

GRANT COUNTY
PERSONNEL ORDINANCE

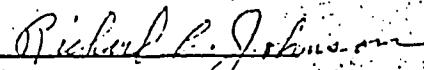
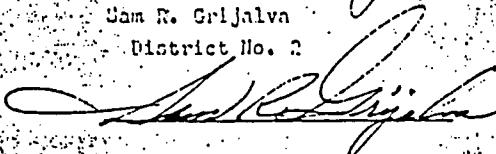
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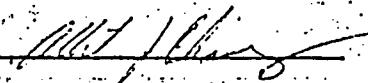
July 20, 1978

BOARD OF COUNTY COMMISSIONERS

GRANT COUNTY

Richard C. Johnson, Chairman
District No. 1Sam R. Grijalva
District No. 2
Albert J. Chavez

District No. 3



STATE OF NEW MEXICO
County of Grant
I hereby certify that this instrument
was filed for record on the 29
day of June A.D. 1978
at 12:15 o'clock P.M. and duly
recorded in book 204 of the records
of County Ordinances
at page 2152.

Witness my hand and seal of office
Carolina A. Perez
County Clerk, Grant Co., N.M.
Marylinda Tuyaca, Deputy

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GRANT COUNTY
BOARD OF COUNTY COMMISSIONERS

AN ORDINANCE

ESTABLISHING A MERIT SYSTEM OF PERSONNEL ADMINISTRATION IN THE
COUNTY OF GRANT, ENACTING RULES AND REGULATIONS GOVERNING THE
PRACTICES AND PROCEDURES FOR EMPLOYMENT, WORKING CONDITIONS
AND COMPENSATION; PROVIDING FOR THE APPOINTMENT OF A PERSONNEL
BOARD AND PRESCRIBING ITS POWERS AND DUTIES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR
THE COUNTY OF GRANT, STATE OF NEW MEXICO:

Section 1. TITLE AND AUTHORITY.— This ordinance may be
cited as the "Grant County Personnel Ordinance" and is adopted
pursuant to Section 15-36A-1 NMSA 1953 (being Laws 1975, Chapter
312, Section 1) and Section 14-12-4 NMSA 1953.

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Section 2. DECLARATION OF PURPOSE.--The purpose of the Personnel Ordinance is to establish a merit system of personnel administration based solely on qualification and ability which will provide greater economy and efficiency in the management of county affairs and improve the quality of public service. The ordinance is based on such merit principles as:

- A. recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointments;
- B. providing equitable and adequate compensation;
- C. training employees, as needed, to assure high-quality performance;
- D. retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- E. assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, religious creed, national origin, race, color or sex, physical or mental handicap and with proper regard for their privacy and constitutional rights as citizens; and
- F. assuring that employees are protected against coercion for partisan political purposes and are prohibited

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from using their official authority for the purpose of interfering with or affecting the result of an election or nomination for office.

Section 3. DEFINITIONS.—As used in the Personnel Ordinance:

- A. "Appeal" means a request for a hearing before the Grant County Personnel Board;
- B. "Applicant" means a person who has made formal application on an official county personnel application form for a position in the county service;
- C. "Appointing Authority" means the county officer or his designated representative or department head who has the lawful authority to make appointments to positions in the county service, from certified lists;
- D. "Association" means the Public Employees' Retirement Association of New Mexico, established under the Public Employees' Retirement Act;
- E. "Board" means the GRANT County Personnel Board;
- F. "Business" means a corporation, partnership, sole proprietorship, firm, organization or individual carrying on a business;
- G. "Certified List" means a list of persons who have passed an appropriate examination for a particular class and who are eligible for appointment to a position in the county service;

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H. "Class" means any group of positions similar enough in powers and responsibilities that they can be covered by the same qualifications and rate of pay;

I. "Commission" means the board of county commissioners.

J. "Compensation Plan" means a plan which establishes, for each class in the classification plan, a salary range which consists of minimum and maximum salaries and intermediate steps;

K. "Confidential Information" means information which by law is not available to the public;

L. "County Officer" means any official of the county elected by popular vote or appointed to fill vacancies in elective offices;

M. "Department" means any office of an elected county official or a distinct division, branch or administrative group thereof;

N. "Director" means the county personnel director (County Manager);

O. "Employee" means a person in a position in the county service who has completed his probationary period;

P. "Employer" means the county of Grant, including all departments thereof or an authority having power to fill positions in a department;

Q. "Exempt Position" means a position held by a person elected to public office, the immediate first-in-line as-

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sistant chosen by such elected official with respect to the exercise of the legal powers of the office, or an appointee on a policy-making level;

R. "Financial Interest" means an interest held by an individual, his spouse or minor children, which is (1) an ownership interest in business, or (2) any employment or prospective employment for which negotiations have already begun;

S. "Grievance" means an expressed dissatisfaction by an employee regarding working conditions or working relationships;

T. "Handicapped Individual" means a physically or mentally handicapped individual who has the ability to perform the duties of the position sought or who is socially competent to maintain himself in a work environment;

U. "Official Act" means an official decision, recommendation, approval, disapproval, or other action, which involves the use of discretionary authority;

V. "Personnel Policy" means the rules and regulations necessary to effectuate this ordinance;

W. "Political Organization" means a group of individuals who have organized primarily for the purpose of influencing the outcome of an election to support candidates on the local, state or national level;

X. "Position" means any office, job or position of employment with the county;

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Y. "Probationer" means a person in a position in the county service who is still in the probationary period for that position;

Z. "Service" means the county personnel service created by the Personnel Ordinance, and includes all positions covered by the Personnel Ordinance; and

AA. "Test" means an examination of an applicant's qualifications, fitness and ability, and includes test that are written, oral, physical or in the form of a demonstration of skill or any combination thereof.

Section 4. COVERAGE OF SERVICE.--The Personnel Ordinance and the service cover all county positions except:

A. officials elected by popular vote or appointed to fill vacancies in elective offices (i.e. county commissioners, county assessor, county clerk, county sheriff, county treasurer and probate judge);

B. members of boards, commissions, committees, road superintendent and the county manager.

C. not more than one (1) first-in-line assistant in the office of each official listed in Subsection A.

D. those of a professional, technical or scientific nature which are contractual or temporary in nature; and

E. any county employee, if the commission, in its discretion decides that the position is one of policy making.

Section 5. ADMINISTRATION IN GENERAL--BOARD OF COUNTY

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COMMISSIONERS--COUNTY MANAGER--ELECTED COUNTY OFFICIALS.

A. Pursuant to Section 15-37-1, N.M.S., 1953 Compilation, as amended, the board of county commissioners shall exercise the powers of the county of Grant as a body politic and corporate and, as such, shall oversee the general administration and operation of the county, which includes the management of a personnel system governing all employees of the county, shall represent the county, and shall have the care of the county property and the management of the interests of the county in all cases where no other provision is made by law.

B. For the purpose of the Personnel Ordinance and as provided under Section 15-37-16.1, N.M.S., 1953 Compilation, as amended, the board of county commissioners shall:

(1) set the number and salaries of such employees and deputies as it feels necessary to discharge the function of the county;

(2) employ and set the salary of a county manager to conduct the business of the county, to serve as personnel director, fiscal director, budget officer, purchasing agent, property custodian and to act generally as the administrative assistant to the commission, aiding and assisting it in the exercise of its duties and responsibilities;

(3) by resolution, adopt rules and regulations (Personnel Policy) as necessary to effectuate the Personnel Ordinance as provided in Section 8 of the Personnel Ordinance;

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and

(4) establish a personnel board and appoint its members as provided in Section 6 of the Personnel Ordinance.

C. Pursuant to subsection 9(2) of this section (Section 15-37-13.13, WMSA, *supra*) the county manager shall;

(1) administer the provisions of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(2) insure that each employer establish and maintain personnel records of all their employees, which personnel records shall not be duplicated or released to unauthorized persons and which shall include but not be limited to:

- (a) the name of the employee;
- (b) his department;
- (c) title, occupation or job classification;
- (d) rate of pay;
- (e) annual and sick leave benefits;
- (f) application; and
- (g) other pertinent data;

(3) as necessary, develop, maintain and apply procedures for recruitment, compensation, training, promotion, counseling and disciplinary and related aspects of personnel management of all county employees;

(4) review employee grievances and disciplinary procedures recommended or requested by elected county officials or department heads, as well as other problems which may arise.

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in the county service, and implement the appropriate rule, regulation or procedure therefor as provided in Section 11 of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(5) review budget requests and position allocations prepared by the elected county officers for the operation of the personnel system and make appropriate recommendations thereon;

(6) make investigation, studies and audits, and recommendations thereon, as necessary to the proper administration of the Personnel Ordinance and Personnel Policy promulgated hereunder;

(7) make an annual report on the operation and management of the personnel system to the Board of county commissioners and the personnel board at the end of each fiscal year;

(8) recommend to the board of county commissioners rules and regulations he considers necessary or desirable to effectuate the Personnel Ordinance;

(9) issue such other supplemental rulings and directives as are necessary for interpretation and effective implementation of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(10) approve, prior to issuance, supplemental personnel rules and regulations and codes of conduct issued by elected county officers, or department heads, which apply

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to their respective departments when such supplemental personnel rules and regulations and codes of conduct extend the provisions of and are not in basic conflict with the intent and purpose of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(11) recommend to the board of county commissioners contractual arrangements for the performance of such technical or professional services as may be desired and to provide for continuity of employment under certain terms and conditions;

(12) establish and maintain liaison with the elected county officers and department heads;

(13) act as secretary to the personnel board;

(14) attend all sessions of the board of county commissioners as its administrative assistant.

As provided in Section 15-37-16.1A, NEISH, 1953 Compilation, as amended, elected county officers (i.e. county assessor, county clerk, county sheriff, county treasurer, and probate judge) or department heads shall:

(1) have the authority, in consultation with the County Manager, to hire employees, from the employment lists of applicants who meet the prescribed minimum requirements set forth in the Personnel Policy promulgated under the Personnel Ordinance, and recommend the salaries of persons

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employed by them to carry out the duties and responsibilities of the offices to which they are elected;

(2) issue supplemental personnel rules and regulations and codes of conduct which apply to their respective departments when such supplemental personnel rules and regulations and codes of conduct extend the provisions of and are not in basic conflict with the intent and purpose of the Personnel Ordinance and the Personnel Policy promulgated hereunder as provided in subsection C(11) of this section.

Section 6. PERSONNEL BOARD--APPOINTMENT--ELIGIBILITY--TERM OF OFFICE--REMOVAL.

A personnel board is hereby created and shall be composed of five (5) members appointed by the board of county commissioners, one of which shall be nominated by the employees of the county.

B. Each member of the personnel board shall be a resident of the county of Grant. No person shall be a member of the personnel board or eligible for appointment to the board who is an employee of the county (except that the nominee of the county employees may be an employee of the county), holds political office, or is an officer of a political organization.

Being a member of a local school board, mayor, councilman or municipal judge shall not be construed to be either holding public office or being an officer of a political organization.

Not more than two-thirds of the membership shall be members

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of the same political party.

C. Members of the personnel board shall serve staggered terms of five (5) years each with one (1) board member's term expiring each year, except that the term of each appointee to the initial personnel board shall be determined by the board of county commissioners. Each board member shall hold office until his successor is appointed and no board member shall serve more than one (1) consecutive term. Any board member appointed by the board of county commissioners to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed.

D. Any member of the personnel board may be removed by a majority vote of the board of county commissioners on such grounds as:

- (1) conviction of any felony or of any misdemeanor involving moral turpitude;
- (2) failure, neglect or refusal to discharge the duties of the personnel board, or failure, neglect or refusal to discharge any duty devolving upon any member of the personnel board by virtue of his appointment thereto;
- (3) gross incompetency or gross negligence in discharging the duties of the personnel board; or
- (4) any other act or acts which are contrary to the purpose and intent of the Personnel Ordinance.

Section 7. PERSONNEL BOARD POWERS, DUTIES AND

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RESPONSIBILITIES--MEETINGS.--

A. The personnel board shall:

(1) receive the written complaints filed by any employee in the county service claiming to be aggrieved by a disciplinary action or discriminatory practice and shall conduct inquiries or investigations thereon pursuant to Section 11 of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(2) hold hearings and have power to administer oaths, subpoena witnesses, and compel the production of books, records, correspondence, documents and other evidence relating to any matter under investigation or in question before the personnel board pursuant to Section 11 of the Personnel Ordinance and the Personnel Policy promulgated hereunder;

(3) cause a record to be kept of each proceeding before the personnel board, which record shall include:

(a) all pleadings, motions and intermediate rulings;

(b) all evidence, investigation reports, records, documents received or considered;

(c) a statement of matters officially noticed;

(d) questions and offers of proof, objections and rulings thereon;

(e) proposed findings and conclusions; and

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(f) any decision, opinion or report of the board;

(4) make a written statement of its findings and conclusions, as well as the reasons or basis therefor, upon all material issues of fact, law or discretion involved, together with the appropriate rule, order, sanction, relief or the denial thereof;

(5) upon request, make a copy of the written findings, conclusions and decision available to the board of county commissioners;

(6) review procedures for recruitment, classification and service ratings, pay rates, counseling, promotion, training, and disciplinary and related aspects of personnel management of all county employees and advise and assist the county manager in the improvement of such procedures; and

(7) advise and assist the county manager in revising or proposing revisions to the Personnel Policy for adoption by the board of county commissioners which are considered necessary or desirable to effectuate the Personnel Ordinance.

3. The personnel board shall meet to conduct hearings on personnel matters as may be required upon the call of its chairman. The personnel board shall elect a chairman and vice chairman at its first meeting, and a chairman and vice chairman shall be elected annually thereafter. Each member of the board shall be entitled to one (1) vote. Three (3) members shall

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constitute a quorum to conduct business and three (3) concurring votes shall be required for action. Any decision of the personnel board is final.

Section 3. PERSONNEL POLICY—ADOPTION—COVERAGE.—The Personnel Policy, or revisions thereof, shall be adopted by resolution of the board of county commissioners, shall be effective when filed as required by law, and shall be kept open for inspection by the public in the office of the county manager during normal business hours. The Personnel Policy shall provide, among other things, for:

A. a classification plan for all positions in the county service wherein positions sufficiently similar as to character, duties and responsibilities are grouped into classes which can be covered by:

(1) the same level of education, experience, ability, skills and other qualifications;

(2) comparable tests of aptitude and fitness used to solicit prospective candidates or applicants; and

(3) the same range of equitable compensation; and wherein the status for all positions in the county service (i.e. fulltime, part-time, temporary, term, emergency, seasonal, exempt, permanent, probationary and grant-in-aid) is designated;

B. a uniform, equitable and adequate pay plan for

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All positions in the county service, except that payment of selected county officials shall be as provided in Section 15-4-4-1, W.M.L., 1953 Compilation, as amended;

C. competitive entrance and promotion test to determine the qualifications, fitness and ability of applicants to perform the duties of the position for which they apply, and such rules shall also provide for the awarding to those applicants who meet the prescribed minimum requirements as set forth hereunder of one (1) preference point for each year of consecutive residency in the county of Grant immediately prior to appointment, not to exceed a total of five (5) preference points;

D. exemption from competitive entrance tests for those professional persons applying for classified positions in the county service who possess recognized registration or certification of their expertise;

E. a period of probation of six (6) months during which a probationer may be evaluated for his capability to perform as a permanent county employee;

F. the establishment of employment lists for the certification of the highest standing candidates and procedures to be followed in hiring from the lists;

G. hours of work, holidays and leave;

H. dismissal or demotion procedures for employees in the county service, including presentation of notice, in

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writing, stating specific reasons and time for the employee to reply thereto and appeal to the personnel board;

J. termination procedure under a necessitated reduction in force (lay off) and guidelines for re-employment, reinstatement, or transfer;

K. employment of any apparently qualified applicant for a period of not more than ninety (90) days when an emergency condition exists and there are no applicants available on an appropriate employment list as provided in subsection F of this section;

L. rejection of applicant who fail to meet benefit requirements as to age, physical condition, training, or experience and

M. employment of handicapped individuals where such persons can meet the necessary performance requirements or where performance requirements can be modified to take advantage of their abilities without detriment to the county service.

Section 9. CONFLICT OF INTEREST.—

A. No county employee or official shall request or receive and accept a gift or loan for himself or another if:

(1) it tends to influence him in the discharge of his official acts; or

(2) he, within two (2) years, has been involved in any official act directly affecting the donor or lender or

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knows that he will be involved in any official act directly affecting the donor or lender.

1. This section does not apply in the case of:

- (1) an occasional nonpecuniary gift, insignificant in value;
- (2) an award publicly presented in recognition of public service;

(3) a commercially reasonable loan made in the ordinary course of business by an institution authorized by the law of New Mexico to engage in business of making loans;

(4) a political campaign contribution, provided that such gift or loan is actually used in a political campaign.

2. Any elected county official or county employee shall disqualify himself from any official act directly affecting a business in which he has a financial interest. No county official or employee shall acquire a financial interest in any business venture or business property of any kind when he believes or has reason to believe that it will be directly affected by his official act.

3. Every employee of the county who has a financial interest, direct or indirect, in any corporation, firm or person contracting to do business with the county in the sale of land, cattle, supplies or services, which he believes or has reason

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to believe may be affected by the actions of the county by which he is employed, shall disclose the precise nature and value of such interest, in writing, to the county clerk before entering county employment and during the month of January each year.

E. The information on the disclosures required in Subsection D of this section, except for the valuations attributed to the reported interests, shall be made available by the county clerk for inspection as a condition of entering upon and continuing county employment.

F. No elected county official or county employee shall use confidential information acquired by virtue of his county office or employment for his or another's gain.

Section 10. POLITICAL ACTIVITY--PROHIBITED AND UNLAWFUL ACTS.—

A. No county official or department head shall dismiss a county employee for failure or refusal to pay or promise to pay any assessment, subscription or contribution to any political organization or candidate; however, nothing herein contained shall prevent voluntary contributions to political organizations.

B. No county employee shall hold political office or be an officer of a political organization during his employment. For the purpose of the Personnel Ordinance, being a member of a local school board shall not be considered to be holding political office and being an election official shall

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not be compelled to be either holding political office or holding an officer of a political organization.

C. Nothing in the Personnel Ordinance or the Personnel Policy promulgated hereunder shall deny any county employee the right to vote as he chooses or to express his opinions on political subjects and candidates.

D. Any county employee who becomes a candidate for public office must, after filing a declaration of candidacy or accepting the nomination, take a leave of absence during the campaign.

E. No county employee or probationer shall engage in partisan political activity while on duty.

F. No person shall be denied the right to appointment to a position, or probation, or of holding a position because of political or religious opinion, or affiliation or because of national origin, ancestry, race, color, sex or physical or mental handicap.

G. No elected county official or department head shall employ in such office or position, whose compensation is to be paid out of public funds, any person related by consanguinity or affinity within the third degree to the person giving such employment.

H. It is unlawful to:

(1) Make any false statement, certificate, mark or rating with regard to any list, certification or appointment under the Personnel Ordinance, or to willfully swear

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fully as to any itemized account of fees, commission, mileage and per diem earned or collected by virtue of the performance of official services;

(2) directly or indirectly give, pay, offer, solicit or accept any money or other valuable consideration or secure or furnish any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in county service;

(3) accept or receive for one's personal use, for or on account of expenses incurred or for or on account of services rendered by virtue of any county office or position in the county service, any salary, compensation, allowance, fees or emoluments in any form whatsoever, other than authorized by law;

(4) willfully fail to account for or pay over, as required by law, any and all fees, commissions or money earned or collected by virtue of any county office or position in the county service, in the performance of official county services or business; or

(5) negligently or willfully damage or destroy any county-owned equipment or conveyance used in the performance of official county business and by virtue of any county office or position in the county service, or to wrongfully appropriate such equipment or conveyance.

Section 11. ~~Section 11. All offenses are felonies--punish-~~

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APPEAL--PROCEDURES.---

A. Each employer shall report to the county manager all dismissals, demotions and suspensions, or other actions affecting the status or conditions of employment of any employee, within 7 days of the effective date of such action. Such action shall be recorded, by the employer, in the employees personnel file.

B. Any employee who is dismissed or demoted or who is suspended may, within 15 days after the dismissal, demotion, suspension, or other grievance request, in writing, an informal review hearing before the county manager. The county manager shall hold the informal review hearing within 7 days after he receives the request and shall issue his findings or decision in writing to the employee and the employer within 5 days of the hearing or as provided in the rules and regulations governing grievances and review procedures promulgated under the Personnel Ordinance.

C. Any employee who is dismissed, demoted, suspended, or otherwise aggrieved may, within 20 calendar days of receipt of the written findings or decision of the county manager or after the effective date of the dismissal, demotion, suspension, or other grievance action appeal in writing to the Personnel Board.

D. When an employee requests an informal review hearing or an appeal to the Personnel Board, Under B or C, the em-

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ployer shall send a complete photocopy of the employee's personnel record for use in such hearing. This copy of the personnel record shall be a part of the hearing file.

E. Appeal hearing shall be conducted as provided in the rules and regulations of the Personnel Policy promulgated under the Personnel Ordinance, and the appealing employee and the employer whose action is reviewed have the right to be heard publicly and to present facts pertinent to the appeal. The technical rules of evidence shall not apply.

F. Any applicant denied permission to take an examination or who is disqualified may appeal to the Personnel Board.

G. The Personnel Board shall hold a public hearing on the employee's appeal within 30 days of the receipt of the written notice of appeal. The Board shall render its written decision together with findings of facts, conclusions and recommendations to the employee and the employer within 15 days of the conclusion of the hearing. If the Board finds that the ground for the action taken by the employer is not substantiated, then it shall notify the employer who shall, within 30 days after the Board's written notice, reinstate the employee, with pay from the date of suspension, demotion or discharge. Any decision made by the Board is final.

Section 12. CERTIFICATION OF PAYROLL.—No person shall make or approve payment for personnel services to any person

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in the service unless the payroll voucher or account of the pay is certified by the county manager (personnel director) that the person being paid was employed in accordance with the Personnel Ordinance. Payment of salaries and wages of all officials and employees of the county shall be every two (2) weeks or within not to exceed fourteen (14) calendar days from the date of payment of the next preceding payment of said salaries or wages.

Section 13. PER DIEM AND MILEAGE.—Every official or employee of the county who travels away from his designated post of duty on official business shall receive per diem and mileage in accordance with the Per Diem and Mileage Act (Sections 5-10-1 to 5-10-4, NMSA, 1953 Compilation, as amended).

Section 14. RETIREMENT PROGRAM—MEMBERSHIP IN THE PUBLIC EMPLOYEE'S RETIREMENT ASSOCIATION OF NEW MEXICO.—All employees of the county of Grant, an affiliated public employer under the Public Employee's Retirement Act (Sections 5-5-1 to 5-5-12, NMSA, 1953 Compilation, as amended), shall become contributing members of the Public Employee's Retirement Association of New Mexico as a condition of their employment. Membership, date of retirement, salary deductions and contributions, rights, service credits, management of the retirement funds, benefits and the system of retirement for all employees of the county shall be governed by the provisions set forth in the Public Employee's Retirement Act, supra, and the rules and regulations adopted thereunder. Elected officials may become contributing

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members.

Section 15. SOCIAL SECURITY COVERAGE.--The benefits of the federal old-age and survivor's insurance system embodied in the Social Security Act (Act of Congress approved August 14, 1953, Chapter 531, 49 Stat. 620) shall be extended to all officials and employees of the county as provided in Sections 5-7-1 to 5-7-9, 1953 Compilation, as amended.

Section 16. GROUP INSURANCE--DEDUCTIONS FROM SALARIES.--

A. As provided in Section 5-4-12, NMSA, 1953 Compilation, as amended, group term life, medical or disability income insurance shall be provided for the benefit of all eligible employees and salaried officers of the county.

B. As provided in Section 5-4-13, NMSA, 1953 Compilation, as amended, premiums on policies of insurance provided in Subsection A of this section shall be deducted from the salaries of those employees and officials of the county who elect to be covered by group or other insurance.

Section 17. FEDERAL FUNDS AND ASSISTANCE.--When the provisions of any laws of the United States or any rule, order or regulation of any federal agency or authority providing federal funds for use in the county of Grant, either directly or indirectly or as a grant-in-aid, to be matched or otherwise, imposes, as a condition for the receipt of such funds, other or higher personnel standards or different classifications than are provided for by the Personnel Ordinance, the county manager

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has the authority and is directed to adopt rules and regulations to meet the requirements of such law, rule order or regulation.

Section. 18. DUTIES OF COUNTY OFFICIALS AND DEPARTMENT HEADS.--All officials and department heads of the county shall comply with the Personnel Ordinance, shall hire employees from the employment lists of applicants, provided by the county manager (personnel director) who meet the prescribed minimum requirements as set forth in the Personnel Policy promulgated under the Personnel Ordinance, and shall furnish any records or information regarding personnel transactions required for the proper management and operation of the personnel system to the county manager (personnel director).

Section 19. STATUS OF INCUMBENT EMPLOYEES.--All county employees holding positions brought into the classified service by the Personnel Ordinance shall continue in their positions and become regular permanent classified employees without original examination, if they have been employed in the same position for at least one (1) year immediately prior to the effective date of the Personnel Ordinance. All other employees of the county, holding positions brought into the classified service by the Personnel Ordinance less than one (1) year prior to the effective date of the Personnel Ordinance, shall be considered probationers until they have, not later than one (1) year from the effective date of the Personnel Ordinance, taken and passed a qualifying test prescribed by the appropriate

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department head, in consultation with the director, for the position held. An employee who fails to qualify shall be dismissed within thirty (30) days after the establishment of an employment or promotion list for his position. Nothing in the Personnel Ordinance shall preclude the reclassification or reallocation of any position held by an incumbent.

Section 20. VIOLATIONS.—Violations of any of the provisions of this ordinance shall be punishable by a fine not to exceed \$300.00 or imprisonment for 90 days, or both the fine and imprisonment. In addition to any other penalty imposed by law, violation of the provisions of the Personnel Ordinance is grounds for dismissal, demotion or suspension.

Section 21. SEVERABILITY.—The provisions of the Personnel Ordinance are severable, and should any section, subsection, paragraph, sentence or phrase of this ordinance be declared unconstitutional, void or invalid such decision shall not affect the validity of the remaining portion or its application to other situations or persons.

Section 22. AMENDMENTS.—Amendment or repeal of any section, subsection or provision of the Personnel Ordinance shall be by a majority vote of the board of county commissioners as provided in Section 15-36A-6, NMSA, 1953 Compilation, as amended.

Section 23. EFFECTIVE DATE.—The provisions of the Grant County Personnel Ordinance shall be in full force and effect thirty (30) days after its passage and after it has been duly recorded by the county clerk as required by Section 15-36A-9,

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1953 Compilation (being Laws 1975, Chapter 312, Section 9).

PASSED, ADOPTED AND SIGNED, by the Grant County Board
of County Commissioners as Grant County Ordinance No. 78-6-19
and recorded with the Grant County Clerk this 19th day
of June, 1978.

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY

Richard C. Johnson
Richard C. Johnson, Chairman

Sam R. Grijalva
Sam R. Grijalva

Albert J. Chavez
Albert J. Chavez

ATTEST:

