall be up-dated whenever there is an addition or deletion of any chemical in the Department.

MSDS's shall be in English and when necessary and at least annually provided in other languages to meet the needs of current employees. They shall be filed in alphabetical order matching the name shown on the container label. Names other than listed on the label shall not be used.

Material safety data sheets shall contain at a minimum the following:

1. the contents chemical and common names,
2. the permissible exposure limit and threshold limit valve if applicable,
3. physical and chemical characteristics,
4. health hazards, including signs and symptoms of exposure,
5. primary route(s) of entry to the human body,
6. precautions for safe handling and use,
7. procedures for clean-up of spills, leaks, and releases,
8. emergency and first aid procedures,
9. date of preparation and dates of up-dates,
10. name, address, and telephone number of manufacturer,
11. personal protective equipment necessary for safe handling and use.

Coordination of MSDS's with Outside Contractors:
The Department Director or designee is the responsible person to coordinate the exchange of MSDS's with outside contractors. This information shall then be cataloged and up-dated to all applicable MSDS notebooks. The exchange of information required to protect both outside contractor employees as well as the Village of Ruidoso employees is as follows: copies of MSDS's exchanged, quantity of each chemical at the site, and the location of each chemical at the site.

Labeled and unlabeled pipes: the piping systems in use in each department have been identified by the Department Director or designee , and this information has been provided to all employees during their education sessions. All pipelines in this area which contain hazardous chemicals are identified in Appendix I. The normal work practices performed in this area should preclude any hazard to our employees.

Only those employees who have received proper and complete training for emergency response shall perform any duties during an incidental leak, spill or release situation.

There are certain non-routine tasks performed in conduction with these piping systems which could create a hazard for those employees performing those tasks. These are listed by department in Appendix I. Employees who would perform these tasks have been informed of the hazards associated with these tasks at their training sessions. They have also been informed of the personal protective equipment required when performing these tasks. "Reminders" will also be provided to these employees engaged in these non-routine tasks prior to the actual performance of these tasks.

RESPONSIBILITY PROFILES

There are three (3) major categories of responsibility that are essential to the effective implementation of this program. They are:

- The "Right-to-know" Coordinator
- Hazard Communications Training Instructors
- All Village of Ruidoso Employees

The following sections define the roles played by each of these groups in carrying out the program.

The "Right-To-Know" Coordinator

The Department Director or designee is the "Right-To-Know" coordinator. They will be responsible for overall management and support of the operations hazard communication program. Activities which are delegated to the right-to-know coordinator include, but are not limited to:

- overall responsibility for implementing the hazard communication program for the entire operation.
- develop and administer any additional policies and procedures needed to support the effective implementation of this program.
- revise and up-date this program as necessary.
- collect and maintain a suitable reference file on the federal hazard communication regulations and chemical safety information.
- act as liaison during OSHA inspections.
- maintain master inventory list(s) of hazardous chemicals, MSDS file and the written communication program.
- maintain work area inventory list(s) of hazardous chemicals.
- conduct yearly audits to maintain an up-to-date hazardous chemical inventory.
- delegate responsibility to appropriate personnel for support of the hazard communication program. Such activities will include:
  - designation of an alternate "right-to-know" coordinator.
  - designation of hazard communication trainers.
  - designation of personnel responsible for requesting and collecting MSDS's from all manufacturers and suppliers.
  - designation of personnel to develop MSDS's for hazardous materials produced (or are by-products) at this facility.
  - designation of personnel responsible for labeling containers holding hazardous chemicals.
  - designation of personnel responsible for conducting periodic audits to update hazardous chemical inventory and to assure general compliance with the program.

Department Directors or designee person will be responsible for the on-site management of the hazard communication program. Activities which they will be held responsible for include:

- see that all employees in their work area have received training in the hazard communication program before beginning work in their area.
- see that all employees in their work area properly use personal protective equipment.
- maintain a supply of personal protective equipment (i.e. gloves, face shields, respirators, etc.), as necessary.
- maintain an inventory list of hazardous substances in their work area in conduction with this program.
- informing all affected employees of any and all new chemicals brought into the work area.
- insure all containers, including transfer containers, are appropriately labeled.
- consult with right-to-know coordinator regarding any questions concerning the hazard communication program and any new hazardous chemicals in the work area.

HAZARD COMMUNICATION TRAINING INSTRUCTOR

The hazard communication trainer will be responsible for the education and training of all personnel who are exposed to or handle hazardous substances. Activities falling under the direction of the trainer include:

- maintaining an up-to-date list of all personnel employed or contracted with the Village of Ruidoso. (working in conjunction with the Human Resource Department).
- developing suitable training programs utilizing the methods identified in this program.
- scheduling periodic training seminars for affected employees.
- maintaining appropriate training documentation such as sign-in sheets, manuals, quizzes, etc.
- periodically reviewing the training programs with the right-to-know coordinators and designee to include appropriate new information.

Safety Counselling Inc and Ruidoso Fire Department have been selected to be the **Village of Ruidoso** hazard communication trainer. With the exception of All New Employees who will be trained initial by the Department Director or designee.

EMPLOYEES

As with all of the companies activities, the employees have the most important role in the hazard communication program, for the ultimate execution of the program rest in their hands. In this role employees must:

- know which chemicals in their work area are hazardous.
- attend and attentively gather information from the hazard communication training sessions conducted by the hazard communication trainer.
- become familiar with the information on the MSDS's for the hazardous chemicals in their Department.
- observe all the handling precautions noted on the MSDS's and as discussed in the training sessions.
- inform Department Director or designee:
  - before performing a non-routine task in which hazardous chemicals are involved.
  - when encountering hazardous materials in the work area which are either not labeled properly, not identified in the inventory listing, or do not have an MSDS'S in the right-to-know compliance manual.

Hazardous Chemical Lists

A hazardous chemical list has been complied for our operations from inspection/ inventories conducted. Additional inspection/inventories are and will be conducted periodically to assure the accuracy of this list. In general, we will rely on the material safety data sheet (MSDS'S) information provided by the manufacturer or supplier to determine if a specific chemical or product is to be included in the "hazardous chemical list". In situations where products are unique mixtures or where no data is available, the hazard determination procedure outlined in the "hazard determination" section of this plan will be used as a method of evaluation.

The following classes of materials are, however, excluded from the hazard determination requirements contained with this program, as provided by OSHA [ref. 29 CFR 1910. 1200(b)(6)] and, therefore, have not included on the hazardous chemical list:

- ★ any federally regulated hazardous waste
- ★ tobacco or tobacco products
- ★ wood or wood products (unless the downstream use creates a potential for hazardous exposure; IE. Cutting, sawing, grinding, etc.)
- ★ articles
- ★ food, drugs or cosmetics intended for personal consumption by employees while in the workplace
- ★ any drug, as that term is defined in the federal food, drug, and cosmetic act, when it is in solid, final form for direct administration to the patient (IE. Tablets or pills).

The hazardous chemicals list four operations located in your specific Department.

Recognizing that a significant “employee right” under the standard is to receive a copy of this list, the Department Director or designee has been assigned the responsibility of making sure that all employees requesting copies of the list receive them within five (5) working days of the date the list is requested. To make sure that employees have “Department access” to this list, copies of the hazardous chemical list are also kept at appropriate locations throughout our Department areas, along with copies of MSDS’s for chemicals used in the surrounding Department areas.

Hazardous substance lists and material safety data sheets for each Department:

The material safety data sheets (MSDS’s) in this section are broken down by each Department (or locations) where they are used or stored within the facility.

HAZARD COMMUNICATION EDUCATION AND TRAINING

Pursuant to the hazard communication program, an employee education and training program has been instituted at our facility regarding the handling and related dangers of exposure to chemicals in the work place. All personnel who are exposed to chemical hazards in their job assignments will be trained at the time of their initial assignment, and whenever circumstances in the workplace change involving the addition of a new hazard, or new hazardous chemical. All new employees will be trained by the Department Director or designee as part of our “new employee orientation program” so that they are adequately prepared to deal with the chemicals they will be using and are exposed to in their new jobs. Additionally, this education and training program will be given to all of our employees at least annually, by the hazard communication training instructor, to keep their knowledge in these areas current. Should an employee transfer to a new job position their will be additional training provided to prepare that employee for the potential chemical exposures related to the new position.

The topics covered in the education program include, but not limited to, all of the following subjects:

- the 29 CFR 1910.1200 hazard communication standard.
- all employee rights under the standard.
- all employee responsibilities under the standard.
- the location and contents of our hazard communication program and “right-to-know compliance manual”.
- the work area hazardous substance list.
- the work area material safety data sheet notebook.
- physical and health hazards associated with the types of hazardous chemicals identified on the list.
- methods and observations which can be used by employees to detect the presence of hazardous chemicals in the work area.
- engineering controls that have been instituted to reduce the potential exposure of hazardous substances to the employees.
- recommended work practices for the employees to follow to protect themselves from exposure.
- appropriate personal protective equipment to be used to protect the employees from potential exposures.
- location and availability of personal protective equipment.
- proper use, care, and maintenance of personal protective equipment that

employees are expected to utilize.

- to read and interpret information contained on the material safety data sheets.
- how to read and interpret container labeling information.
- emergency procedures and first aid procedures required during an incident involving a hazardous substance.
- a review of the terminology used in the hazard communication program, including that which is found on MSDS's and labeling.
- a review of any and all hazardous substances brought on the property by contractor's and sub-contractor's.
- a review of the hazards of non-routine tasks.

Our education and training presentations make use of several **training techniques** including, but not limited to, those listed below:

- classroom type atmosphere with personal instruction. This is provided by a competent instructor for the topic being presented.
- videotape programs are used as a training aid not as a training program and consist of no more than one third of the training provided for this program.
- employee handouts/training manuals will be used to supplement this training program and employees are expected to take notes.
- supervisors are expected to implement review sessions with employees periodically to assess the retention of the material presented.
- a competency quiz is taken by all employees following the presentation of materials to assess the adequacy of the training program, and the understanding of the employees.

These activities are being conducted/overseen by our hazard communication trainer.

Training, scheduling, and documentation: to facilitate the training of all our employees, as well as document the training process, we have developed several tools for use in these areas. A tracking system has been developed that will perform the following tasks:

- list all employees date of initial training, last review, and last update training session.
- list work area that each employee has been trained to work in.
- listing of the next review date and up-date training for each employee.
- copy of each employee's competency quiz shall be kept on file.
- copy of each employee periodic review shall be kept on file.

APPENDIX I

List of each Departments Piping Tasks and Chemical Hazard

Street Department (see attachment)

Water Plant # (see attachment)

Water Plant # (see attachment)

Water Plant # 4 (see attachment) **Location Grindstone Lake**

Wastewater Treatment Plant (see attachment)

APPENDIX II

CHEMICAL INVENTORY LIST

Product Name	Chemical Name	Manufacture Information	Amount	Location	MSDS Ordered	MSDS on File	Classificatio n

APPENDIX III

Contractor Orientation Form
Hazard Communication Information

Contract work assessment
work to be performed **Area in which work will be performed**

_____ _____
_____ _____
_____ _____
_____ _____

Location(s) of MSDS's for_____
Master copy is in the _____ work area specific book in each area

Location(s) of MSDS's for contractor

_____ _____

It is the intent of _____ to comply with all federal occupational safety and health regulations & provide a safe and healthy work environment for our employees. We have developed and implemented a hazard communication directive for all its' employees. We have developed a hazardous chemical inventory which is provided for all contractors during orientation. This information is made available to you and your employees in compliance with the OSHA federal hazard communication standard.

Please be advised that you are required to submit to _____ of our staff a material safety data sheet for any and all hazardous products that you plan to bring into our workplace. These MSDS's must be submitted **before** the material is brought into our work areas. Your cooperation in this matter is required by law and appreciated.

A special orientation will be held for all contractors to inform them of the hazardous products in use at our facility. Contractors will be informed as to the location of material safety data sheets, location of the written hazard communication program, special hazards of labeled and unlabeled pipes, and an explanation of the labeling system used by **our company.**

At this orientation the contractor shall inform _____ of all hazardous products that the contractor intends to bring into the facility, provide MSDS's for those hazardous products, and explain their labeling system.

Contractor approval:

I have reviewed _____ hazard communication program, material safety data sheets, in-plant labeling program, and attended the orientation. I shall be responsible to communicate this information to our employees. I also agree to provide material safety data sheets of all hazardous materials we intent to bring into the facility. It is also agreed that I have attended the hazard communication program orientation. I am

signing this on behalf of;

Contractor _____

Address _____

City, State, Zip _____

Telephone _____

_____

Authorized Signature Date

Approval:

I have reviewed all materials submitted by the outside contractor and find them to be in proper order. All MSDS's, labeling program, written hazard communication program, and orientation has been attended by contractor. The information provided by contractor shall be communicated to all affected employees.

_____

Authorized Signature Date

APPENDIX IV

This is reserved for individual departmental directives which include:
Airport Directives
Convention Center Directives
Fire Department Directives
Parks & Recreation Directives
Police Department Directives
Public Library Directives
Purchasing Directives
Regional Wastewater Treatment Plan Directives
Senior Citizens Directives
Solid Waste Directives
Street/Vehicle Maintenance Directives
Village Hall Directives
Water/Wastewater Directives

Village of Ruidoso
Lorri McKnight, Manager
Manager Standard Operating Procedure
313 Cree Meadows Drive · Ruidoso, New Mexico 88345Phone: 505-258-4343
Fax: 505-258-5361 E-Mail: LorriMcKnight@voruidoso.com

Manager Directive:	Lockout / Tagout
Number:	MSOP-03-04
Effective Date:	December 9, 2003
Signed:	Signed Original in Executive Office Lorri McKnight, Manager

General

Lockout is the preferred method of isolating machines or equipment from energy sources. Following this simple procedure for use in lockout or tagout programs will help you develop a procedure which meets the requirements of the Lockout/Tagout standard. This procedure may be used when there are limited numbers of types of machines or equipment or there is a single power source. For more complex systems, a more comprehensive procedure will need to be developed, utilized, and documented.

Purpose

This procedure establishes the minimum requirements for the lockout or tagout of energy isolating devices so that employees are protected. It shall be used to ensure that the machine or equipment is isolated from all potentially hazardous energy, and locked out or tagged out before employees perform any servicing or maintenance activities where the unexpected energization, start-up or release of stored energy could cause injury.

Responsibility

Appropriate employees shall be instructed in the safety significance of the lockout or tagout procedure of employees authorized to lockout or tagout. Each new or transferred affected employee and other employees whose work operations are or may be in the area shall be instructed in the purpose and use of the lockout or tagout procedure.

1. Management

Overall responsibility for this program.

Individual Department Director or designee shall train new employees and periodically instruct their employees regarding the provisions and requirements of this program.

Each Department Director shall effectively enforce compliance of this program.

Prior to setting up, adjusting, repairing, servicing, installing or performing maintenance work on equipment, machinery or processed the Department Director or designee shall determine and instruct both authorized and affected employees of the steps to be taken to ensure they are not exposed to injury due to unintended machine motion or release of energy.

2. Employees

Employees shall comply with the lockout/tagout program.

Employees shall consult with their Department Director or Supervisor or other appropriate knowledgeable personnel whenever there are any questions regarding their protection.

Employee shall obtain and care for the locks and other devices required to comply with the lockout procedures.

Terminology

Affected Employee - An employee who performs the duties of his or her job in an area in which the energy control procedure is implemented and servicing or maintenance operations are performed. An affected employee does not perform servicing or maintenance on machines or equipment and, consequently, is not responsible for implementing the energy control procedure. An affected employee becomes an "authorized" employee whenever he or she performs servicing or maintenance functions on machines or equipment that must be locked or tagged.

Authorized Employee - An employee who performs servicing or maintenance on machines and equipment. Lockout or tagout is used by these employees for their own protection.

Capable of being locked out - An energy-isolating device is considered capable of being locked out if it meets one of the following requirements:

1. It is designed with a hasp to which a lock can be attached;

2. It is designed with any other integral part through which a lock can be

affixed;

3. It has a locking mechanism built into it; or

4. It can be locked without dismantling, rebuilding, or replacing the energy isolating device or permanently altering its energy control capability.

Energized - Machines and equipment are energized when (1) they are connected to an energy source or (2) they contain residual or stored energy.

Energy-Isolating Device - Any mechanical device that physically prevents the transmission or release of energy. These include, but are not limited to, manually-operated electrical circuit breakers, disconnect switches, line valves, and blocks.

Energy Source - Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Energy Control Procedure - A written document that contains those items of information an authorized employee needs to know in order to safely control hazardous energy during servicing or maintenance or machines or equipment.

Lockout - The placement of a lockout device on an energy-isolating device, in accordance with an established procedure, ensuring that the energy-isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Tagout - The placement of a tagout device on an energy-isolating device, in accordance with an established procedure, to indicate that the energy-isolating device and the equipment being controlled may not be operated until the tagout device is removed.

Tagout Device - Any prominent warning device, such as a tag and a means of attachment, that can be securely fastened to any energy-isolating device in accordance with an established procedure. The tag indicates that the machine or equipment to which it is attached is not to be operated until the tagout device is removed in accordance with the energy control procedure.

Policy

The requirements of this program shall apply to all activities such as construction, installation, set-ups, adjustments, inspections, modifications and maintenance of systems, equipment or machinery on Village of Ruidoso premises.

This program does not apply to the following:

- Equipment's power supply that can be controlled by a single plug and the plug can be under the exclusive control of the person conduction work on the equipment and it is in

close proximity.

- Normal production operations that includes servicing and maintaining the equipment is guards have not been removed or replaced, or a person is not required to place any body part with in the systems when processing is occurring or into a danger zone.

- On systems where it can be demonstrated that continuity of services is essential, shutting the system down is impractical, or documented procedures are being followed and special equipment is used which will provide proven effective protection for employees.

AUTHORIZED PERSON

A person who has completed lockout/tagout training, and has been appointed, and is authorized to lock and tag equipment as a representative of the Village of Ruidoso.

AFFECTED EMPLOYEE

An employee of the Village of Ruidoso whose job duties require the person to use or operate equipment that is under the control of a lock or/and tag and whose job duties require the person to work near equipment that could adversely impact the person.

GENERAL ASSUMPTIONS OF THE LOCKOUT/TAGOUT PROGRAM

- The locks and tags will be used as protection by an authorized person and as a warning device for personal protection.

- The use of a lock to control an energized source is required. Tag control will not be used unless there is no way to use locks and all conditions of 1910.147©)(2) & (c)(7)(ii) are met (i.e. that tagout is only allowed once and then the equipment is modified to accept lockout). If not capable of lockout, then tagout must provide the same level of protection as lockout, that everyone knows not to remove tags, that tags are a visual indicator but do not prevent anyone from removing the tag, and restoring energy.

- No person shall remove another person's LO/TO unless the Alternate Removal of a Lock or Tag Procedure is followed (see below).

- No LO/TO will be applied for another person.

- No one will work on a LO/TO piece of equipment unless they have applied their own LO/TO and are authorized to do the work.

- Locks and tags will remain for the duration of the work.

- Multilock "HASPS" shall be used with additional authorized person's locks and tags.

- For equipment that will not accommodate “HASPS” a lock box will be employed for use.

- If a lock is purchased with more than one key, the other keys should be destroyed.

- The designated lock color for all of the Village’s locks is **RED** .

SIMPLE LOCKOUT/TAGOUT VERSUS A WRITTEN SPECIFIC CONTROL PROCEDURE

The Village of Ruidoso’s simple lockout and tagout control of energy source is applicable when there is one energy source, one disconnection means of that energy source, and means to disconnect is readily identifiable. A written procedure shall be developed and implement by the Departments to control the energized sources when there is one energy source and two or more disconnecting means: or two or more energy sources with no readily identifiable disconnecting means; a disconnection means of a lockout tagout tag with safety significant system; or shift personnel changes.

SIMPLE LOCKOUT PROCEDURES

The Village Ruidoso’s simple lockout and tagout procedure requires the following steps be followed:

1. Evaluate possible energy sources on or near the equipment. If more than one type or source of energy you can not use simple lockout procedure.
2. Complete the information on the lockout/tagout permit.
3. Follow normal shutdown of equipment.
4. Isolate equipment.
5. Use authorized locks (e.g. color-coded) or tags to secure isolated equipment
6. Relieve any stored energy from the equipment.
7. Verify systems are de-energized.
8. Attempt to restart the equipment in its de-energized state.
9. Test for zero voltage.
10. Return controls to neutral or off position.
11. Proceed with work.

SIMPLE TAGOUT PROCEDURES

The Village of Ruidoso’s simple tagout procedure require the following steps to be followed:

1. If a lock cannot be applied then a tag will be used when written documentation is provided as to why locks cannot be used.
2. Use an approved tag and means of attachment.

3. Document that all conditions of 1910.147 (c)(7)(ii) have been met as have been mentioned in the authorized employee paragraph.
4. Follow the simple lockout procedure using a tag in place of a lock.

COMPONENTS OF THE SIMPLE WRITTEN WORK PROCEDURE FOR LOCKOUT/TAGOUT

The components of the Village of Ruidoso's lockout/tagout procedure include:

- Describing the equipment and its location.

- Listing sources of energy and the location points for the energy sources.

- Defining if a group lock "HASP" will be needed and the Department Director, or designee will be the primary lead authorizing Village employees.

- Defining if department shift personnel are involved the Department Director, or designee will be the primary lead authorizing person.

- Defining if shift personnel are involved and who are their counterparts on the other shifts.

- Describing the specific steps to shut down the equipment, the methods of isolating the equipment, the methods to verify the isolation step of the equipment, and the methods for testing the isolation. This will be in writing.

- When locks can not be used, then written documentation as to why, will be provided and all conditions of the 1910.147 (c)(7)(ii) and ©)(2) will be met, and how the equipment will be modified to accept lockout for the next time.

- When a tag is applied, ensuring it is placed in a clearly visible location.

- When a tag is applied, but cannot actually secure the energy-isolating device, ensuring the tag is placed as close to the device as possible.

- Gaining authorization from the Department Director, or designee for the procedure.

ALTERNATE REMOVAL OF A LOCK AND TAG PROCEDURE

- Confirm that the authorized person who applied the lock and tag is unavailable, and document this. Make a reasonable effort to inform the original authorized person that the lock and tag needs to be removed, and document how the employee was notified and when.

- Provide the equivalent level of safety by inspecting the work area or process with the

Department Director or Supervisor, before removing the lock and tag and document this process. Only the Department Director using these steps can remove the locks and tags placed by someone else.

- Ensure that the authorized person informs the employee who originally placed their lock and tag that the lock and tag was removed and document how and when this was done.

- Follow the steps of "Returning a System to Service."

RETURNING A SYSTEM TO SERVICE

- The Village employees will check the immediate area around the isolated piece of equipment or isolation point for safe conditions.

- The Village employees will check that personnel who are around equipment are not in any associated danger zone.

- For facility equipment, the Village employee will notify the Department Director, or a designee to obtain authorization to return the equipment back to service from the person.

- For programmatic equipment, the Village employee will notify the Department Director, or a designee to obtain authorization to return the equipment, back to service from the person.

- After notification and authorization have been granted Village employees will:

    1. Notify potentially impacted personnel of the re-energizing of the system or equipment.

    2. Gain authorization to re-energize (by signature if at all possible).

    3. Remove locks and tags.

    4. Re-energize and retest systems and ensure the equipment or system is safe to operate.

    5. Return the equipment or system back to a neutral state of operation if different from the test condition.

TRAINING

The Village of Ruidoso employees shall have to complete site-specific classroom lockout/tagout training before the Department Director can designate the employee as an

authorized person. All authorized person will need retraining once every two years.

The effected Village employees, shall be instructed about the purpose of lockout/tagout procedures and the prohibited action of restarting or re-energizing equipment that has been locked or tagged out. The training will be provided to the effected employees.

Contractor personnel will met and abide by the Village's program.

INSPECTION

A periodic inspection of the lockout/tagout program will be done by each department that has to do lockout/tagout. This periodic inspection will be done by the Department Director or their designee on at least one authorized employee a minimum of once a year.

This inspection will be documented and the document will contain the following information;

The name of the inspector and the individual doing the lockout/tagout.

The equipment, machine, or system the lockout/tagout is applied to.

A copy of the written lockout procedure.

The date and time of the lockout/tagout.

A review of the employee's responsibilities regarding lockout/tagout and correction of any deviations or inadequacies identified during the inspection.

LOCKOUT/TAGOUT

The following departments are required to use lockout/tagout; Streets, Water, Wastewater Collections, Wastewater Treatment. These departments are required to compile a list of equipment, machines, and/or systems that need to be lockedout/taggedout when being worked on and the departments will have written step by step instructions on how to do this before any work can be done. A copy of these procedures will be kept close to where the actual lockout/tagout is done.

RECORDS

The Village of Ruidoso will complete and archive the following documents:

- The completed lockout/tagout tag for the lockout/tagout operator. Use the tag as a record of the lock and tag's application.

- The specific written procedure for the application of a tag and lock.

- The specific written documentation of the “Alternate Removal of a Lock or Tag”.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcknight@voruidoso.com

MSOP:	Safety Manual
Number:	MSOP 00-08
Effective Date:	December 1, 2000
Amended	May 1, 2006
Signed:	Signed Original in Executive Office
	Lorri McKnight, Manager

Purpose:

The Village of Ruidoso is committed to its employees and has laid out a policy to help the employees and management work in a safe environment. Controlling or eliminating conditions is one of the Village's greatest responsibilities. Participation and cooperation from all employees will help reduce and/or eliminate accidents and hazardous conditions from the work environment.

Practice:

It shall be the practice of the Village of Ruidoso that all Department Directors, supervisory personnel, and employees take a serious interest in the prevention of accidents involving personnel and equipment. This manual is to be reviewed carefully by all employees.

SAFETY MANUAL
LOSS CONTROL POLICY STATEMENT

Controlling or eliminating hazardous conditions is one of our greatest responsibilities. Reduction of injuries, property damage, and loss control caused by unsafe acts, unsafe methods, or unsafe conditions is the responsibility of every employee.

Department Directors, supervisory personnel, and all employees must take a serious interest in the prevention of accidents involving personnel and equipment. Review this manual carefully. Failure to comply with these instructions shall be considered a safety violation and the individual(s) involved may be subject to disciplinary action. Participation and cooperation from all employees help to make our work environment free from accidents and hazardous conditions.

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SECTION 1

DUTIES AND RESPONSIBILITIES OF EMPLOYEES

1.1 Report all hazardous conditions to your immediate supervisor or department director immediately.

1.2 Advise other employees of unsafe acts.

1.3 Wear proper safety clothing and all safety equipment as the job requires.

1.4 Make full use of safeguards provided. Do not make any safety device inoperative or operate any equipment unless authorized to do so.

1.5 Maintain your work area in a safe condition. Use prescribed tools and equipment for the job. Must attend all safety training classes as outlined in the safety matrix.

1.6 Report all accidents and injuries to your supervisor immediately; but no later than at the end of a shift.

If you need medical attention : a drug screen and a HIPAA release is required.

If there is property damage only then a drug screen is required but no HIPAA form is needed. (See What to do in Case of an Accident)

1.7 Make a complete physical inspection of all equipment, tools, and vehicles before the start of a job.

1.8 Do not engage in horseplay. Coverage under Worker's Compensation may not apply to employees if injured while engaging in horseplay.

1.9 Employee are to comply with all safety policies including but not limited to the drug, harassment, workplace violence, hazardous communication, bloodborne pathogens, etc.

1.10 Employees are responsible for notifying supervisors of inadequate and unsafe condition(s) of equipment, vehicles, and works areas.

1.11 If an employee is seen by a doctor due to an injury, a doctor's diagnosis shall be completed and submitted to the Department and Human Resource Department. In order for the injured employee to return to work, a return to work notice from the doctor must be submitted to the department and also to the Human Resource Department.

1.12 Follow doctor's directions when treated for an injury.

1.13 If no supervisor or foreman is at the site, employee shall size up a situation and/or job site to determine the aspect of safety before beginning to work. When the Supervisor or foreman is at the site, the Employees shall work closely with them to determine the safety of a work situation and/or job site.

1.14 Failure to follow safety policies shall result in disciplinary action.

SECTION 2

DEPARTMENT DIRECTOR/SUPERVISOR'S RESPONSIBILITY

2.1 Supervise and instruct employees on how not to endanger themselves or other employees by unsafe acts. Each department will establish and maintain their safety matrix for their department and employees.

2.2 Ensure that the Supervisor's Accident Report form is filled out in its entirety and returned to the Human Resource Department within 24 hrs. of notification of injury.

2.3 Meet with the employee to discuss the accident. If it is preventable on the employee's part, explain to the employee why.

2.4 Have a minimum of one monthly safety meeting and keep a written report of the safety meeting. The report shall include subjects discussed and signatures of employees attending. The Supervisor may assign someone from their department to conduct the meeting. This time can also be used to address any near misses that the department may of had.

2.5 Set good examples for observing all safety rules and regulations.

2.6 Each Department Director shall be held fully accountable for an explanation of the preventable accidents incurred by their employees. An excessive number of preventable accidents is an indication that some management policies and practices need re-evaluation.

2.7 When an accident occurs, the Department Director is responsible for keeping the Human Resource Department informed on all aspects of the employee injury. Especially when the employee is going to return to work.

2.8 Ensure all employees are trained in and use the necessary protective devices and that each employee is properly uniformed .

2.9 Make First Aid Kits, fire extinguishers accessible for each vehicle and building used by the department. In all buildings make sure you have an eye wash station and a bloodborne pathogen clean up kit.

2.10 Make sure all Village owned vehicles shall be operated by authorized employees only.

2.11 Train each new employee in the area of safety policies and hazardous communications.

2.12 Make sure that all employees understand that Non-employees shall not ride in Village owned vehicles (community service workers are exempt). Employees shall not drive village owned vehicles for personal use while off duty. Bonafide reasons for non-employees to drive Village owned vehicles such as (Trained Voluntary Fire Fighters in an official capacity of doing their duties).

2.13 Supervisors are responsible for ensuring that the department safety equipment is maintained with proper maintenance.

2.14 Department Directors shall be responsible for employee training. Department Directors shall keep written log of training and employees who attend the training. Also, keep a written record of employees trained on equipment.

2.15 The Supervisor or Foreman shall be responsible for sizing up a situation and/or job site to determine the safest procedure in order to perform the job. The Supervisor or Foreman shall work closely with

the employee(s) to maintain a safe work situation and/or job site.

2.16 Failure to follow or enforce safety policies shall result in disciplinary action.

2.17 Become familiar with procedures of “What to Do In Case of an Accident.”

SECTION 3

REPORTING ACCIDENTS/INJURIES

3.1 All accidents, injuries, or possible claims with public must be reported immediately to the Supervisor or Department Director. Any third party accidents must be reported to the Ruidoso Police Department.

3.2 If an employee takes leave for an on-the-job injury, the doctor must state that employee is required to be off duty due to the on-the-job injury.

3.3 The employee who has had a work related injury shall furnish the supervisor and the Human Resource Department with a note of release for duty from the treating doctor when returning to duty following a temporary disability.

3.4 No statement is to be made by any employee of the Village, either in writing or by word of mouth, regarding an accident in which public or Village property or employees are involved, unless required by State or local police. Employees are not to sign statements unless so instructed by the Village Manager. Never attempt to settle the accident yourself. Do not argue or try to place the blame.

3.5 Fatalities occurring during normal hours shall be reported to the Department Director and the Police Department immediately. Should a work related fatality occur to an employee other than normal hours, the Police Dispatcher shall be notified with instruction that the Department Director, Village Manager, and Human Resource Department shall be informed immediately.

3.6 Employees involved in accidents are required to submit to a drug abuse screen as described in the Village drug policy.

SECTION 4

PERSONAL PROTECTIVE DEVICES-SAFETY GEAR

4.1 Eye and Face Protection

(a) Face shields and safety goggles shall be used by employees doing work where flying particles, corrosive vapors and liquids are likely to be hazardous.

(b) Eye protection shall be used when working under a vehicles, equipment, etc.; where there is a possibility of debris falling into the eye while looking up; around dry cement or lime, excessive dust, splashing wet cement; when taking samples of cement, drilling, grinding, scraping, reaming, welding and cutting (hood will remain on welder until weld has cooled off; welder will lift colored glass and view the weld through clear lens; or use safety glasses under hood when sawing or cutting stranded wire rope or cable, wire brushing concrete or steel; while mowing grass or weeds, burning weeds or brush, pruning, pounding, hand-picking compacted or frozen ground, descending and climbing into manholes or lift stations, sledging stone, using compressed air tools, chipping, sandblasting, cutting and trimming brush and brushes, demolishing buildings and structures; and when near power mowers.

4.2 Respiratory Protective Equipment

(a) Respiratory protective devices shall be used when handling chlorine or rodent droppings, where oxygen is deficient, when excessive dust is present, while spraying paint, chemicals, cleaning solvents or thinners, and when mixing and spraying weed and pest control chemicals.

(b) only particle and chemical respirators are used when in contact with rodent droppings, as well as self contained breathing apparatuses approved by the National Institute of Occupational Safety & Health (NIOSH) shall be worn.

4.3 Protective Clothing

A. Field personnel are expected to wear proper uniforms when on duty.

B. Protective gloves will be used for handling hot objects and materials, welding, sampling fresh concrete, using lime, washing parts, rodent droppings, handling, or mixing spraying chemicals.

C. The Village has a written policy for handling bodily fluids. See the Exposure Control Plan for the Village of Ruidoso employees (section 34).

D. Protective vests should be reflective and must be worn by any employee working within 50 feet of any road right of away and where heavy equipment is being operated

4.4 Head Protection will be worn:

A. where there is an overhead exposure or trench type work;

B. when working where there are falling or flying objects; or

C. anytime exposed to energized electric conductors.

4.5 Foot Protection will be worn:

A. Rubber boots and toe guards will be required where their use will reduce instances of wet feet and foot injuries.

B. Low cut shoes, tennis shoes, or sneakers are not acceptable for field or shop work, i.e., animal

control, engineering field crew, equipment shop, parks, refuse, roads and streets, traffic control, warehouse, utilities, meter reading, or any other field not mentioned that falls in the field category.

C. Employees engaged in mechanical work, equipment operations, handling power poles, timbers, heavy equipment or materials, operating power mowers, and field work shall wear high-top non-slip treaded work shoes or boots.

D. The Department Director shall decide what type of safety boot or shoe is needed for the positions in each department. This should be a written policy.

SECTION 5

MOTOR VEHICLES, EQUIPMENT, LICENSES & TESTING

5.1 All prospective employees will be checked for their driving record and current driving skills. An Employment offer will not be made if a background check reveals that the employee is uninsurable by the Village of Ruidoso.

5.2 Village owned vehicles and equipment shall be operated by authorized employees only.

5.3 All operators of Village owned, leased, rented, or private motorized vehicles, when conducting Village business, shall comply with certain regulations.

A. A valid New Mexico's driver's license with the proper class and endorsement must be carried by all persons operating a motor vehicle.

B. Operators must successfully complete the a four (4) hour Safety Driving class every two years.

C. All employees who operate vehicles as a part of their job and are more than 15 minutes from a medical facility are required to be trained in Red Cross First Aid or its equivalent.

5.4 A DMV violation check will be administered at least monthly on all employees who drive Village owned or leased vehicles as part by their job description.

5.5 Employees who use their personal vehicles to conduct Village business must be able to furnish proof of current insurance to the Executive Secretary.

5.6 First Aid Kit, Fire Extinguish, BB Pathogens Clean up Kit, and Proper Safety Equipment shall be carried in each Village vehicle.

5.7 Non-employees shall not ride in Village owned vehicles (community service workers are exempt). Employees shall not drive village owned vehicles for personal use while off duty. Bonafide reasons for non-employees to drive Village owned vehicles such as (Trained Voluntary Fire Fighters in an official capacity of doing their duties).

SECTION 6

DRIVING RULES

6.1 All Village employees riding in a Village vehicle must fasten their seat belts, where seat belts are provided, before the vehicle is put in motion.

6.2 Never allow more than three persons to ride in the front seat. No passengers are allowed to ride in the bed of a truck unless under extenuating circumstance (ex. picking up traffic cones).

6.3 Parking shall be in accordance with local traffic regulations.

A. When parking on a hill or incline, set the hand/foot brake securely. Place standard transmissions in low gear when facing uphill, and in reverse gear when facing downhill. Automatic transmissions should be placed in park. Turn the front wheels so that your vehicle will steer into the curb.

B. Carry chock blocks on all CDL equipment.

C. When parked or backed against a loading dock or ramp, shut off the engine, place in reverse and secure the hand/foot brake.

D. If vehicle is to be parked on any roadway, it will be parked facing in the direction of traffic where possible.

E. If possible, do not block driveways or alleys.

6.4 Avoid backing whenever possible.

A. Do not back into intersections, over pedestrian crosswalks, or around corners.

B. Before backing, get out and walk around the vehicle to determine the area is clear.

C. Adjust both rear view mirrors so that you can see from both inside and outside vehicles.

D. If necessary to go back some distance, get out and check your safe progress.

E. When possible, have someone guide you while backing.

F. It is recommend to back into a driveway and drive forward into the street.

6.5 The driver is responsible for passenger safety.

A. Do not get on or off any equipment while in motion.

B. Do not hang arms or legs over the side of any vehicle.

C. Do not ride on the hood, fender, running board, bumper, top or sides of any vehicle or equipment at any time, unless on a platform especially designed for that purpose.

D. Do not transport passengers in a trailer (parades are exempt).

E. In circumstances where employees need to be transported in the bed of dump trucks or flat bed trucks, extreme caution shall be used. Employees shall be seated within the confines of the bed.

F. Turn on the headlights at all times in inclement (e.g; fog, snow, rain) weather.

SECTION 7

OFFICE SAFETY

7.1 All employees in an office shall attend an Ergonomic training class every two years.

7.2 Bottom drawers in file cabinets shall carry heaviest loads whenever possible.

7.3 Open file drawers slowly. Open only one drawer at a time.

7.4 Desk, file, cabinet, and bookcase drawers are to be closed when not in use.

7.5 Use care when lifting swivel chairs.

7.6 Glass desk tops are to be free of breaks or sharp edges.

7.7 When changing the position of desks or other heavy office furniture and equipment, use care and obtain sufficient help.

7.8 Razor blades, pins, and thumbtacks shall be kept in containers in desk or cabinet.

7.9 Before using an extension cord, check the size, insulation, plugs and sockets.

7.10 Keep storage and supply rooms neat and orderly.

7.11 Keep window ledges around heating and venting system free of debris. Do not place equipment or heavy objects on window sills, ledges, tops of cabinets, etc.

7.12 Do not stand on chairs or boxes to reach high places. Use a ladder or step stool as appropriate.

7.13 Keep aisles, halls and stairways clear of objects that might cause a fall.

7.14 Do not run in hallways or on stairs. Use handrail when walking up and down stairs.

7.15 While ascending or descending stairs, keep to the right. Take only one step at a time.

7.16 Rearrange furniture to avoid electrical and telephone cords crossing floors. If cords must cross floors, cover with rubber channels.

7.17 Be careful when walking on newly waxed floors.

SECTION 8

FIRE PREVENTION

8.1 Keep passageways, walkways, stairwells, and exits clear, as well as area around fire extinguisher.

8.2 Keep area around fire extinguisher and fire fighting equipment clear of any obstructions.

8.3 Dispose of oily rags, waste, etc., in metal cans with covers and empty frequently.

8.4 Store only one day's supply of gasoline and other flammable liquids on equipment.

8.5 All vehicles and major pieces of equipment shall be equipped with a fire extinguisher.

8.6 Check batteries in smoke alarms at least once a month.

8.7 Fire extinguishers shall be inspected once a month by the department and shall be inspected once a year by an authorized, outside fire extinguisher inspector.

8.8 Keep fire extinguisher in designated place.

8.9 Extinguisher Training every 2 years

8.10 Written Fire Escape plan for every department.

SECTION 09

ELECTRICAL

9.1 All electrical work, installations, and wire capacities shall be in accordance with the pertinent provisions of the National Electrical Safety Code (NESC).

9.2 Only authorized journeymen shall be allowed to work on live circuits.

9.3 When an electric circuit is open, the circuit shall be locked out/tagged and closed only by the one who opened the circuit or under the direction of the supervisor. Take special lockout precautions when the circuit may be energized by an automatic control device. Never assume all circuit breakers have been turned off. Wait for a qualified person using test equipment has confirmed it.

SECTION 10

LIFTING

10.1 If an object is too heavy or bulky to be handled by one person, get help. Push with hands to test weight.

10.2 Be sure to have a good firm footing and grip. Be sure to get help. Never attempt to lift while in an awkward position.

10.3 Bend your knees and bring the object as close to your body as possible, with feet spread apart, one foot along side, and one behind the object.

10.4 Watch out for objects that may be wet.

10.5 Keep body weight directly over feet with elbows and arms tucked.

10.6 Do not twist the body. If turn must be made, pivot on the feet, keeping the body erect.

10.7 Shall attend a Back & Lifting class as per your department policy.

SECTION 11

MATERIALS HANDLING, STORAGE, USE AND DISPOSAL

11.1 All materials in bags, containers, bundles, or stored in tiers shall be limited in height and secured against sliding or collapse.

11.2 Keep aisles and passageways clear.

11.3 Separate incompatible materials.

11.4 Flammable liquids and greases shall be stored in “No Smoking” areas.

11.5 Used lumber shall have all nails removed before stacking.

11.6 Oxygen and acetylene gas cylinders require extra care:

A. Do not store oxygen cylinders indoors within twenty (20) feet of flammable gases or combustible materials unless separated by a fire resistant partition (½ hour minimum rating).

B. Do not store oil, grease, or petroleum products near oxygen cylinders.

C. Store all cylinders in upright position with valve protection cap in place.

D. Cylinders stored outside, should be protected from ice, snow, and direct rays of the sun.

E. Store cylinders away from places where they can be knocked down or damaged.

F. Never strike an arc or tap an electrode against a cylinder.

G. Transport cylinders weighing more than ninety pounds on a hand or motorized truck.

H. Never lift a cylinder by slings, by the cap, or by an electric magnet.

I. Do not drop cylinders or let them strike each other violently.

J. Mark empty cylinders “Empty” or “MT”. Keep empty and full cylinders separated.

K. Do not remove or change numbers or marks while rearranging oxygen or acetylene gas cylinders.

11.7 Any matter that falls under the hazardous communication standards shall be handled as per the Village’s “Hazardous Communication Policy”.

11.8 A Hazardous Communication Policy will be located in each department and shall be reviewed annually.

SECTION 12

LADDERS AND SCAFFOLDS

12.1 All portable and fixed ladders shall meet the requirements of the American National Standards Institute safety code for ladders.

12.2 Before putting a new ladder in service or using a ladder, inspect it for defects.

12.3 Do not use makeshift ladders, such as cleats fastened over a single rail.

12.4 Portable ladders shall have safety feet placed on a substantial base.

12.5 Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about 1/4 of the working length of the ladder.

12.6 The side rails of a ladder shall extend not less than thirty-six (36) inches above the landing.

12.7 Never place a ladder in front of a door.

12.8 Secure both bottom and top when using a ladder for access to scaffolds.

12.9 Always face the ladder when ascending or descending. Hold on to the side rails with both hands.

12.10 Be sure that your shoes are not greasy, muddy, or slippery before climbing.

12.11 Do not use ladders during strong winds except in an emergency.

12.12 Do not climb higher than the third highest rung on straight or extension ladders or the second highest tread on step ladders.

12.13 Notify someone before going up on a roof or other secluded area.

12.14 Step ladders shall always be used in a full open positions. When using a step ladder in a doorway, always have someone with you to watch for your safety.

12.15 Regular applications of linseed oil, shellac, or clear varnish shall be given to wooden ladders, but they are not to be painted.

12.16 Store ladders away from weather, excessive wear, or dampness.

12.17 All scaffolds shall be erected in accordance with state and federal requirements. The footing for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling. Unstable objects shall not be used to support scaffolds or planks.

A. Platforms more than ten feet above ground or floor shall have guardrails and toe boards installed on all open sides and ends.

B. Guardrails shall be 2 x 4 inches and approximately 42 inches high. The mid rail and the toe board shall be 1 x 6 inch lumber or equivalent.

SECTION 13

CABLES AND CHAINS

13.1 Inspect all cables, chains, and welds carefully before installing.

13.2 Sharp bends, kinking, or knots shall not be permitted.

13.3 Use block of wood or other suitable object to protect cable or sling when passing over sharp surfaces.

A. Check clamps regularly from slipping or loose nuts.

B. Inspect hooks, chains & cables at regular intervals.

13.4 No one shall stand within the area of the expected arc of the broken or loose cable or chain. Use protection between an object being pulled by the operator.

13.5 Chains should be discarded when damaged or elongated.

SECTION 14

HAND TOOLS

14.1 Always wear personal protective equipment as required, including eye protection and gloves.

14.2 Always inspect the tools prior to use.

14.3 Make sure you use the proper tool for the job.

14.4 While operating equipment, make sure you keep tools in the tool box or in the pouch.

14.5 If working in an excavation, on a ladder, or a scaffold, do not throw or toss tools to one another. Use a bucket with a rope or some other means of transporting the tools.

14.6 When you are finished with tools, put them back where they belong.

14.7 All hand tools should be used with respect.

SECTION 15

POWER TOOLS, PNEUMATIC TOOLS, CHAIN SAWS, & FUEL POWERED TOOLS

15.1 All power and pneumatic operated tools, including chain saws whether furnished by the Village or owned by the employee, shall be maintained in a safe condition when being used on the job. All employees must receive proper training of operation of all power tools per manufacturers specifications.

SECTION 16

SANDING, DEICING, AND SNOW REMOVAL OPERATIONS

16.1 Make certain that all flashing warning lights and other required lights are in operation.

16.2 Reduce speed of snow plows as necessary for the safety of other motorists.

16.3 Use appropriate warning signs and flag person during snow removal operations.

16.4 Only trained and experienced operators who are familiar with the roads shall be allowed to operate snow plows.

16.5 Sand and salting equipment operators shall be trained and experienced in the use of such equipment.

16.6 Extreme caution shall be taken when removing ice or snow from sidewalks.

16.7 Speed shall be kept to a safe working speed while operating equipment.

16.8 Follow manufacturer directions for use of equipment.

16.9 Follow Departmental Policy

SECTION 17

TRAFFIC CONTROL, SIGNING, AND FLAGGING

17.1 Traffic control devices used on road construction or maintenance work shall conform as closely as possible to the American Traffic Safety Services Association (ATSSA).

SECTION 18

TRENCHING, EXCAVATION, AND SHORING

18.1 Excavation, trenching, and shoring shall be performed in accordance with State, Federal, and OSHA regulations.

18.2 A Competent Person must be on all dig sites.

18.3 Before excavation work of any kind is to begin, make a through inspection of the site to include underground installations. Call “New Mexico One Call”.

18.4 Sides of trenches in unstable material, five feet or more in depth, shall be supported sufficiently to protect employees.

18.5 When employees are required to be in trenches four feet or more in depth, a means of exit shall be provided within twenty-five (25) feet.

18.6 Make and document daily inspection of trenches and excavations that are done by a competent person.

SECTION 19

HEAVY EQUIPMENT

19.1 Only qualified and trained personnel shall operate heavy equipment.

A. Must learn the limitations of operating machines on slopes and/or rough roads.

B. No passengers shall be allowed on the machine. Equipment designed to accommodate more than one person may be occupied by a supervisor, helper, or authorized trainee.

19.2 Before operating equipment, all operators must read owners manual and competent training must be observed by a qualified person.

SECTION 20

AIR COMPRESSORS

20.1 Manufacturer's instructions on the care and use, and lubrication of compressed air equipment shall be followed closely.

20.2 Exposed moving parts such as belts, pulleys, gears, etc., shall be guarded.

20.3 Always disconnect power source when inspecting. Air tanks should be inspected at least every three months.

20.4 Valves should be cleaned at least every three months.

20.5 A complete inspection and cleaning of compressors, lines, receivers, and auxiliaries made at least once a year.

20.6 Air tanks shall be drained after each use.

20.7 Be sure all hand operated valves to pressure gauges are open before starting compressor.

20.8 Do not adjust safety valve on kick-off.

20.9 Do not hammer on compressor tanks when thy are under pressure.

20.10 Stand clear of hose connections. Make sure they are secure before releasing full pressure to hose.

20.11 The stream of air shall not be directed towards any person.

20.12 Eye protection shall be worn when using compressed air.

20.13 When compressor is towed on the roadway, it shall be equipped with stop lights, hitched securely, and must have safety chains.

20.14 Before disconnecting hose from compressor, close valve at compressor end of hose to release air.

SECTION 21

OXYGEN, GAS, WELDING, AND CUTTING

21.1 Only authorized, certified, and trained personnel shall operate welding equipment. Welders shall be familiar with the “American Standards Institute (Z49.1) Safety in Electric and Gas Welding and Cutting Operations”.

21.2 Always wear goggles with suitable filter lenses when using a torch. Wear a head shield or helmet with suitable filter plates and safety glasses.

21.3 Wear approved welding gloves and aprons, high top footwear, and any other suitable protective clothing of the job.

21.4 Ensure that clothing is not oily and that pockets and cuffs are not open.

21.5 Sleeves must be kept buttoned and above the wrist.

21.6 Work areas shall have adequate ventilation. Work areas must be clear of flammable and combustibles or be 25 feet or shielded from them.

21.7 Do not cut containers (such as drums, barrels, or tanks) that have been used to hold flammable or combustible materials.

21.8 Keep flames and sparks away from cylinders and hoses.

21.9 Keep a fire extinguisher close by.

21.10 Do not use a torch unless a reverse flow check valve has been installed between it and the tanks.

21.11 Fire watch. All hot work needs to be completed 30 minutes prior to the end of work day to watch for fire.

21.12 Screens. Have screens set up for welding and for light radiation.

SECTION 22

ARC WELDING

22.1 Welding shall be done in an area that offers a minimum of fire hazard.

22.2 Portable fire fighting equipment shall be serviceable and readily accessible.

22.3 If other employees are working in the area, welding shall be performed behind a protective screen or wall.

22.4 Welders shall use a shade or filter lens appropriate to the amperage being used.

22.5 Arc welders shall wear safety glasses under welding hood or hood with a flip lens.

22.6 Welders shall wear approved welder's apron, gloves, jacket, and welding cap.

22.7 Inspect cables, electrode holders, and equipment prior to use.

22.8 A proper ground shall be maintained at all times.

22.9 Adequate ventilation shall be provided.

22.10 Do not change electrodes with bare hands, wet gloves, or when standing on wet floors.

22.11 Welding on a tank or container that has contained flammable liquid will not be done by village employees.

22.12 Do not weld around vapors or solvents.

SECTION 23

CHEMICAL AGENTS AND HAZARDOUS SUBSTANCES

23.1 Goggles or face shields, appropriate aprons, and appropriate gloves shall be worn around batteries, chemicals and other hazardous substances.

23.2 Do not short circuit batteries by crossing jumper cables or with wrenches or metal objects.

23.3 Do not smoke around batteries.

23.4 Acid burns shall be flushed immediately with water.

23.5 Chemicals and batteries of the non-seal type shall be located in well ventilated enclosures.

23.6 Do not store wet batteries, battery acid, electrolyte, chemical agents, or hazardous chemicals on high shelves.

23.7 Chemical agents and hazardous substances shall be stored and labeled in approved storage. The storage shall be constructed or treated to resist the stored chemical.

23.8 Keep vent caps in place when charging batteries. Charge in a well ventilated area and make sure vent caps function properly and that ports in the caps are not clogged.

23.9 Employees must be notified of job related risks when working with hazardous materials.

23.10 Employees who may be exposed to hazardous chemical must be trained in the handling of that particular substance in accordance with standard 1910.1200.

23.11 Material Safety Data Sheets (MSDS) shall be kept on file at the Personnel Office, Fire Department, and Police Department. Each department shall keep departmental MSDS on file and in easy access for the employees.

23.12 The Department Director or Supervisor shall instruct employees on how to read and use the Material Safety Data Sheet (MSDS).

23.13 The Village of Ruidoso has a Hazardous Communications Policy that shall be adhered to.

23.14 Chemicals and Hazardous substances shall be handled by properly trained personnel. Treated areas shall be marked so that others know where it is being used.

SECTION 24

SHOPS, MAINTENANCE SHEDS, UTILITY SHOPS, WAREHOUSES

24.1 All heaters, ventilators, electrical equipment, and wiring needing extension cords shall conform with State and Federal regulations.

24.2 Work areas, storage areas, and passageways shall be adequately lighted.

24.3 Running engines indoors is permitted only when it is necessary to complete or check the work and only when adequate natural or suction ventilation is available.

24.4 Keep tool and materials in an area where they are not likely to fall,

24.5 Use metal stands or wood blocks to support a vehicle. Do not use jacks. Place a chock block in front and rear of at least one wheel on the ground.

24.6 Employee shall not work under raised truck bed unless it is safely blocked or pinned in the raised position.

24.7 Safety pin or leg shall be in place before working under any hydraulic lift.

24.8 Loaded trucks shall not be raised on a hydraulic lift.

24.9 No one shall be allowed to remain in a vehicle while the vehicle is on a hydraulic lift, except in circumstances where mechanic is aware of person for diagnosing reasons.

24.10 Village employees will not work on split rims and will be contracted out to a repair service.

24.11 Oily rags and other flammable or combustible waste must be disposed of immediately in fire resistant containers with self closing lids.

24.12 Diesel fuel or non-toxic solvents with a high flash point of 100 degrees F or more shall be used for cleaning motors or parts. Do not use gasoline as a cleaning agent.

SECTION 25

REPAIR AND MAINTENANCE OF ENERGIZED EQUIPMENT (LOCK OUT TAG OUT)

25.1 The Village of Ruidoso has a lock out tag out policy. This policy shall be utilized in all departments as warranted. Departments should use the Village's policy and write departmental procedures as needed. This policy should be reviewed often in the departmental safety meetings. The policy will be reviewed annually.

25.2 The Village of Ruidoso shall sponsor a Lock out tag out training once a year by an authorized person. Hazardous energy (de-energy) effects employees by lockout.

25.3 Department Directors are responsible for employee training of lock out tag out procedures.

SECTION 26

CONFINED SPACE

26.1 Confined space is defined as an area in size and shape allowing a person to enter into it, as a limited opening for workers to enter and exit, is not designed for continuous human occupancy. Permanent required confined space is defined as (the same definition as confined space), but contains one or more health or safety hazards.

26.2 Employee shall not enter a confined space without a qualified person.

26.3 Employees shall not enter a confined space without proper training and authorization and without another employee “Buddy” being present and prepared during the time the employee is in the confined space.

26.4 All employees who work within confined spaces need to be properly trained. Follow the confined space policy.

SECTION 27

EXPOSURE CONTROL POLICY

27.1 All employees may have some exposure to infectious materials with blood borne pathogens. The Village of Ruidoso has an EXPOSURE CONTROL PLAN.

27.2 The Village of Ruidoso shall sponsor a training on Exposure Control each year.

27.3 The Department Director is responsible for the employee training of the Exposure Control Policy.

27.4 Department Directors are responsible for ensuring that the hepatitis ~~A~~, B, & titer vaccination is made available to all employees.

SECTION 28

EMPLOYEES RIGHT TO APPEAL

28.1 Employees may appeal the recommendation of the Safety Committee concerning the injury or accident classification by applying in writing to the safety committee. This appeal shall be submitted to the Personnel Office within 30 days from the date in which the employee was notified of the safety committee recommendation.

SECTION 29

INJURY CLASSIFICATION

29.1 All injuries shall be classified as preventable or non-preventable by the Department Director or designee.

29.2 Preventable: If the employee was at fault and/or a negligent act was a contributing factor. The following are examples (but not limited to) of an injury or accident being considered preventable:

A. Defective or improper equipment was knowingly used.
B. Proper tools, personal protective equipment, proper safety devices, and/or proper vehicle were not used.
C. Safety rules or safe work practices were ignored.
D. Where warranted, assistance was not requested.
E. Poor judgement was evident.
F. Collision where vehicle or equipment is in motion and driver of vehicle or equipment failed to exercise preventable measures within his/her control.
G. Backing accidents.
H. Driving too fast for conditions.
I. Passing on hills, curves, or in no passing zones.
J. Going to sleep at the wheel.
K. Running off roadway without provocation.
L. Tailgating traffic.
M. Violating any law.
N. Failure to follow Village or departmental work and safety rules.
O. Under the influence of drugs or alcohol.

29.3 Non-Preventable: If the employee was not at fault and exercised all available precautions to avoid the injury, and/or accident.

SECTION 30

SOURCE OF REFERENCES

Accident Prevention Manual for Maintenance and Construction

National Safety Council (NSC)

American National Safety Standards Institute (ANSI)

Federal Register, Environmental Protection Agency

Manual on Uniform Traffic Control Devices (MUTCD)

National Electrical Code Handbook (NEC), 1997

National Safety Council, Supervisor's Safety Manual (NSC)

New Mexico Motor Vehicle Laws, 1983

New Mexico Rules and Regulations Relating to Flammable and Combustible Liquids

Occupational Safety and Health Act (OSHA)

Village of Ruidoso Personnel Manual