Proposed Human Resources Policy and Procedure Revisions

June 14, 2016 and August 23, 2016

Cite and Title Revised PM	Description of Revision and Purpose
Section I - General Provisions	
Introductory Paragraph	Specify that the policies and management practices will support and promote the mission of the County.
1-3. Management Rights and Responsibilities	* A. 11. Clarify that following the policies and procedures, law and regulation support the mission and goals of the County.
	* A. 12. Add language that reducing risk and protecting the County from liability is a management responsibility.
	13. Add volunteers.
1-4. Employee and Volunteer Rights and Responsibilities	* C. Clarify that representatives are permitted to attend the investigative interviews. Specify role of the representative.
Section II - Employment Rights and Responsibilities	
2-3. Discrimination and Harassment Procedures	* J. Investigative interviews will be audio and/or video recorded by the investigator.
	* O. The investigator will present the results of the investigation to a panel. Determination of whether or not unlawful discrimination or retaliation has occurred will be made by a panel comprised of the Assistant County Manager, County Attorney and HR Director (or their designees); no longer determined by the HR Director.
	* P. Clarifies that the HR Director will still write the determination letter with the findings of the panel as defined in Section O. Also clarifies that prompt disciplinary action will be issued within 10 work days of the determination being provided to the department head. Any request for an extension to issue the corrective action must be approved by the County Manager. Remove redundant language about documenting reasons for disciplinary action. This is covered in Chapter X.
	* P and Q. Also clarifies that prompt disciplinary action will be issued within 10 work days of the determination being provided to the department head. Any request for an extension to issue the corrective action must be approved by the County Manager.

	* R. Clarify that failure to comply with issuing timely disciplinary action will not preclude the admissibility of any information obtained in the course of the investigation nor will it prevent disciplinary action form being administered. It may result in disciplinary action for a member of management who does not comply with the timely administration of the corrective action.
	* U. Revises closure interview to closure notice. Consistent with practice of providing written notice to the parties regarding the outcome of the investigation.
	* U. Clarifies that the HR department will follow up with the parties within 30 work days after the determination has been issued.
	* Y. Added the website links for the EEOC and NM Human Rights Division.
2-7. Legal Matters 2-15. Break for Expressing Breast Milk	* F. Change language to state "duty to cooperate". This is a clarification and is consistent with the intent of the policy and previous practice. * Revise to clarify legal requirements and whether time for the breaks is paid or unpaid.
Section III - Employment Process	
3-4. Placements Within the Department	* B. Includes fixed-term employees as being eligible for internal promotion, transfer or professional development opportunities.
3-5. Posting Procedures for Positions Not Filled Through Placements Within The Department	* A. Revises minimum posting time to 7 calendar days (to ensure that positions are advertised and open for application on a weekend).
3-6. Exceptions to Posting	* Clarifies exception for temporary or unclassified positions is only for emergency hires and seasonal employment (i.e. election workers).
3-8. Filing of Applications	* B & C. Allows resume to be accepted in lieu of application if search is conducted by a search firm or if otherwise required by law.
3-13. Applicant Interviews	*A. Clarifies that the hiring department determines whom to interview from the candidates who meet minimum qualifications. Removes HR and is consistent with current practice.
	* C. Interview panel must be made up of at least 3 individuals one of whom must be an employee from another County department. * F. If the recommended candidate is not in the top 2 scoring candidates, the department head must submit a memorandum of justification and receive County Manager approval to proceed with the recommended hiring selection.
Section IV - Employment	

4-3. Types of Positions	* G. 2. Clarify that temporary employees are not eligible for leave or benefits ***except as required by law.***
4-6. Probationary Status	* A. 2. Remove requirement that accrued vacation leave is only released after satisfactory 6 month evaluation. No waiting period for vacation leave while on probation.
	* A. 1 and 3. Probationary employee shall receive an evaluation every 4 months during the probationary period.
4-8. Volunteers/Interns/Work-Study Students	* Expands policy to inlude work-study student employment
Section V - Classification and Compensation	
5-7. Compensation Plan Update	* A. Compensation plan will be reviewed annually to maintain competitiveness. Was previously reviewed every 2 years.
5-8. Compensation Administration	* A. 5.b.i. Must work in assignment at least 5 work days for it to be considered a temporary assignment. * A.5.c. Increases temporary assignment pay to 10% above current salary of the minimum of the range, whichever is greater. * A.7. Allow professional development plans (PDP) only in cases where the competitive recruitment process has been unsuccessful; opportunity must be posted interested employees within the hiring department; requires the normal interview and selection process to be followed for final selection for the PDP.
5-9. Overtime/Compensatory Time	* A. Clarify that compensatory time will be given in lieu of wages at a rate of 1.5 times for each hour of overtime worked. County Manager may approve overtime pay when the department requests it and the budget permits it.
5-10. On-Call Duty	* Clarify when on-call duty is considered "work hours" and when employees are not restricted and are compensated at the rate of $8.00 per day. Clarification of when on-call is considered hours worked is consistent with the FLSA regulations and interpretations.
5-11. Call-Back Pay	* A. Clarify that call back pay does not apply to an employee who is "on-call".
Section VI - Work Rules	
6-1. Hours of Work	* 3.d. Specifies that alternate work schedules must be approved on an annual basis or any time the alternate schedule is modified.
6-4. Standards of Conduct	* A. 5. Expand definition of discourtesy to include spreading rumors or gossip * A. 23. Amend language on Bullying to include Abusive Conduct.
6-14. References/Recommendations	* B. Clarifies that all references (internal and external) must be coordinated with HR
6-19. Photographs	* A. Clarifies that employee photographs may be required on any official, County issued identification badge (e.g. County badge, DASO badge, etc.).

6-20. Electronic Communication Device	* E. Clarify that prohibition includes hands free devices. Provides exception for emergency service positions and certified law enforcement positions.
	* F. Remove - conflicts with section A.
6-23. Motor-Vehicle Records Check	* Revise Section F. 1. to remove speeding over 15 MPH as a type A violation; now be considered a Type B violation. Also clarify what is meant by a conviction for purposes of this policy.
6-25. Employee Parking	* A. - Add language to clarify that employees are to follow all pertinent laws, rules and regulations while operating a vehicle on County property.
6-28. Workplace Violence	* M. Timeline applies to the determination being issued * N. Revised to follow the normal process for proposing to issue disciplinary action as defined in Chapter X. * T. Clarifies that HR will conduct the closure interview after the determination is issued.
Section VII. - Employee Benefits	
7-1. Worker's Compensation Insurance	* B. 6. Specify type of leave to use for medical appointments following the treatment of the initial worker's compensation injury.
7-3. Group Insurance Coverage	* E. Clarify that employee must be paid for at least 50% of their normal hours to receive employer benefit contributions.
Section VIII. - Leave	
8-1. Leave Accrual and Usage	* A. Remove accruals for Executive Secretary for Sheriff. Position is FLSA exempt and should be treated like other appointed positions for leave purposes.
8-3. Vacation Leave	* A. 2. Clarify that employee may not carry 240 hours beyond the pay period that includes the last day in the fiscal year (rather than July 1).
	* A. 13. Remove previous language that prohibited probationary and grant funded employees from using accrued vacation leave until after a satisfactory 6 month performance evaluation.
8-4. Sick Leave	* A. 4. Clarify that sick leave may not be used in advance of accrual; consistent with existing practice.
8-5. Sick Leave Bank	* Clarifies that elected officials and appointees are not eligible for sick leave bank (because they do not accrue leave and cannot contribute to the bank).
8-6. Family Medical Leave Act	* Clarifies that in accordance with FMLA regulations elected officials and appointees are not eligible for FMLA protected leave.
8-7. Family Military Leave	* Expands definition of covered family member's service to include active or reserve in accordance with Federal regulation. * Defines "qualifying exigency" in accordance with Federal regulation. * Defines who is a covered service member for purposes of Caregiver Leave. Defined in accordance with Federal regulation. * Updates the definition of a serious injury in accordance with regulation.

	* Defines what documentation is required for the various types of leave
8-11. Bereavement Leave	* Updates the hours allowable for bereavement leave based upon normal work schedule.
8-16. Leave of Absence	* Clarifies when an employee is eligible for leave with or leave without pay during a leave of absence.
Section IX -Performance Management	
9-1. Coaching and Counseling	* A. Expand policy to include the opportunity to discus career aspirations and how to assist employee in attaining goals.
	* E. Clarify timeframe for annual evaluation cycle (July 1- June 30) as well as date to submit completed evaluation (August 31).
	* J. Clarifies that employees are to complete an annual self evaluation and submit it to their supervisor.
9-2. Performance Management	* B. Add a new section B. that specifies upon hire, transfer, promotion or demotion to a new position, the supervisor and employee will establish written goals, objectives and expectations within 14 days (consistent with current practice for new hires). Document shall be submitted to HR for inclusion in the employee's official personnel file.
	* F. Performance evaluations and self evaluations shall be completed every 4 months of the fiscal year (July 1 - October 31; November 1- February 28; March 1- June 30). Evaluations shall be submitted to HR no later than 45 days following with specified evlauaiton period.
Section X - Discipline, Grievances and Complaints	
10-1. Discipline System	* A. Clarifies that a supervisor may issue a verbal reprimand with the approval of the department head.
10-3. Types of Discipline	* A. is separated in to sections A, B. 1., 2., 3. to make process more clear.
	* F. Clarifies that am employee may only use vacation leave for 50% of the proposed suspension if they accept the proposed action and do not appeal. * H. Allows and employee to resign in lieu of termination. Removes supervisors ability to deny the resignation.
10-5. Pre-Determination Process	* D. Revise so that if the employee does not participate in the pre-determination hearing, the proposed action shall take effect. * H. Clarifies that a request to continue the hearing must be submitted to the hearing officer and to HR. * P. The predetermination hearing will be audio or video recorded.
10-6. Grievance Procedures	* D. Formal grievance procedure - steps one and two - clarify that the respondent has 10 work days for response to be provided to the grievant.
10-7. Appeal of Demotion, Suspension or Termination and Arbitration	* Revise so only the employee may appeal the Notice of Final Determination issued by the hearing officer.

	* B. Establishes that the arbitration process is available to volunteer firefighters as they are entitled to other due process as well. * B.8.c. Revises to share arbitrator expenses equally between the parties.
Section XI - Separation	
11-5. Separation Pay	* E. An employee who is terminated or involuntarily laid-off shall be paid his/her wages within five (5) calendar days from the date of termination will receive their final paycheck in the same manner that they have received their regular paychecks. Previous policy required that a check be issued.
11-6. Ineligible for Rehire	* B. Specifies categories with varying durations for ineligibility (may range from permanent to 2 years depending upon the offense). * After initial period of ineligibility, former employee may request that the status be revised. * Establishes a panel to consider request for review rather than having the HR director be the sole decision maker. Employee may request that a member of the panel be recused for a conflict of interest. * F. Establish criteria for panel to assess requests for ineligible status to be removed. * D. 4. Panel may uphold, overturn or modify the ineligible status of a former employee.