

Village of Tijeras Employee Handbook



Adopted 11/30/2020

RESOLUTION 2020-31

**A RESOLUTION BY THE VILLAGE OF TIJERAS TO ADOPT
THE VILLAGE OF TIJERAS PERSONNEL HANDBOOK**

WHEREAS, the Village of Tijeras Personnel Ordinance dictates in Section 3, subpoint J that the Village Clerk/Manager shall "prepare and recommend Village of Tijeras Personnel Policies for Council approval"; and

WHEREAS, the Village of Tijeras has historically provided current and new employees with copies of the Personnel Ordinance upon hiring and each time it was updated by Village Council; and

WHEREAS, the Village of Tijeras has historically never had a Personnel Handbook to accompany the Personnel Ordinance; and

WHEREAS, the intention of the Personnel Handbook is to clarify and summarize policies dictated Personnel Ordinance; and

WHEREAS, the Village Clerk/Manager will distribute the Personnel Handbook to all current employees and to new employees when hired upon passage of this resolution.


NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF TIJERAS, NEW MEXICO THAT THE VILLAGE HEREBY ADOPTS THE VILLAGE OF TIJERAS PERSONNEL HANDBOOK.


NOW, LET IT BE FURTHER RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF TIJERAS, NEW MEXICO THAT THE VILLAGE OF TIJERAS PERSONNEL HANDBOOK MAY BE UPDATED BY RESOLUTION.

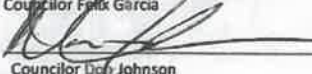
PASSED, APPROVED AND ADOPTED THIS 2nd day of November 2020.


Mayor Jake Bruton

Municipal Governing Board of the Jake Bruton,
Village of Tijeras, New Mexico


Councilor Yvette Garcia


Councilor Felix Garcia


Councilor Doty Johnson


Councilor Maxine Wilson

Attest:



Hallie Brown Clerk/Manager



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Introduction

The Employee Handbook is designed to summarize the most relevant policies contained in the Personnel Ordinance, elaborate procedures not discussed in the ordinance, and generally serve as a reference material for Village employees. It is the intent of the Village of Tijeras to treat all employees fairly and equitably, ensure expectations are clearly communicated, and foster a positive and productive work culture.

Please be aware this handbook is not a substitute for the Personnel Ordinance. Village of Tijeras Personnel Ordinance No. 195 is law and Village elected officials and staff cannot deviate from the letter of the ordinance when dealing with personnel matters. Each employee will receive a copy of the Personnel Ordinance upon hire and again upon each update to the ordinance. Please read and ensure you understand the ordinance. Where applicable, this handbook will reference the corresponding page number(s) of the ordinance at the end of each section. If you have any questions or need another copy of the Personnel Ordinance, contact the Clerk or Deputy Clerk.

This handbook is intended to be a living document and can be amended by resolution of the Village Council. The Village encourages its employees to suggest any revisions they believe will make the Village of Tijeras a better place to work.

Conditions of Employment

Employee Classifications

All hourly employees are entitled to all the rights and benefits described in the Personnel Ordinance, except where specifically stated otherwise. Temporary and seasonal employees are not entitled to any of the rights and benefits described in the ordinance.

Salaried employees are also entitled to the rights and benefits described in the personal ordinance, but are terminable at will, with or without cause, and have no recourse under the disciplinary or grievance procedures of the Personnel Ordinance. Temporary and seasonal employees are also considered at-will.

The following positions are exempt from the Fair Labor Standards Act and therefore not entitled to overtime compensation:

- Clerk
- Deputy Clerk
- Finance Director

All regular employees, including elected officials, may participate in Village's employee benefit insurance program. **(Personnel Ordinance No. 195 pages 36-37)**

Probation

Except for employees hired into at-will positions, all new employees will serve a six-month probation period. During probation, employees may be discharged at any time with or without cause and are not entitled to the rights under the disciplinary and grievance procedures of the Personnel Ordinance. The Clerk may conduct performance evaluations at monthly intervals during the probationary period. Upon written submission of a satisfactory performance evaluation, probationary employees will obtain regular status at the end of six months.

While on probation, employees will accrue vacation, PTO, and sick leave but will not be allowed to use it. Any employee who quits during their probation period will not receive payment for their unused vacation leave balance. **(Personnel Ordinance No. 195 page 7)**

Performance Evaluations

The Clerk will complete a performance evaluation for each employee on an annual basis. Performance evaluations are approved by the Governing Body and filed in each employee's personnel file. **(Personnel Ordinance No. 195 page 7)**

Personnel Files

The Deputy Clerk maintains personnel files for all Village employees. Personnel files contain documents such as employment eligibility verification forms, application materials, insurance and benefits enrollment forms, training certifications, records related to disciplinary action, etc. Employees should notify the Deputy Clerk of any changes to their address, contact information, or benefits selections.

The majority of documents in an employee's personnel file are permanent records. However, certain records unrelated to an employee's job performance may be purged on an annual basis. Once a document has been purged, it cannot be cited for future reference.

An employee may view their own personnel file upon request to the Deputy Clerk. Only the employee, the Clerk, and the Deputy Clerk have unrestricted access to personnel files. The Mayor and Village Council may also view personnel files, provided they view the records as a group. No individual Councilor may view records. Upon approval of the Mayor, the Village attorney may also view records.

Outside agencies and individuals may request information from an employee's personnel file pursuant to the Inspection of Public Records Act (Section 14-2-1 et. seq. NMSA 1978). The Village will only release information that is required by law and every effort will be made to ensure the confidentiality and privacy of an employee's personnel file.

Compensation

The Village cannot pay an employee less than the state and federal minimum wage. Employees may receive raises based on annual performance evaluations and other relevant factors. If Village offices are closed due to unusual circumstances, such as severe weather, employees will be paid for their scheduled hours. **(Personnel Ordinance No. 195 page 7)**

Work Hours and Overtime

In general, the Clerk designates working hours. Full-time employees typically work eight (8) hours a day, five (5) days a week, for forty (40) hours total per week. Schedules for part-time employees are determined by the Clerk. Employees not exempt from the Fair Labor Standards Act will receive 1.5 times their hourly rate for overtime (above 40 hours in a given week). All overtime must be approved by the Clerk. **(Personnel Ordinance No. 195 page 8)**

Holidays

Employees will be paid for their normal hours on holidays. Full-time employees called in to work on holidays will receive 1.5 times their hourly rate. An employee who calls in sick the day before or after a holiday may be required to bring in a doctor's note. The Village of Tijeras observes the following holidays:

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Indigenous People's Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

(Personnel Ordinance No. 195 page 9)

Leave

Full-time employees will accumulate leave according to the following schedule:

Time Employed	Vacation	PTO	Sick
Less than 5 Years	10 Days	2 Days	10 Days
5 Years – 10 Years	15 Days	2 Days	10 Days
More than 10 Years	20 Days	2 Days	10 Days

Employees may take a maximum of two (2) weeks' vacation at any one time. Employees who use more than three (3) consecutive days of sick leave may be required to bring in a doctor's note. Employees who exhaust their sick leave may use their vacation or receive up to one (1) year leave without pay, with the approval of the Mayor.

Employees are encouraged to use their vacation balance by June 30th of each year. Employees may carry over leave for a maximum of 500 hours of sick leave and five (5) days PTO, unless the

Village Council grants additional carryover. Employees who use five (5) or fewer sick days in a fiscal year will receive an additional PTO day the following fiscal year.

In addition to vacation, PTO, and sick leave, employees are also entitled to the following forms of leave:

Type of Leave	Duration and Conditions
Bereavement	Five (5) days in the event of the death of an employee's spouse, significant other, child, stepchild, parent, stepparent, sibling, grandparent, father-in-law, or mother-in-law.
Emergency Leave	Five (5) days in the event of a terminally ill spouse, significant other, child, or stepchild. Three (3) days in the event of a terminally ill father, mother, sibling, stepparent, or grandparent with the Mayor's approval.
Jury Duty	Employees shall be paid for their normally scheduled hours while serving on a jury.
Military Leave	Leave without pay will be authorized for employees who are a member of the Armed Forces and ordered to active duty. A copy of all orders must be attached to leave requests.
Leave to Vote	Two (2) hours of paid leave. Does not apply to an employee whose workday begins more than two hours before the polls open or ends more than three hours before the polls close.
Leave with Pay	May be awarded for employees to participate in conferences, trainings, etc. Requires advance approval by the Clerk.
Personal Leave without Pay	Up to ninety (90) consecutive days. Requires a request submitted to the Clerk and Village Council approval.
Parental Leave	Twelve (12) weeks within the first six (6) months following the birth or adoption of a child. Not available to employees on probation. Leave not used within six months is forfeit. Requires as much notice as possible, preferably 30 days.

(Personnel Ordinance No. 195 pages 9-15)

Insurance and Benefits

All regular employees are entitled to participate in the Village's employee benefit insurance program after a waiting period of 30 days. Employees may opt into health, dental, vision, life, and disability benefits. See the Deputy Clerk for details about the benefits packages offered.

As a public employer, the Village of Tijeras participates in the Public Employees Retirement Association (PERA). See the Deputy Clerk for details about PERA contributions and benefits.

Regular employees with insurance coverage are entitled to COBRA continuation, meaning they may self-pay insurance premiums if their compensation is insufficient to meet the required contribution, if they are discharged, or after one month of receiving worker's compensation benefits.

Promotion and Demotion

The Village of Tijeras encourages its employees to apply to be promoted into higher-level positions and to develop the skills necessary to be promoted. Pursuant to the Personnel Ordinance, promoted employees must complete another six-month probation period.

Intra-Departmental Promotions

When a position becomes available, the department supervisor will carefully review qualifications of interested employees to determine if they are qualified to fill the vacant position. Qualified employees shall be interviewed for the position. If the supervisor determines that the employee is suitable for the position and has demonstrated the necessary qualifications through past performance or assessment, the employee will be offered the position.

A position vacated by a promoted employee will be posted within the department. If the vacated position is also filled by intra-departmental promotion, the lowest resulting vacancy will be posted. If no one within the department is interested in and qualified for the position, or if the supervisor believes the applicant pool should be expanded, the position will be posted in all departments within the Village and/or in the advertised to the public.

Inter-Departmental Promotions

An employee who wishes to transfer to a position outside their current department must submit an application to the Clerk. Employees may only apply for posted vacancies. All employees who submit an application will be interviewed. If the transfer is approved, the Clerk will notify the relevant departments and schedule the transfer so as to minimize disruption. Except in extenuating circumstances, an approved employee will not be required to work more than two (2) weeks in their existing department before transferring.

Demotions

An employee may be demoted from their current position to a vacant lower-level position, with a corresponding reduction in pay, according to (but not limited to) the following criteria:

- By voluntary request;
- If the employee would otherwise be laid off because of job abolishment;
- If the employee's current position has been reallocated to a lower grade;
- If the employee does not possess the necessary qualifications to perform satisfactorily in the position; or
- If the employee is unable, for medical reasons, to perform duties of the current job.

Demotions must be recommended by the employee's supervisor and documentation should be forwarded to the Clerk. The Village Council will approve demotions by a majority vote.

The employee's supervisor and the Clerk will recommend compensation for the demoted employee, subject approval by the Village Council. A demoted employee's compensation may not exceed their current level of compensation.

Termination of Employment

Termination of employment with the Village of Tijeras may result from an employee's resignation, release, layoff, or dismissal.

Resignation

Employees are considered to have resigned if they:

- Submit a letter of resignation.
 - The letter should set forth the employee's reasons for leaving and designate the employee's final workday.
 - To maintain good standing with the Village, employees must give ten working days' notice of their resignation. The Mayor may choose to release the employee immediately and pay their final compensation.
- Leave their job without authorization.
- Are absent from work for three consecutive days without prior approval.

Release

An employee may be released without notice at the end of temporary employment or probation.

Layoff

The Village may be forced to layoff employees due to lack of funds, lack of work, or other compelling reasons. Selection of employees for layoff will be based on qualifications and performance as determined by the Village Council. If those factors are substantially equal, length of service will become a factor.

Dismissal

Employees may be dismissed for unsatisfactory performance, misconduct, or other reasons deemed appropriate by the Village.

Return of Village Property

Certain employees may be issued items of Village property such as cellphones, keys, uniforms, etc. When an employee's term of employment with the Village ends for any reason, the employee must return all items of Village property. New employees will be required to sign a contract confirming receipt of all items of Village property and agreeing to return said items. In addition to other penalties, the Village may pursue legal action against an employee who fails to return Village property. **(Personnel Ordinance No. 195 pages 16-17)**

Ethical Conduct

Village employees are public servants and represent the Village of Tijeras to the public, and are therefore held to a high standard of conduct and public service.

Public Trust

Village employees should use their positions to benefit the public only, not for personal gain or to give preferential treatment to any individual. The following activities are explicitly prohibited:

- Using your position to obtain employment or contracts from other organizations;
- Receiving compensation for your duties from any entity but the Village;
- Taking or withholding action on any matter in which you have a personal or financial interest;
- Disclosing confidential information for personal gain or for another individual's private gain;
- Using Village time, equipment, or property for personal financial benefit;
- Using your position to influence support for political candidates;
- Making or accepting bribes;
- Committing fraud;
- Engaging in nepotism by supervising or being supervised by a relative; and
- Holding a second job that interferes with your duties.

If an employee is involved in any situation they believe may be a violation of this section, they must immediately report it to the Clerk. **(Personnel Ordinance No. 195 pages 17-22)**

Gifts

In general, Village employees should be wary of accepting gifts. Gifts from other employees on appropriate occasions and items worth \$25 or less are allowed. Do not accept gifts from outside entities in exchange for or in anticipation of the performance or nonperformance of official duties.

Personnel Ordinance No. 195 pages 20-21)

Sexual Harassment Policy

The Village of Tijeras is committed to maintaining a safe workplace free from harassment that interferes with an employee's work performance or creates an intimidating, hostile, and offensive working environment.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Quid pro quo harassment is defined as sexual harassment in which submission to harassment is made either explicitly or implicitly a term or condition of continued employment or other employment decision, such as a raise or promotion.

The Village will enforce a zero-tolerance policy on sexual harassment. Employees should immediately report all incidents of sexual harassment to a supervisor. Allegations of sexual harassment will be promptly investigated and may result in disciplinary action up to and including termination. **(Personnel Ordinance No. 195 page 24)**

Workplace Relationships

The Village strongly discourages employees from forming relationships with or dating coworkers. For the purposes of this policy, the terms "relationship" and "dating" refer to consensual romantic relationships and sexual relations. Non-consensual relationships constitute sexual harassment and are prohibited. This policy applies to all employees regardless of sex, gender identity, or sexual orientation.

Employees who enter into a relationship with a coworker should promptly disclose the relationship to the Clerk or Deputy Clerk. Employees are expected to remain professional while in the workplace and avoid inappropriate behaviors such as excessive displays of affection, conversations about private matters, and arguments. In general, consider the comfort of the other people you work with.

Although workplace relationships are not explicitly prohibited, if the Clerk or Deputy Clerk determines a relationship is interfering with the work performance of one or both parties, it may result in disciplinary action up to and including termination.

Drug-Free Workplace Policy

The Village prohibits the use, possession, sale, or distribution of illegal drugs and the misuse of alcohol and legal drugs. Village employees are subject to pre-employment and random drug testing. This policy is intended to keep everyone safe and ensure employees are alert while on the job.

An employee who is using prescription drugs or over-the-counter medications that may affect their job performance should inform their supervisor. A doctor's note may be required.

It is the goal of the Village to help employees obtain drug and addiction treatment and rehabilitation. Normal Village benefits, such as sick leave and medical benefits, are available to aid in the process. For more information, see the Clerk.

If assistance fails or is inappropriate given the nature of the abuse, the penalty for drug use or alcohol abuse may be termination. **(Personnel Ordinance No. 195 pages 22-24)**

Disciplinary and Grievance Procedures

Failure to meet the standards of employee conduct is considered just cause for disciplinary action. Actions such as violation of the Personnel Ordinance or employee handbook, inadequate performance, and inappropriate behavior are grounds for disciplinary action. Consult the Personnel Ordinance for a more comprehensive list of prohibited behaviors.

When possible, the Village will employ a system of progressive discipline. The goal is to treat employees fairly and allow employees an opportunity to correct unsatisfactory behavior before more serious disciplinary action occurs. Serious infractions may require the use of severe disciplinary action upon the first offense. All disciplinary action will be properly documented.

The range of disciplinary action the Village uses includes verbal counseling, written reprimands, suspension without pay, demotion, and dismissal. Employees will receive a Notice of Intent to Discipline when suspension, demotion, or dismissal is being contemplated. Employees who receive notice of disciplinary action are entitled to meet with the Mayor and/or Clerk and respond to allegations of misconduct. In the case of suspension or demotion, the meeting will be informal and witnesses/representation will not be permitted. In the case of termination, the meeting will occur during an executive session of the Village Council and the employee may have a representative present. After the pre-disciplinary meeting, the employee will receive a Notice of Final Action if it is determined discipline is warranted.

The Mayor or Clerk may authorize administrative leave with pay during an investigation or pending disciplinary action. Employees on administrative leave must be available by phone during work hours.

Grievance

A regular employee who has been suspended without pay, involuntarily demoted, or terminated may appeal the decision to a neutral hearing officer. The employee must give notice to the Clerk within five (5) business days of receiving the Notice of Final Action. The Clerk will appoint a hearing officer within fifteen (15) calendar days. The hearing officer will then schedule a Pre-Hearing Conference and issue a Pre-Hearing Order. Within thirty (30) calendar days of the end of the evidentiary hearing, the hearing officer will prepare a written decision. The employee may appeal the hearing officer's decision to district court within thirty (30) calendar days of the decision. **(Personnel Ordinance No. 195 pages 25-36)**

Professional Conduct

In addition to the legal requirements of public employment described above, the Village of Tijeras also expects its employees to abide by certain standards of professional conduct.

Dress and Appearance

In general, it is not the policy of the Village of Tijeras to dictate the personal wardrobe and appearance choices of its employees. However, employees should follow certain guidelines:

- Keep Village shirts and uniforms clean and neat. Do not wear clothing with the Village logo outside work hours, except when traveling to and from work.
- Ensure clothing is neat and suitable for a business casual environment, except when field work is required.
- Make sure shoes are functional and safe for the type of work being performed.
- Be aware of how your dress and appearance are perceived by your coworkers and the public.

Computer, Cellphone, and Internet Policy

Village computers and cellphones are intended for Village business, not for personal use. Employees who are issued a cellphone should stay within allowed minutes and data. Internet connectivity and usage are necessary for many of the functions the Village performs. Please use Internet access primarily to conduct Village business and keep personal use to a minimum. Employees are expected to make reasonable efforts to verify information found online before broadcasting it to the public. Please be aware that misuse of the Internet using Village property and while on Village time may subject the Village to loss of reputation and possible legal action, and may therefore result in disciplinary action. **(Personnel Ordinance No. 195 page 37)**

Telephone Courtesy

Always identify yourself on the phone. If you receive a call intended for another person or department, make reasonable efforts to redirect the call. Personal calls should be kept to an absolute minimum.

Shredder Usage

The majority of Village records are considered public documents pursuant to Chapter 14 NMSA 1978. Village records may only be destroyed in accordance with the Village of Tijeras Public Records Policy. See the Clerk for more information about records retention and destruction. When in doubt, retain a copy of all documents.

Public Announcements

Only the Mayor or their designated representative may make public announcements, such as to the news media.

Village Vehicle and Equipment Usage

When operating Village-owned vehicles and equipment, employees must strictly adhere to all posted speed limits and other traffic regulations and drive in a safe, responsible, and courteous manner. No employee may operate a Village-owned vehicle unless they possess a valid New Mexico driver's license and have obtained a defensive driving certification.

Each Village vehicle contains a logbook in which employees are required to record the date of travel, their destination, and the odometer readings before and after travel.

Village vehicles and equipment are not intended for personal use. Use of Village vehicles is not allowed outside normal work hours unless there is an emergency. Employees who live outside the municipal limits of the Village may not take a Village vehicle home without approval by the Mayor and a majority of the Village Council. Abuse of Village-owned vehicles or equipment may result in loss of privileges and disciplinary action up to and including termination, depending upon the severity of the abuse.

Travel

Before an employee is allowed to travel on Village business, they must submit a travel request form to the Clerk. If the travel is approved, the employee will be reimbursed for actual cost or per diem, as described in the state's travel expense regulations. See the Clerk for more information.

Political Participation

Village employees are free to express their opinion on any topic. However, employees may not campaign, distribute political literature, or ask for political contributions on the job. If an employee chooses to run for office, they may not campaign during working hours or must use leave. If elected, they may not retain their position. The Village will never require an employee to contribute to any campaign.