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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 11-027 Council District:

For Meeting of August 2 2010
 (Adoption Date)

TITLE: A RESOLUTION REPEALING SECTIONS 203, 206, 207, 406, 409, 411, 419, 507, 511, 512, 514, 515, 517, 612, 614, 615, 710, 1002, 1006, 1300 AND ENACTING SECTIONS 203, 206, 207, 406, 409, 411, 419, 507, 511, 512, 514, 515, 517, 612, 614, 615, 710, 1002, 1006, 1300 OF THE MANUAL OF PERSONNEL POLICIES.

PURPOSE(S) OF ACTION: Revisions for clarification and updates to remain in compliance with Council and City Administration directives and state and federal regulations.

Drafter and Staff Contact: Andre Moquin		Department: Human Resources		Phone: 528-3100	
Department	Signature	Phone	Department	Signature	Phone
Department Director		528-3100	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The Personnel Manual provides administrative and procedural guidance on personnel matters for City employees. The policy manual was last revised in August 2009. City staff has reviewed this manual and recommends revisions for clarification purposes as well as changes and additions of policy based on current state and federal regulations. Various sections recommended for change and summary, or purpose, of changes is outlined in Attachment A.

The more notable items include:

1. The addition of grandchildren to family member qualifying for three days of bereavement leave,
 - a. The cost associated with this item will most likely take the form of occasional overtime to cover absences;
 - b. Employees affected by this change are most non-represented employees.
2. Providing an additional eight (8) hours of personal leave for non-represented employees,
 - a. The cost associated with this item will most likely take the form of occasional overtime to cover absences;
 - b. Employees affected by this change are most non-represented employees.
3. Increasing the amount for stand-by pay for un-represented employees,

(Continue on additional sheets as required)

- a. The allocated cost associated with this change is approximately seven thousand (7,000) dollars;
 - b. Employees affected by this change will most often be police sergeants and certain information technology personnel.
4. Clarifying the amount and usage window for military leave,
- a. There is no increase in current cost associated with this change;
 - b. Employees affected by this change are those involved in military service.
5. The broadening of light duty assignments,
- a. The cost associated with this change is marginal and will most often be offset by the work product of the employee;
 - b. Employees affected by this change will be those released from injury or illness with work restriction.
6. Expand possibilities for tuition reimbursement program to other avenues such as technical certificates,
- a. There are no cost associated with this request;
 - b. Employees affected by this change will be those choosing to participate in tuition reimbursement.
7. The alignment of evaluation and the updated window for and the allocation of merit increase for eligible un-represented employees,
- a. The cost associated with this change is approximately fifty thousand (50,000) dollars to reflect the early award of merit increases to eligible non-represented employees and has been included in the FY11 budget;
 - b. Employees affected by the change will be eligible non-represented employees.

SUPPORT INFORMATION:

- 1. Resolution.
- 2. Attachment "A", Summary of changes.
- 3. Attachment "B", Strike through version of recommend changes
- 4. Attachment "C", Final version of recommend changes

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.

(Continue on additional sheets as required)

Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Various	Various	\$228,524	\$228,524	\$0	

OPTIONS / ALTERNATIVES:

1. Vote "yes", approving the changes recommended to the Manual of Personnel Policies.
2. Vote "no", disapproving the changes to the Manual of Personnel Policies. The existing Manual of Personnel Policies will remain in effect.
3. Modify the recommended changes to the Manual of Personnel Policies.
4. Vote to "Table"; this could delay the allocation of merit increase as well other impacts to City employee.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 10-053

RESOLUTION NO. 11-027

A RESOLUTION REPEALING SECTIONS 203, 206, 207, 406, 409, 411, 419, 507, 511, 512, 514, 515, 517, 612, 614, 615, 710, 1002, 1006, 1300 AND ENACTING SECTIONS 203, 206, 207, 406, 409, 411, 419, 507, 511, 512, 514, 515, 517, 612, 614, 615, 710, 1002, 1006, 1300 OF THE MANUAL OF PERSONNEL POLICIES.

The City Council is informed that:

WHEREAS, the Manual of Personnel Policies requires periodic revisions for clarification and updates to remain in compliance with state and federal regulations, and

WHEREAS, the Manual of Personnel Policies provides administrative and procedural guidance on personnel matters for City employees, and

WHEREAS, City staff has reviewed the Manual of Personnel Policies and recommends revisions, changes, and additions of policy, and

WHEREAS, since the adoption of the existing Manual of Personnel Policies, August 2009, areas require revisions for clarification and consistency purposes, based on best practices within the industry, and in accordance with state and federal regulations.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces:

(I)

THAT City Council hereby approves the recommended amendments to the City's Manual of Personnel Policies as shown in Attachment B and Attachment C.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 201____.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

[Signature]

City Attorney

**Personnel Manual
2010
Proposed changes**

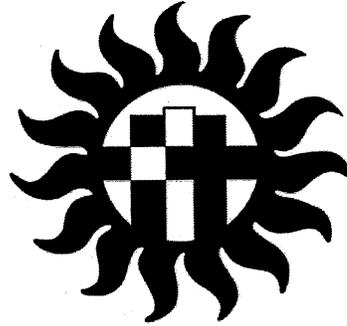
SECTION 100	INTRODUCTION	Summary of proposed changes
SECTION 200	RECRUITMENT AND SELECTION	
201	POLICY	
202	POSTINGS	
203	APPLICATION FORM	Clarification
204	APPLICATION SUBMITTAL	
205	REJECTION OF APPLICATIONS	
206	APPLICATION REVIEW AND REFERRAL	Selection materials must reside in HR
207	TESTING PROVISIONS	Testing protocols
208	ADMINISTRATIVE HIRING PROCEDURES	
209	COLLEGE STUDENT HIRING PROCEDURES	
210	PROBATION	
211	IMMIGRATION LAW COMPLIANCE	
212	EMPLOYEE ORIENTATION	
SECTION 300	CLASSIFICATION PLAN	
301	DEFINITION OF CLASSIFICATION PLAN	
302	CLASS SPECIFICATION	
303	CLASS	
304	ALLOCATION	
305	RECLASSIFICATION	
306	CLASSIFICATION CATEGORIES	
307	EXEMPT AND NON-EXEMPT DEFINED	
308	SALARIED EXEMPT "UPSET TESTS"	
309	EXECUTIVE EXEMPTION	
310	ADMINISTRATIVE EXEMPTION	
311	PROFESSIONAL EXEMPTION	
312	COMPUTER EXEMPTION	
313	HIGHLY COMPENSATED EXEMPTION	
314	FLSA EXEMPTION AND NOTIFICATION POLICY	
315	SUPERVISOR	
316	POSITION ASSIGNMENTS	
317	CATEGORIES OF EMPLOYMENT	
SECTION 400	COMPENSATION	
401	COMPENSATION PLAN	
402	CITY SALARY SCHEDULES DEFINED	
403	STANDARDS FOR DEVELOPMENT OF PAY PLAN	
404	ADMINISTRATION AND AMENDMENTS OF PAY PLAN	
405	ENTRY LEVEL PAY RATES	
406	PAY RATE ADJUSTMENTS	Adjustment to merit pay distribution dates
407	REGULAR PAY RATE DEFINED AND EXCLUSIONS IDENTIFIED	
408	ELIGIBILITY FOR OVERTIME PAY	
409	ELIGIBILITY FOR COMPENSATORY TIME OFF	Clarifying reasonable period for leave requests

410	RECORDKEEPING UNDER FLSA	
411	STANDBY PAY	Increase stand by rate to \$85
412	TRADING TIME PERMITTED	
413	FLEXIBLE WORK SCHEDULE	
414	JOINT EMPLOYMENT RELATIONSHIPS	
415	RESERVED	
416	MOTIVATION PAY	
417	LONGEVITY PAY	
418	PAY PRACTICE FOR ACTING APPOINTMENTS	
419	RETIREE RECOGNITION	Increase retiree recognition awards
SECTION 500 LEAVE, ATTENDANCE AND HOLIDAYS		
501	LEAVE DEFINITIONS	
502	REST PERIODS	
503	ATTENDANCE AND PUNCTUALITY	
504	LEAVE AND PAY DEDUCTIONS FOR EXEMPT EMPLOYEES	
505	ANNUAL LEAVE	
506	ANNUAL LEAVE MAXIMUM ACCRUAL ALLOWANCE	
507	PERSONAL LEAVE	8 hours of additional personal leave for unrepresented employees
508	SICK LEAVE	
509	SICK LEAVE MAXIMUM ACCUMULATION ALLOWANCE	
510	SICK LEAVE BANK	
511	BEREAVEMENT LEAVE	Adding Grandchildren
512	MILITARY LEAVE	Clarifying amount of leave and usage window
513	JURY DUTY OR COURT LEAVE	
514	FAMILY AND MEDICAL LEAVE	514.9 clarifying recertification timelines
515	LEAVE WITHOUT PAY STATUS	Clarification
516	WORKERS' COMPENSATION PAY STATUS	
517	HOLIDAYS	Clarification
518	HOLIDAY PAY PROCEDURES	
519	HOLIDAY PAY FOR NON-UNION FIRE PERSONNEL	
520	GOVERNMENTAL/PROFESSIONAL LEAVE	
521	VOTING LEAVE	
522	SEARCH AND RESCUE LEAVE	
523	EXTENDED LEAVE	
524	DOMESTIC ABUSE LEAVE	
SECTION 600 EMPLOYEE WORK RULES AND PROCEDURES		
601	CITY WORK RULES - PURPOSE	
602	IMPLEMENTATION	
603	WORK RULES	
603A	E-MAIL, INTERNET AND PC USE	
604	UNAUTHORIZED WORK TIME	
605	PAYMENT FOR SERVICES NOT RENDERED	
606	COLLECTION OF PAYMENTS	
607	ALTERATION OF RECORDS	
608	CONSTRAINT OF BUSINESS OPERATIONS	

609	EXPECTATION OF LEGALITY	
610	DISCIPLINARY ACTION	
611	EMPLOYEE ETHICS POLICY	
612	ACCIDENT/INJURY REPORTING AND RETURN TO WORK	Broadening the eligibility for light duty assignments. Other clarifications
613	LOSS OF EMPLOYEE CERTIFICATION	
614	LOSS OF EMPLOYEE DRIVERS LICENSE	Notice of court hearings and Record check documentation requirement
615	THREAT OF VIOLENCE	Expand reporting structure
616	WEAPONS IN THE WORKPLACE	
617	FITNESS FOR DUTY	
SECTION 700 EMPLOYEE TRAINING AND DEVELOPMENT		
701	PURPOSE	
702	TRAINING AND EMPLOYEE DEVELOPMENT OBJECTIVES	
703	DEVELOPMENT AND ADMINISTRATION	
704	DEPARTMENT DIRECTORS	
705	SECTION ADMINISTRATORS/MANAGERS	
706	EMPLOYEE RESPONSIBILITIES	
707	PROGRAM DESIGN	
708	EMPLOYEE REQUESTS FOR FLEXIBLE WORK SCHEDULES FOR CLASSES	
709	EMPLOYEE REQUESTS FOR FLEXIBLE WORK SCHEDULES	
710	CERTIFICATION EXAMINATION EXPENSES	
710	TUITION EXPENSES	Expansion of eligibility and clarifications
SECTION 800 MANAGEMENT AUTHORITY AND RESPONSIBILITIES		
801	CITY MANAGER'S OPEN DOOR	
802	HUMAN RESOURCES DEPARTMENT	
803	MANAGEMENT AND SUPERVISION	
804	EMPLOYEES	
805	PERSONNEL RECORDS RETENTION	
SECTION 900 DISCIPLINARY ACTIONS/TRANSFERS AND TERMINATIONS		
901	PURPOSE	
902	AUTHORITY TO TAKE DISCIPLINARY ACTION	
903	VOLUNTARY TRANSFER	
904	INVOLUNTARY TRANSFER	
905	SUSPENSION AND OTHER DISCIPLINARY ACTIONS	
906	TERMINATION	
907	LOUDERMILL PROCEDURES	
908	EMPLOYEES INVOLVED IN JOB MISCONDUCT OR CRIMINAL ACTIVITIES	
909	ABOLISHMENT OR NON-FUNDING OF POSITIONS	
910	RE-ESTABLISHMENT OF POSITIONS	
911	LAYOFF	
912	DISBURSEMENT OF FINAL PAY CHECK	
SECTION 1000 PERFORMANCE REVIEWS		
1001	PURPOSE	

1002	PERIODS OF REVIEWS	Changes to reflect earlier dates for merit
1003	RESPONSIBILITIES	
1004	REVIEW COORDINATION	
1005	PERFORMANCE REVIEW COMMENTS	
1006	PERFORMANCE EVALUATION DISPUTE RESOLUTION	Change removing December date
SECTION 1100	EMPLOYEE GRIEVANCES AND DISCRIMINATION COMPLAINTS	
1101	POLICY	
1102	EMPLOYEE GRIEVANCES	
1103	DISCRIMINATION COMPLAINT PROCEDURES	
1104	ADA POLICY	
SECTION 1200	BENEFITS	
1201	EMPLOYEE BENEFITS	
1202	MEDICAL PRIVACY	
1203	RETIREE HEALTH INSURANCE	
1204	COBRA	
1205	EMPLOYEE ASSISTANCE PROGRAM	
1206	WORKERS' COMPENSATION	
1207	DOMESTIC PARTNER BENEFITS	
SECTION 1300	DEFINITIONS	Clarification and Change to municipal code reference for nepotism.

ATTACHMENT B



City of Las Cruces

201009

Personnel Manual

Adopted August 17³, 201009

SECTION 200 RECRUITMENT AND SELECTION

201. POLICY. It is policy for the City of Las Cruces to recruit and select the most qualified persons for positions in the City's service. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race, politics, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability, and in accordance with the City's Hiring Process: Application Review, Interviewing and Selection Guidance.
202. POSTINGS. When a request to fill a vacancy has been approved the following procedure shall be followed:
- Job announcements will be posted in places available to the general public and all City employees. Postings will include pertinent job information, including minimum qualifications and entry level salary. All postings shall include the essential functions, work environment, physical and cognitive requirements, and selection criteria to be used, including any tests and/or skill assessment.
- Job announcements shall be posted for not less than five business days. This period of time may be waived by the City Manager.
203. APPLICATION FORM. All applications for employment shall be made on forms or methods prescribed by the Human Resources Department. ~~Although resumes that meet posted deadlines will be accepted, a~~ A City application form must be completed and ~~or~~ release for reference check must also be completed ~~submitted, when requested, by job applicants selected prior to or at the time of interview.~~
204. APPLICATION SUBMITTAL. All applications will be submitted to the Human Resources Department, unless authorized in writing by the Director of Human Resources.
205. REJECTION OF APPLICANTS. An applicant may be rejected if the applicant:
1. Does not meet the minimum qualifications for the position.
 2. Has falsified, omitted, misrepresented or provided misleading information on an application or resume. (Employees who violate this section shall be subject to disciplinary action, up to and including dismissal).
 3. Is unable to perform the essential functions of the position, with or without reasonable accommodations.
 4. Has been convicted of a crime that renders him/her unqualified for the position to which he/she has applied.
 5. Is under 18 years of age if being considered for Regular Full-time or Part-time employment.
 6. Has established an unsatisfactory employment record.

7. Advocates the overthrow of the government of the United States by force or violence.
8. Submitted an application after an announcement closed or submitted an application for an unannounced position.
9. Submitted an incomplete application and/or failed to provide copies of documents cited in the job announcement prior to a final decision on hiring.
10. Receives a positive test result on a pre-employment drug test.
11. Failed background investigations.

206. APPLICATION REVIEW AND REFERRAL The intent of the application review process is to maximize reliability, objectivity, and validity through a practical and job-related assessment of whether the applicant meets the minimum qualifications required for the position.

1. Selection Method. The hiring department, in consultation with the Human Resources Department, shall be responsible for determining valid selection methods to obtain the most qualified candidates for each vacancy.
2. Security. Selection material shall be confidential. Every precaution shall be taken by all persons participating in the development and maintenance of selection materials to maintain the highest level of integrity and security. Once selection processes are completed all materials, including copies and electronic files, must be sent to the Human Resources Department, unless approved in writing by the Human Resources Director.
3. Nepotism Prohibited. Any supervisor or manager who is in a position to recommend employment or promotion of a relative (by blood, marriage or domestic partnership) shall advise his/her immediate supervisor, and withdraw from the selection process.

Any employee asked to participate in a selection process where a relative (by blood, marriage or domestic partnership) shall immediately inform the hiring supervisor of their conflict of interest and withdraw from the selection process.

4. Preselection Prohibited. No City employee will promise job appointments to any person. All inquiries regarding vacancies should be referred to the Human Resources Department.
5. Education and Experience Substitutions
All internal and external candidates seeking employment must meet the minimum qualifications outlined in the relevant job announcement. Should a job posting yield an insufficient pool of qualified candidates, the Human Resources Department in collaboration with the hiring department/section will determine whether to extend the posting, re-post the position or review applications for substitutions for degree requirements, education and/or experience.

A. Substitution of Experience for Education

accommodation is provided. If the request is not approved, the Human Resources representative shall inform the applicant of the reason for denial of the requested accommodation, in writing, within 3 working days of the decision.

Information about an applicant's disability is CONFIDENTIAL and may not be shared with search committee members or decision-makers in the hiring process.

- J. The hiring department/section is responsible for conducting appropriate reference and employment verification.

207. Employment Testing. The Human Resources Director (or designee) will review all written, skills and field testing procedures to assure that these tests are valid and conducted in a standardized and impartial manner and are job related. This review shall ensure that these tests can be quantitatively scored prior to being administered. The posted job announcement will indicate that applicant testing will be required, and an invitation to request any reasonable accommodation needed for the test. Requests for reasonable accommodation shall be processed in accordance with the City's Reasonable Accommodation Policy. Failure to complete or comply with testing requirements may lead to the disqualification of applicants.

208. ADMINISTRATIVE HIRING PROCEDURES.

1. SECTION/DEPARTMENT:

When a section has a staffing requirement, notification will be prepared by the hiring Section for Department Director approval and sent to the Human Resources Department. The notification should include essential information required in the advertisement, including:

- A. Position title.
- B. Desired start date.
- C. Department and division.
- D. Job term and type.
- E. Position control information.
- F. Where and how long ads are to be published and funding source if advertisement is requested beyond the local market.
- G. Funding source.
- H. If the position will require a test to be administered, the requesting Section should specify the types of tests and special instructions needed for the administration of the tests.
- I. Other information as requested by the Human Resources Department.

2. HUMAN RESOURCES DEPARTMENT:

- A. With input from the Section Manager/Administrator establishes salary grade, and job description.

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5. Reclassifications

Reclassification is the reassignment of a position from one class to a different class to recognize a significant change in the duties and responsibilities of the position/employee. For an upward reclassification the percentage increase will be the higher of:

- A. Two and one half (2.5) percent when the new position is one salary grade higher, or
- B. Five (5) percent when the new position is two (2) salary grades higher, or
- C. Seven and one half (7.5) percent when the new position is three (3) grades higher, or
- D. Ten (10) percent when the new position is four (4) or more salary grades higher, or
- E. Twelve (12) percent if moving from a non-exempt to a higher exempt position, or
- F. Two and one half (2.5) percent above the minimum of the new pay grade.
- G. For a downward reclassification the affected employee should be placed in the lower of their current percentile rank, or the maximum of their new pay grade

6. Demotion. The placement of an employee within a lower grade than the employee's current assigned grade resulting in a decrease in pay.

In the case of a demotion, the employee shall be placed in the pay grade for the position they are being demoted to at their same percentile rank or the maximum of the new pay grade, whichever is lower.

In the event that an unrepresented or represented employee is demoted into a represented position, the employee shall be placed in the pay grade for the position they are being demoted to at the average wages of all employees within that position with the similar length of service with the City. In the event that no such match exists the new salary will be determined by the City Manager.

7. Full Reinstatement. When reinstated from layoff for lack of work, the employee shall be restored to the same grade and percentile rank of the grade the employee had at the time of the layoff.
8. Reinstatement to a Lower Grade. If reinstated from a layoff to a lower grade, for whatever reason, the employee shall be placed in the pay grade for the position they are being reinstated to at their same percentile rank or the maximum of the new pay grade, whichever is lower.
9. Merit Increases. Effective July 1, 2004 and the start of each subsequent fiscal year, all full- and part-time regular, non-contract, non-sworn employees in good standing, and employees who were hired before December September 1st of the preceding year, shall be eligible for a prorated merit increase based on overall performance evaluation ratings, the employees current percentile rank, and merit budget allocated by the City Council in its

406 | annual budget. Merit increases will range from 0% up to 6% of the employees base rate, and will be added to the base pay the first full pay period in ~~December~~ September beginning ~~December~~ September 201005.

Employees near the top of their pay grade are eligible to receive performance increases based on their overall performance evaluation. The increase will be applied to the employees' base salary but any amount in excess of the salary grade maximum will be awarded as a lump sum payment, and will not be added to base pay.

10. Merit Lump Sum Awards. An employee eligible for a merit award who has met or surpassed the maximum of their pay grade shall be eligible for a merit lump sum award based on overall performance evaluation ratings and percentile rank of the employee. Merit lump sum awards will not be added to the employee's base rate. Lump sum merit awards will range from 0% up to 3% of their base rate and will be distributed in ~~December~~ September beginning ~~December~~ September 201005.
11. Cost-of-Living/General Wage Adjustments. The City Council may allocate funds for general wage adjustments. These adjustments may be made to the pay grades. All eligible employees will receive the amount of the adjustment that does not cause the employee to exceed the maximum of the grade.
12. Exempt Employee Initial and Last Paycheck. Exempt employees will be paid a proportionate part of the employee's full salary for the time actually worked in the first and last week of employment at an hourly equivalent of the employee's full salary.
13. The City Manager has discretion to review an individual's salary and make adjustments in the interest of parity or equity. Such salary adjustments are extraordinary and unusual and are to be considered, without precedent, on a case-by-case basis.

407. HOURLY RATE, REGULAR RATE AND HOURS WORKED DEFINED AND EXCLUSIONS IDENTIFIED.

The hourly rate is the equivalent of straight time compensation received by a non-exempt employee for work divided by the number of hours that money is intended to compensate.

The regular hourly rate of pay of an employee is determined by dividing an employee's total remuneration for employment (except statutory exclusions) in any workweek by the total number of hours actually worked in that workweek for which such compensation was paid..

Hours worked includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work.

Exclusions from the hourly and regular rate include payment for occasional periods when no work is performed due to vacation, holiday, illness, failure of employer to provide sufficient work, absence due to authorized leave, jury duty, leave without

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4. An employee who has been approved for the use of earned compensatory time shall not change that leave to sick leave, when applicable, without presenting management with a physician's statement verifying the illness.
 5. Unused compensatory time earned during the twelve months of the fiscal year must be paid out at by the end of the fiscal year and cannot be carried forward, except with the written authorization of the City Manager.
 6. Employees requesting Ccompensatory time off shall be permitted to use such time off within a "reasonable period" after making the request, should be allowed when requested by the employee provided it does not unduly disrupt the activities of the Department/Section.
 7. Sections/Departments may direct the use of compensatory time.
 8. Upon termination for any reason, employees will be paid for unused compensatory time. Payment shall be computed by multiplying unused compensatory time by the employee's normal per hour rate.
 9. If an employee demotes or transfers from one non-exempt position to another non-exempt position; or from one department/section to another within a classification eligible for compensatory time, the employee's accrued compensatory time off balance, up to the maximum allowable accrual will be carried forward with the employee. Any accrual in excess of the allowed maximum shall be paid at the time of promotion, transfer or demotion.
 10. If an employee promotes from one non-exempt position to another non-exempt position, the employee's accrued compensatory time off balance shall be paid by the department/section the employee is promoting from at the employee's hourly rate of pay before promoting.
 11. Compensatory time accrual balances will be paid by the department/section the employee is moving from at the employee's current hourly rate of pay before demoting or transferring when the new classification is not eligible for compensatory time or accruals of compensatory time exceed the maximum of the employee's new job classification.
 12. FLSA exempt employees are not eligible for compensatory time off.

410. RECORD KEEPING UNDER FLSA.

All Sections must maintain and preserve records for three (3) years of:

1. Timesheets for each non-exempt employee and leave authorizations for all employees.
2. Authorization by the Section Administrator/Manager for all overtime worked.
3. The number of compensatory hours earned each workweek, or other applicable work period, by each employee. The hours must be calculated at a rate of one and one-half hours.
4. The number of hours of compensatory time used each workweek, by the employee.

before "standby" status begins and maintain it in operational mode at all times;

- 2) Stay within beeper, cell phone or radio range;
- 3) When notified by beeper, radio or telephone, the employee must call in within five (5) minutes;
- 4) Must leave the location where the call is received within 10 minutes or less after receiving the call; and
- 5) Must arrive in "fit" condition.

Failure to adhere to these criteria may result in the loss of stand-by pay for the period.

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- F. If an employee does not meet the criteria defined in "E", he/she will forfeit "standby" pay from the time of the first attempt to contact him/her to the end of the standby period and may be subject to disciplinary action.
 - G. Each employee on standby after regular working hours will receive adequate compensation for standby status at the designated rate of eighty-five (85) dollars a week, \$65/week or twelve dollars and fourteen cents (12.14) a day \$9.29/day.
 - H. A standby employee who is called back to work for two hours or less, after leaving the worksite at the end of the regular work period, during the standby period will be paid two hours of show-up pay, except as defined in K" below.
 - J. If the employee remains at work following the expiration of the 2-hour period or is called back before its expiration, they will be compensated with overtime pay at the premium overtime rate for additional time worked beyond the two (2) hour period.
 - K. If the employee is released from work after the expiration of that 2 hour period, and re-called to work, the employee shall be compensated only for additional hours worked at the premium overtime rate.
 - L. A standby employee who remains at work directly at the end of a scheduled work shift or is called to report early (within two hours of their scheduled work time) or remain late when call out continues to the regular starting time, will be paid for straight overtime for the extra hours worked if the additional hours result in hours worked in excess of 40 hours in the work week.
 - M. The stand-by employee is expected to respond to telephone inquiries during the on call period without additional compensation.
 - N. An employee responding to a call-out shall assess the situation and need prior to calling out additional staff and shall describe the justification for additional staff on the Stand-By Form.
 - O. Employees called out shall complete the Stand-by Form for each situation and submit the completed forms to their immediate supervisor by the start of the next business day.

414. JOINT EMPLOYMENT RELATIONSHIPS. Personnel employed by the City in more than one capacity and/or for more than one department, or section must be paid on the basis of total time worked. The exception to this extends to salaried non-exempt employees who volunteer to work after regular hours in City sponsored recreational activities or other casual assignments that are unrelated to the employee's regular position. No employee may volunteer to work for the City after regular hours when the volunteer activities are related to the employee's regular position.

**** NOTE:** For more information specific to employees working in more than one job, please contact the Human Resources Department or refer to FLSA regulations governing joint employment relationships.

415. MERIT INCREASES AND CASH INCENTIVES

Deleted March 15, 2004

416. MOTIVATION PAY. Motivation pay has been discontinued for all new hires and promotions effective July 1, 1999.

417. LONGEVITY PAY. Effective July 1, 2004 Longevity pay has been deleted.

Effective April 15, 2002, Las Cruces Police Sergeants and Lieutenants will not be eligible for longevity increases. Pay for sergeants, lieutenants and Deputy Chiefs shall be governed by pay tables for those positions.

Pay for Fire Department Battalion Chiefs and Deputy Chiefs will be governed by the pay tables for those positions.

418. PAY PRACTICE FOR ACTING APPOINTMENTS.

1. When an acting appointment exceeds 30 days, additional compensation to the minimum of the assigned pay grade or a 5% pay increase, whichever is greater, shall be awarded. Acting appointments shall not be continued for more than six months, except when, due to extraordinary circumstances. The City Manager may extend the acting appointment in writing, in increments not to exceed six months.
2. Employees appointed to acting positions may be eligible for additional compensation prior to the 30 day threshold if the acting assignment is significantly more responsible, difficult, or technical than the employee's regular duties.

419. RETIREE RECOGNITION AWARD.

In order to recognize retiring employees for their years of service to the City of Las Cruces, the City Departments shall give a retiree an award as part of their compensation, as follows:

1. ~~\$110~~300 for 15 to 20 years of service to the City.
2. ~~\$160~~500 for 20 or more years of service to the City.

these hours shall be forfeited at the beginning of the first full payroll of each calendar year,

2. When an employee terminates for any reason, he/she shall be paid for all earned Annual Leave up to 240 hours (30 days) plus accrued Annual Leave for the current calendar year unused by date of termination.
3. Employees who voluntarily retire and begin receiving a P.E.R.A. pension, will be paid for all accrued Annual Leave even if in excess of 240 hours, but not to exceed the aggregate of 30 days plus Annual Leave accrued but not used since the beginning of the calendar year (336 hours for 56 hour non-union fire service employees).
4. Exceptions to this policy can be made under extraordinary circumstances upon recommendation of the Department Director and approved by the City Manager.

507. PERSONAL LEAVE. Regular and probationary employees shall accrue, at the beginning of the first full payroll of each calendar year, personal time off to conduct personal business as described below. The amount of Personal Leave authorized each calendar year is determined according to the employee's schedule. Personal leave shall accrue to contract employees in accordance with the terms of the contract and for grant-funded employees, in accordance with the terms of the grant.

1. 8 hrs per calendar year for employee's who are budgeted to work 35 or more hrs/week.
2. 11.25 hrs per calendar year for 56 hour non-union fire service employees.
3. Part-time regular employees shall accrue personal leave on a regular hours worked.
4. All unused personal leave shall be forfeited effective midnight, at the beginning of the first full pay period of each calendar year.
5. Personal Leave must be approved in advance and requested using the Request for Leave Form.
6. An employee who has been approved for the use of personal leave shall not change that leave to sick leave, when applicable, without presenting management with a physician's statement verifying the illness.
7. Eligible, non-represented employees shall receive an additional eight (8) hours of prorated personal leave on August ~~August 15-17, 2010~~^{15-17, 2010}. This leave will be forfeited if unused by ~~June~~^{July} ~~July 27, 2011~~^{27, 2010}.

508. SICK LEAVE.

1. Sick Leave is an employee benefit provided by the City which provides time off from regular duty, with pay when an employee is unable to work due to illness,

- D. Have no abuse of sick leave documented by the Department Director/Section Administrator/Manager.
- E. Have exhausted all accrued leave..
- F. A maximum of 12 weeks may be withdrawn from the Sick Leave Bank per calendar year.

511. BEREAVEMENT LEAVE. Employees may take up to three days paid Bereavement Leave (48 hours (2 shifts) for non-union firefighters working a 56 hour schedule) for a death in the immediate family. For the purpose of this Section, immediate family shall include: Parents, stepparents, spouse, children, stepchildren, siblings, step-siblings, grandchildren, grandparents, legal guardian or domestic partner or eligible dependent.

1. Payment for Bereavement Leave shall be computed at the bereaved employee's regular base rate.
2. Employees shall be granted one day paid Bereavement Leave for a death of their mother-in-law, father-in-law, aunt, uncle, grandparents-in-law, and grandchildren or mother or father of a qualifying domestic partner,
3. One additional Bereavement Leave day shall be allowed if the funeral is being held at a location greater than 300 miles from the City of Las Cruces.
4. If requested by the supervisor, an employee must present reasonable proof of death, relationship, and/or attendance at the service.

512. MILITARY LEAVE.

It is the policy of the City of Las Cruces to grant military leave of absence as required by state and federal law and to provide certain benefits to employees granted such leave. There are two types of military leave(s).

1. Definitions:

- A. **Persons Covered:** USERRA covers a person, who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform "service" in a "uniformed service" and who separates from military service under "Honorable" conditions.
- B. **Service:** The performance of duty on a voluntary or involuntary basis and includes the following:
 - Active duty;
 - Active duty for training;
 - Inactive duty for training;
 - Inactive duty training;
 - Full-time National Guard duty; and
 - Absence to take a fitness examination.
- C. **Uniformed Services:**

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- The armed forces – Army, Navy, Marine Corps, Air Force, Coast Guard (including their respective reserve branches);
 - The Army and Air National Guard;
 - The commissioned Corps of the Public Health Service; and
 - Any other category designated by the President in time of war or emergency.

2. Military/Reserve Training

A. ~~A.~~ Active Duty/Active Duty for Training – for persons who are members, or become members, of the United States Armed Forces Reserve Units, National Guard or Naval Militia, and are on federally funded military duty.

B. Military Leave - ~~During periods of a military active duty or service training, leave (not to exceed a total of one hundred and sixty (160) hours in any federal fiscal year, unless otherwise approved by the City Manager for extenuating circumstances), employees will~~ may request ~~continue to receive their regular pay from the City up to a maximum of one hundred and sixty (160) hours of paid military leave per federal fiscal year (unless otherwise approved in writing by the City Manager for extenuating circumstances),~~ provided the reservist gives advance notice to the City that they will be absent from their position of employment to perform active duty or active duty training.

Procedure:

- 1) All employees ordered to active duty must present their orders, or other official military documentation validating military leave requirement, to supervision no later than three (3) days after orders were received. Upon receipt of such documentation from the employee, the supervisor will forward a copy to Human Resources for inclusion in the personnel folder and attach a copy to the leave request form for Payroll.
- 2) All employees, including, seasonal, temporary or provisional employees and those on probation status, shall be compensated at the base rate for all hours usually worked up to 160 hours of annual active duty or active duty training based on the federal fiscal year of October 1 through September 30.
- 3) The City may replace employees ordered to active duty or active duty training with other persons provided the employee is hired with full knowledge and understanding that the veteran returning from active duty has a right to his/her previous position with the City and the replacement worker will be separated.
- 4) Military leave is a special paid leave benefit and is not charged against the accumulated annual or sick leave balance, unless additional military duty is needed. Military leave in excess of one hundred and sixty (160) hours per year may be charged to annual, or

provided, an employee must provide the required certification before leave begins.

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- B. Where FMLA qualifying leave is not foreseeable, an employee must provide notice to the employer of the need for leave as soon as practicable (1 or 2 working days is expected except in extraordinary circumstances). The employee must then provide required certification within 15 working days.
 - C. The City of Las Cruces may require medical certification to support a FMLA qualifying leave request either to care for an employee's seriously ill family member, or for leave due to a serious health condition that makes the employee unable to perform the functions of his or her job.
 - D. Employees returning from FMLA leave for a qualifying event related to personal illness or injury must provide a medical release to return to work to the Human Resources Director prior to their return when practicable.
 - E. Employees qualifying for FMLA leave are required to provide medical updates to the Human Resources Director every 30 working days, or as needed and requested.

10. Designating Leave

- A. The City of Las Cruces may make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of leave, or if the City is waiting for a second or third medical opinion.
- B. Where the City of Las Cruces has knowledge that an employee's leave qualifies as FMLA leave and does not designate the leave as such, the City may not designate leave retroactively as FMLA leave unless:
 - 1) The employee has been out of work and the employer does not learn of the reason for the leave until after the employee returns (in which case the City must designate the leave upon the employee's return to work); or
 - 2) The City has provisionally designated leave as FMLA leave and awaits receipt of a medical certification or other reasonable documentation.
- C. If the employee gives notice of the reason of the leave later than two days after returning to work, the employee is not entitled to the protections of the FMLA.

11. Job Benefits and Protection

- A. During an FMLA qualifying leave, the employee and dependent health and dental insurance is maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period.
- B. An eligible employee returning from a FMLA qualifying leave is entitled to be

availability of personnel, timeliness, reason for leave and other job-related factors.

3. Reinstatement from LWOP Status. Reinstatement will be made only if a vacant position exists for which the employee who was on LWOP qualifies. The City Manager shall make the final determination concerning reinstatement based on suitability, budgetary constraints, staffing levels, and other related factors.
4. Continuation of Certain Benefits During LWOP Status. The immediate supervisor is charged with the responsibility to make sure that employees placed on LWOP status receive information on what happens to their benefits during that period. The employee may continue as a member of the Employee Health Care Plan in accordance with the provisions of the applicable insurance contract by paying the COBRA rate both his/her share and the City's share.
5. If a City employee has an on-the-job illness or injury that last over a seven day period the employee will be placed in LWOP status on the eighth day. The employee can use any combination of accrued leave for the first seven days i.e. Annual, Sick, Comp Time. If the illness or injury lasts for more than four weeks the employee will be compensated for the first seven days at the Workers' Compensation rate of sixth-six point seven percent of the average weekly wages. Employees must comply with this provision of this policy or forfeit their Workers' Compensation Benefits.

516. WORKERS' COMPENSATION PAY STATUS.

When an employee is receiving Workers' Compensation benefits as a result of on-the-job illness or injury, the employee may continue as a participant in the City's group insurance by continuing to pay the employee's portion of the premium. The employee in this status shall be designated for payroll purposes as being on Leave Without Pay. Employees on LWOP due to a Workers' Compensation Injury will accrue Annual Leave, time in grade and longevity credits only. However, the accruals will not be posted until such time that the employee returns to the active payroll.

517. HOLIDAYS.

1. Regular full-time, regular part-time, and probationary employees regularly scheduled to work, or working non-traditional shifts, will receive up to eight (8) hours of prorated holiday pay for eleven (11) regularly scheduled holidays or as determined by the City Council.
2. Personnel required to work on a holiday shall be compensated in accordance with Section 518 of this Manual of Personnel Policies.

518. HOLIDAY PAY PROCEDURE.

1. If a paid holiday occurs while an employee is away on annual leave, the employee's supervisor will account for that day as a holiday on the employee's time sheet. Annual Leave may be combined with a holiday to the advantage of an employee, so long as prior approval by the supervisor is given.

612 | Temporary assignment is an alternate assignment within an employee's current job classification, or ~~an assignment in a different job classification, another~~ meaningful work assignment while recovering from an accident or injury.

3. GENERAL:

- A. All requirements for temporary assignments will be evaluated on a case-by-case basis with consideration given to the skills and abilities of the employee, the medical or physical restrictions, and the availability of work. The physician's statement releasing the employee for modified or light duty shall include a description of the injury/illness, prognosis, work restrictions or limitations, the estimated length of time the employee may require modified work and, if applicable, any follow-up treatment or therapy required.
- B. The City may require periodic medical updates from the physician regarding the employee's ability to perform the duties of the temporary assignment or be released to return to full duty.
- C. The City may require an employee to submit to an examination with a physician chosen by the City at City expense, if the amount of temporary assignment appears to be excessive, if the restrictions/limitations cannot be adequately interpreted or clarified with the employee's physician, or if the City has reason to believe the employee's release for duty is inconsistent with job requirements.
- D. Temporary assignments shall meet the requirements of grants or other funding sources.

4. WORKERS' COMPENSATION PROCEDURES

A. REPORTING ON-THE-JOB INJURIES

Any employee who is injured by an accident, which arises out of and in the course of employment, shall immediately notify his or her supervisor. The employee and the supervisor shall then prepare a Notification of Accident form and the employee shall report to the Risk Management Office with that form. The employee shall then be sent for medical evaluation and treatment of the injury. Should the injury render the employee unable to report to the Risk Management Office, the supervisor shall be responsible to report to Risk Management.

If the employee is removed from work by the treating physician, the Risk Management Office shall notify the supervisor.

B. RETURN TO WORK PROCEDURES

- 1) Prior to returning to work, an employee injured in the course of employment shall obtain a release from the treating physician and shall take that release, including any restrictions to the Risk Management Office.
- 2) If the employee is released without restrictions, he or she shall return immediately to their work location.
- 3) If the employee is released with temporary restrictions, the Workers' Compensation Coordinator shall contact the employee's Department Director, or a representative, and provide a report of all restrictions.

- 1) If there are temporary restrictions to the release, the Human Resources Department (in the case of non-work-related injury/illness) shall contact the employee's Department Director to determine if the employee can be utilized temporarily in the department consistent with the limitations. If the employee can be so used, a Temporary Assignment Agreement will be executed and forwarded to Human Resources, and the employee will report to that department for work.
- 2) If there is no such work available, the Human Resources Department, with the approval of the originating Department Director, will contact other Department Directors to determine if there is any temporary work available within the City that is consistent with the medical limitations of the employee. If such work is available, the employee shall be sent to that workstation for assignment.
- 3) If, while on temporary assignment, the employee needs to be absent during work hours for medical treatment or a doctor's appointment, the employee must bring a statement from the treating physician/facility indicating whether or not there are any changes in the employee's condition that would impact the temporary assignment. This statement shall be delivered to the Human Resources Director prior to returning to the work site. The Human Resources Director will advise the Department Director of any changes in restrictions.
- 4) If no work is available consistent with the employee's restrictions, the employee shall be sent home and may utilize accrued annual, sick, personal leave or excused leave without pay. The Human Resources Department will assist the employee in procuring any City benefits information that would assist the employee in considering options and/or decision-making.
- 5) If the health care provider treating the employee certifies the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a "light duty job." but is entitled to remain on FMLA leave (if applicable) until the employee's FMLA leave entitlement is exhausted and will be required to use accrued paid leave.

612 | 5)6) Temporary assignment shall not exceed 90 days in duration.

D. PREGNANCY:

Whenever an employee becomes pregnant, she will work in her current position in accordance with her physician's recommendations, as long as able to perform the essential functions of the job. If her physician submits information indicating that she can no longer perform her current job duties, she will be eligible for temporary assignment.

E. ADA DISABILITY

When an employee believes his or her restrictions may rise to the level of a disability as defined by the ADA, the employee is responsible for following the Reasonable Accommodation Policy and Procedures.

F. DURATION OF TEMPORARY ASSIGNMENT

7. If a suitable vacancy cannot be found, or the license or certification cannot be reinstated at the end of the ninety (90) day period, the employee will be terminated

614. LOSS OF EMPLOYEE'S DRIVER'S LICENSE

1. APPLICABILITY:

This policy applies to all City employees who are required by the essential functions of their job to operate a City-owned motor vehicle or who are asked to drive on City business.

2. PURPOSE:

A. The three primary objectives of this policy are:

- 1) Ensure the safest practical working environment for our driving employees.
- 2) Protect the citizens of Las Cruces.
- 3) Control the financial liability of the City in driving situations.

B. These goals are achieved by reviewing the driving histories of City employees and applicants for City jobs that require driving on City business. Only those applicants having acceptable driving histories are hired. Employees who do not maintain acceptable driving records are subject to discipline up to and including termination.

3. POLICY:

An employee must have the appropriate license in his/her possession to drive on City business. Only authorized employees are allowed to drive vehicles on City business. Employees are required to comply with all applicable federal, state and local regulations relevant to driving a motor vehicle. Employees will be permitted to operate City-owned motor vehicles only if they possess a current and valid New Mexico Driver's License or Texas Driver's License, or have a valid and unexpired New Mexico or Texas Temporary Driving Privilege License.

4. MANAGEMENT RESPONSIBILITIES:

A. Department Directors shall establish and maintain a list of driving positions. A copy of the current list shall be sent to the Human Resources Department in January of each year. This list identified the:

- 1) Department Name/Section Name
- 2) Job classifications
- 3) Position numbers
- 4) Employee's name

B. Department Directors, or their designee, shall prohibit any employee without an appropriate driver's license in his/her possession from driving on City business.

C. Department Directors, or their designee, will regularly, not less than quarterly, inspect and keep a written record of the drivers' license of each employee

privileges upon request.

- 4) Comply with all license restrictions issued by the DMV.
- 5) Signing a release of information form allowing the City to periodically verify driving privileges and records with the New Mexico Department of Motor Vehicles.
- 6) Immediately reporting to their immediate supervisor prior to starting the next work shift if they do not have a valid drivers' license for any reason or if there is any change in status of his/her driver's license
- 7) Refrain from driving on City business after there has been a change in status of his/her driver's license, even if the cancellation, expiration, refusal, revocation, suspension, or restriction has ended, unless the license has been reinstated. Proof of reinstatement must be provided to the supervisor before driving on City business.
- 8) If an employee is cited for DUI/DWI or incurs any other action that threatens their drivers' license, the employee will:
 - a) Provide notice of such citation, non-renewal or other action to their direct supervisor prior to starting the next work shift.
 - b) Provide proof of their Request for Hearing or appeal within twenty (20) days of the date of the citation, non-renewal or other action.
 - c) Provide a copy of the Notice of Hearing from the Department of Motor Vehicle (DMV) within 72 hours of receipt.
 - d) Provide a copy of the DMV ruling within three (3) days of the ruling, but no later than 90 days from the citation, non-renewal or other action.
 - e) Immediately notify supervisor of all court proceedings, and provide copies of results related to the outcome.

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 B. An employee in a non-driving position must:

- 1) Comply with federal, state, and local driving laws.
- 2) Follow all regulations pertaining to driving on City business if requested to drive a vehicle on City business.
- 3) Immediately notify his/her supervisor if requested to drive a vehicles on City business and the employee does not have the appropriate driver's license in his/her possession.
- 4) Sign a release of information form authorizing the City to verify drivers' license status.

C. No employee will drive on City business after consuming alcoholic beverages or any other substance that may impair driving. Any impairment affecting the ability to operate a vehicle safely must be immediately reported to the supervisor.

D. Failure to comply with any of these reporting requirements will result in immediate termination.

6. HIRING PROCEDURES

A. Driving records of applicants for driving positions, including present City

concerns by the supervisors, of an employee's present ability to perform the duties of the job in a safe and conscientious manner.

3. PROCEDURES:

The following procedures do not take the place of appropriate disciplinary action, but are to work in conjunction with discipline if it is appropriate for the employee to return to the worksite.

- 615 |
- A. The supervisor, or the effected employee, will inform his/her Department Director and the Human Resources Department of the events that have occurred. The Human Resources Department shall assist the respective Department Director in determining appropriate disciplinary action, and may enlist the intervention of the Employee Assistance Program.
 - B. Employees that may have been affected by the incident will be recommended to meet with the EAP to discuss the effects the incident has had, as well as any residual emotional effects the incident may have in their work or personal situations.
 - C. If the incident does not result in termination of the employee(s), the supervisor, in accordance with the Fitness for Duty Policy, shall arrange for the employee (s) to undergo an evaluation to determine the employee's ability to perform their essential job functions without posing a direct threat to self or others before they are allowed to return to any worksite.
 - D. If it is determined that the employee may return to work, the Supervisor(s), Human Resources Department Representative, and Employee Assistance Program Coordinator will develop a plan under which the employee may continue to work. This plan will include all recommendations that have come as a result of the Fitness for Duty Evaluation. The employee will provide a signed commitment to continue with the established plan. Failure to sign and/or comply with the established plan will result in further disciplinary action, up to, and including termination of employment.
 - 1) Appropriate disciplinary action, ranging from verbal reprimand up to, and including termination, shall be determined by the level of workplace violence that has occurred, and past history of violence that has occurred with the employee, the results of a Fitness for Duty Evaluation (if performed) and all other information deemed relevant by the City.
 - E. Threatening violence against another person is a violation of the law. It is the employee's option to report the incident to the Police.

616. WEAPONS IN THE WORKPLACE

1. POLICY:

The City of Las Cruces prohibits all employees who enter City property from carrying a handgun, firearm, or prohibited weapon of any kind onto the property regardless of whether the person is licensed to carry the weapon or not.

- A. This policy applies to all City employees. The only exceptions to this policy will be police officers, security guards, Fire Investigators or other persons who have been given written consent by the City Manager to carry a weapon on the property.
- B. All City employees are also prohibited from carrying a weapon while in the course and scope of performing their job for the City, whether they are on

710. TUITION EXPENSES.1. POLICY

Employee requested tuition and/or special training costs may be reimbursed at the discretion of the City Manager. Employee education or training required by management does not come within the purview of this policy.

Courses, certifications or degree programs related to an employee's current position are eligible for 100% reimbursement, up to a maximum of \$650 per class~~thirteen hundred (1,300) dollars per agreement,~~ as provided below. Courses, certifications or degree programs not related to an employee's current job, but related to other City of Las Cruces positions are eligible for 75% reimbursement up to one thousand (1,000) dollars ~~\$500 per class~~agreement, as provided below. Courses or programs outside the scope of City employment are not eligible for reimbursement (except non-related courses that satisfy approved degree program requirements).

Training fees related to pursuing an education (e.g., registration, library, lab, graduation, or activity fees) are not reimbursable

Required book fees are reimbursable provided that after completion of the course the employee turns such materials, in unmarked condition, over to the City's Training Office for use by other City employees; and the cost of the books and tuition for each ~~class~~agreement are less than or equal to thirteen hundred (1,300)~~\$650~~ dollars.

PROCEDURE:

1. Each fiscal year funds will be designated for tuition reimbursement in the City Manager's organizational unit during the budget process. The Finance Director ~~will~~may submit, in writing, a quarterly report on the fund status to the City Manager.
2. All requests for enrollment in courses, certifications or degree programs where tuition is to be reimbursed under this policy must be submitted **through the Section Administrator/Manager, Department Director** and approved by the **City Manager** *prior* to registration for the classes, tests or programs.
3. All requests for reimbursements must be made within two (2) months of the end of the fiscal year in which the request was initiated.
- ~~3.4.~~ Eligible employees requesting tuition reimbursement will submit a written request to take courses, certifications or to enroll in a degree program (Associates, Bachelors, Masters, or Doctoral) to his/her Department Director

The request will include:

1. A statement that the employee has completed his/her probationary period at the time classes-instruction commences.
2. A statement that the course or program provides college credit from a regionally accredited institution or a statement regarding the credentials of the certifying agency. Tuition will not be reimbursed for courses taken from a non-accredited institution or honorable agency.
3. Employees are limited to two (2) open agreements at one time.

- 3.4. An explanation of how the course, certification or program will enhance the employee's ability to perform his/her job, and/or how the course or degree program benefits the City. Courses or programs that are not related to City of Las Cruces employment are not reimbursable (except non-related courses that satisfy approved degree program requirements).
- 4.5. A declaration of the amount of tuition assistance (i.e., grants or scholarships) received or expected by the employee. The City will provide assistance up to the amount of actual tuition costs and books, less any grants or scholarships received by the employee, not to exceed \$500.
- 5.6. If the employee is enrolling in a degree program, he/she shall attach the core curriculum and electives. Elective courses taken to satisfy degree requirements for approved degree programs are reimbursable even if they are not job related.
- 6.7. Courses or certifications taken under the Tuition Assistance Program will be taken at the employee's initiative. The employee assumes responsibility for course selection, scheduling, and other matters that are traditionally the responsibility of the student.
- 7.8. Agreements for tuition reimbursement will be drawn up by the Human Resources Department on a first-come, first-served basis, for no more than ~~two classes~~ thirteen hundred (1,300) per agreement and four agreements per fiscal year. Agreements will not be drawn up once the total amount budgeted for tuition reimbursement is obligated. Agreements for tuition reimbursement can only be drawn up for classes that start in the current fiscal year. The fiscal year runs from July 1st through June 30th.
- 8.9. Upon completion of a pre-approved course, the employee shall be eligible to submit a claim for tuition reimbursement contingent upon:
- A. ~~If an~~ An undergraduate or graduate student, providing a copy of a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee (3.00 G.P.A. in a 4.00 G.P.A. system).
 - ~~B. If a graduate, providing a copy of a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee (3.00 G.P.A. in a 4.00 G.P.A. system).~~
 - B. A "pass" in a pass/fail system.
 - C. Providing a copy of a receipt showing that tuition was paid in full. The employee will also sign an affidavit which states the amount of financial aid (if any) that was received for grants and scholarships.
 - D. Provides satisfactory documentation of successful completion of certification or testing.
- 9.10. When the course work has been completed, the grade report or copy of a certification report, receipt for payment of tuition, and the Request for Tuition Reimbursement form will be submitted to the Human Resources Department, who will review it and, if complete and accurate, -submit the appropriate paperwork to Accounts Payable for reimbursement. Part-time regular

per week schedules.

710 | 10.11. An employee who receives tuition reimbursement will incur an obligation to continue employment with the City for one year from the date of course completion reimbursement. If more than one course is taken during a year, the employee incurs an obligation to continue employment for one year from the completion date of the last course. The employment obligation is not cumulative. If an obligated employee voluntarily resigns from City employment within a year after the end date of a reimbursed course, the employee shall reimburse the City a prorated portion of the tuition reimbursement received. The Tuition Reimbursement applies only to amounts received for courses for which the employee did not fulfill the one year employment obligation. For example, if an employee receives tuition reimbursement for a course that ends December 31 and then resigns the following June 30, he/she shall reimburse the City one-half of the tuition reimbursement received.

AGREEMENT FOR TUITION REIMBURSEMENT

THIS AGREEMENT is entered into this _____ day of _____, 20____, between the City of Las Cruces and _____, hereinafter referred to as Employee. The parties to this Agreement agree as follows:

Employee is currently a full-time or part-time regular employee of the City of Las Cruces, employed as a _____, in the _____ Department.

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If part-time regular, employee regularly works _____ hours per week.

The City currently has in place a Tuition Reimbursement Policy, Section 710 in the City of Las Cruces Personnel Manual.

The City hereby agrees to reimburse Employee for the costs of tuition and books not to exceed ~~\$650 per class~~ thirteen hundred (1,300) dollars per agreement, in accordance with the Tuition Reimbursement Policy for the following course(s):

A. _____ (Course # _____) (_____ cr.)

B. _____ (-Course # _____) (_____ cr.)
_____ (_____ cr.)

C. _____ (others, Books etc...)
(use other side if necessary)

TOTAL REQUEST FOR REIMBURSEMENT: \$ _____

Said tuition reimbursement is subject to the following conditions:

1. If Employee is an undergraduate he/she must, prior to being reimbursed by the City pursuant to this Agreement, submit a copy of a transcript of official statement by the registrar that a "B" grade or better was earned by the student/Employee for the course work mentioned herein above.
2. If a graduate, the Employee must provide a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee for the course work mentioned herein above.
3. Provides satisfactory documentation of successful completion of certification or testing.

710 | Employee must also provide:

1. A signed copy of this Agreement.
2. A copy of a receipt ~~which~~indicating reveals that tuition or costs have been paid in full.
3. A copy of a receipt ~~which reveals~~indicating that study materials were paid in full.
4. A written statement from the Training Office indicating that the required study materials have not been defaced and are usable material for other city employees.
5. An affidavit which states the amount, if any, that he/she received in financial aid or scholarship that paid for any of the course work herein above referred to.

Employee will submit sufficient required documentation to the Human Resources Director who will review the documentation and if complete and accurate will submit to Accounts Payable for reimbursement. Said reimbursement shall occur within thirty (30) days after submitted and acceptance by the Human Resources Director or his/her representative. Employee agrees that from the date the City tenders a reimbursement check for said course work mentioned above. Employee agrees that for each course he/she is reimbursed pursuant to this Agreement he/she shall agree to not voluntarily terminate his/her employment with the City for one (1) year from the date of reimbursement, subject to paragraph 3 below.

In the event Employee voluntarily leaves his/her employment prior to repayment of the amount authorized for tuition reimbursement under this Agreement, Employee agrees to repay the City, within ninety (90) days of his/her termination, the pro-rated amount the City reimbursed pursuant to this Agreement.

SECTION 1000 EMPLOYEE PERFORMANCE REVIEWS

1001. PURPOSE. To provide the format for the mutual exchange of information about performance between the supervisor and employee, to determine successful completion of the probationary period, and determine eligibility for merit compensation. Through performance evaluations, supervisors will communicate to individual employees their performance expectations and department goals. Supervisors will assess the employee's job-related performance and work to enhance overall job performance by providing direction and identifying training needs.

Performance reviews and performance improvement plans may also be used when considering personnel actions for a regular employee.

1002. PERIODS OF REVIEW.

1. Each regular employee shall be given a performance review during the probationary period. This can be done by completing the performance evaluation form or other documentation as appropriate.
2. A formal performance evaluation will be completed:
 - A. At the completion of the probationary period; and
 - B. During the months of July and August each year for staff functions; or
~~During the month of September for Managers, Supervisors and Administrators; and~~
 - C. At such time when an updated evaluation is necessary.
3. If an employee changes assignment, position, or department during the performance cycle, performance up to that point will not be disregarded. The current supervisor shall complete an interim evaluation of the employee's performance. The interim evaluation should be completed by the supervisor prior to the employee's departure and sent with the Personnel Action Notice denoting the status change to the Human Resources Department for retention in the employee's personnel file.
4. The performance evaluation of Department Directors and Section Administrator/Managers shall include an evaluation of their compliance with this policy.

1003. RESPONSIBILITIES

1. Each supervisor is responsible to set and communicate clear performance standards for his/her employees and to observe and discuss employee performance at the beginning of and throughout the review period. Evaluations are based on job-related performance during the review period. Supervisors may use as the basis for the performance evaluation, all information believed to be relevant to an understanding of the work performance and the employee and that is consistent with the scope of the job description
2. The employee is responsible for understanding the duties and responsibilities required of the position, the employee work plan goals and measures, the core competencies and for asking any questions concerning those

5. The Human Resources Department shall ensure that the evaluation results are made part of the employee's permanent personnel file.

1005. PERFORMANCE REVIEW COMMENTS. Each employee has the right to comment on their performance evaluation. If the employee chooses to do so in writing, such comments must be made during the evaluation period and will be included in their personnel folder.

1006. PERFORMANCE EVALUATION DISPUTE RESOLUTION. Under the City's merit program, the direct relationship between performance evaluations and pay has the potential to result in differences of opinion between employees and their supervisor.

Performance evaluations are not grievable. If an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or wrong based on solid data, the employee can enter into dispute resolution with the Department Director.

1. PROCEDURE:

In order to ensure the speedy resolution of disputes related to the City's Merit Program, the following procedure shall be followed. The expedited process from immediate supervisor to final decision is intended to resolve disputes in a timely fashion so that awards granted under the Merit Program are finalized in time for December distribution each year.

- A. The dispute resolution process is an open process that is not a grievance or appeal. No party has an absolute right to legal representation. The parties are expected to represent and speak for themselves.
- B. The employee shall make every effort to discuss their performance review candidly with their supervisor, expressing any disagreements they may have with statements made by their supervisor.
- C. The employee may add any comments they may have to the written performance appraisal for inclusion in the personnel file.
- D. An employee wishing to initiate the process for dispute resolution shall do so within 10 working days of receiving the performance evaluation, by submitting a written memo to the Department Director stating the employee's wish to enter into dispute resolution and listing the specific parts of the supervisor's appraisal with which the employee disagrees and explaining the nature and extent of the disagreement. The employee shall attach copies of any relevant supporting documentation. If the employee wishes to have a meeting with the Department Director, the employee must request it in a written memorandum to the Department Director. A copy of the completed form shall be provided to the Department Director and to the Human Resources Department.
- E. The Department Director will review the performance evaluation and all supporting documentation.
- F. The Department Director may contact the employee and/or the supervisor to obtain clarification or additional information.

SECTION 1300 DEFINITIONS

A

Acting Appointment - the City Manager may appoint an incumbent to a vacant position for a period of time not to normally exceed six months pending selection of a qualified person to fill a vacancy. Acting appointees may receive additional temporary compensation if certain conditions are met.

Administrative Employee - this class of salaried exempt employees is defined in Section 310 of the Personnel Manual.

Administrative Leave - paid leave approved at the discretion of the City Manager. Administrative Leave allows the employee to be away from work without losing any work-related benefits.

Allocation - the assignment of a position as to class and specific pay grade.

Anniversary - the date on which an employee was appointed to a regular position.

Annual Leave - leave with pay granted to employees at a specific rate to be used by an employee with prior approval from management.

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 City service.

Appointing Authority - officials authorized to recommend appointment of individuals to positions in the City service. The City Manager is the ultimate appointing authority.

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.

City - the municipal government, composed of the City Council, the City Manager, all divisions, departments, agencies, and employees which comprise the organization designed to provide service to the citizenry.

N

Nepotism - patronage of one's relatives by providing them employment or position. Restrictions concerning nepotism may be found in Section 22-78185 of the Personnel Ordinance.

New Hire - a person not previously employed by the City.

Nonexempt Employees - all employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act.

O

Open Competition - competition for a position which is available to all interested persons.

Overtime - means time an employee is directed and authorized to work in excess of the 40 hours per week, or fire personnel, 212 hours per 28-day period.

P

Part-Time Employee - one who is scheduled to work less than 35 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 Review - an assessment of an employee's work.

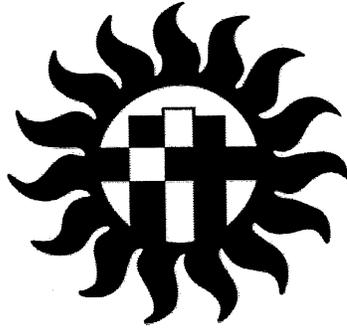
Personal Leave - Leave granted to employees to be used at the employee's discretion subject to the supervisor's approval.

Post-Disciplinary Hearing - a hearing conducted by the Personnel Appeals Hearing Officer 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 Rules and Regulations

Primary Duty (FLSA) - Principal, main, major or most important duty that the employee performs.

Probation - a one year (12 month) trial period of employment, during which an employee is

ATTACHMENT C



City of Las Cruces

2010

Personnel Manual

Adopted August 3, 2010

SECTION 200 RECRUITMENT AND SELECTION

201. POLICY. It is policy for the City of Las Cruces to recruit and select the most qualified persons for positions in the City's service. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race, politics, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability, and in accordance with the City's Hiring Process: Application Review, Interviewing and Selection Guidance.
202. POSTINGS. When a request to fill a vacancy has been approved the following procedure shall be followed:
- Job announcements will be posted in places available to the general public and all City employees. Postings will include pertinent job information, including minimum qualifications and entry level salary. All postings shall include the essential functions, work environment, physical and cognitive requirements, and selection criteria to be used, including any tests and/or skill assessment.
- Job announcements shall be posted for not less than five business days. This period of time may be waived by the City Manager.
203. APPLICATION FORM. All applications for employment shall be made on forms or methods prescribed by the Human Resources Department. A City application form must be completed and release for reference check must also be submitted, when requested, by job applicants selected prior to or at the time of interview.
204. APPLICATION SUBMITTAL. All applications will be submitted to the Human Resources Department, unless authorized in writing by the Director of Human Resources.
205. REJECTION OF APPLICANTS. An applicant may be rejected if the applicant:
1. Does not meet the minimum qualifications for the position.
 2. Has falsified, omitted, misrepresented or provided misleading information on an application or resume. (Employees who violate this section shall be subject to disciplinary action, up to and including dismissal).
 3. Is unable to perform the essential functions of the position, with or without reasonable accommodations.
 4. Has been convicted of a crime that renders him/her unqualified for the position to which he/she has applied.
 5. Is under 18 years of age if being considered for Regular Full-time or Part-time employment.
 6. Has established an unsatisfactory employment record.

7. Advocates the overthrow of the government of the United States by force or violence.
8. Submitted an application after an announcement closed or submitted an application for an unannounced position.
9. Submitted an incomplete application and/or failed to provide copies of documents cited in the job announcement prior to a final decision on hiring.
10. Receives a positive test result on a pre-employment drug test.
11. Failed background investigations.

206. APPLICATION REVIEW AND REFERRAL The intent of the application review process is to maximize reliability, objectivity, and validity through a practical and job-related assessment of whether the applicant meets the minimum qualifications required for the position.

1. Selection Method. The hiring department, in consultation with the Human Resources Department, shall be responsible for determining valid selection methods to obtain the most qualified candidates for each vacancy.
2. Security. Selection material shall be confidential. Every precaution shall be taken by all persons participating in the development and maintenance of selection materials to maintain the highest level of integrity and security. Once selection processes are completed all materials, including copies and electronic files, must be sent to the Human Resources Department, unless approved in writing by the Human Resources Director.
3. Nepotism Prohibited. Any supervisor or manager who is in a position to recommend employment or promotion of a relative (by blood, marriage or domestic partnership) shall advise his/her immediate supervisor, and withdraw from the selection process.

Any employee asked to participate in a selection process where a relative (by blood, marriage or domestic partnership) shall immediately inform the hiring supervisor of their conflict of interest and withdraw from the selection process.

4. Preselection Prohibited. No City employee will promise job appointments to any person. All inquiries regarding vacancies should be referred to the Human Resources Department.
5. Education and Experience Substitutions
All internal and external candidates seeking employment must meet the minimum qualifications outlined in the relevant job announcement. Should a job posting yield an insufficient pool of qualified candidates, the Human Resources Department in collaboration with the hiring department/section will determine whether to extend the posting, re-post the position or review applications for substitutions for degree requirements, education and/or experience.

A. Substitution of Experience for Education

accommodation is provided. If the request is not approved, the Human Resources representative shall inform the applicant of the reason for denial of the requested accommodation, in writing, within 3 working days of the decision.

Information about an applicant's disability is CONFIDENTIAL and may not be shared with search committee members or decision-makers in the hiring process.

- J. The hiring department/section is responsible for conducting appropriate reference and employment verification.

207. Employment Testing. The Human Resources Director (or designee) will review all written, skills and field testing procedures to assure that these tests are valid and conducted in a standardized and impartial manner and are job related. This review shall ensure that these tests can be quantitatively scored prior to being administered. The posted job announcement will indicate that applicant testing will be required, and an invitation to request any reasonable accommodation needed for the test. Requests for reasonable accommodation shall be processed in accordance with the City's Reasonable Accommodation Policy. Failure to complete or comply with testing requirements may lead to the disqualification of applicants.

208. ADMINISTRATIVE HIRING PROCEDURES.

1. SECTION/DEPARTMENT:

When a section has a staffing requirement, notification will be prepared by the hiring Section for Department Director approval and sent to the Human Resources Department. The notification should include essential information required in the advertisement, including:

- A. Position title.
- B. Desired start date.
- C. Department and division.
- D. Job term and type.
- E. Position control information.
- F. Where and how long ads are to be published and funding source if advertisement is requested beyond the local market.
- G. Funding source.
- H. If the position will require a test to be administered, the requesting Section should specify the types of tests and special instructions needed for the administration of the tests.
- I. Other information as requested by the Human Resources Department.

2. HUMAN RESOURCES DEPARTMENT:

- A. With input from the Section Manager/Administrator establishes salary grade, and job description.

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5. Reclassifications

Reclassification is the reassignment of a position from one class to a different class to recognize a significant change in the duties and responsibilities of the position/employee. For an upward reclassification the percentage increase will be the higher of:

- A. Two and one half (2.5) percent when the new position is one salary grade higher, or
- B. Five (5) percent when the new position is two (2) salary grades higher, or
- C. Seven and one half (7.5) percent when the new position is three (3) grades higher, or
- D. Ten (10) percent when the new position is four (4) or more salary grades higher, or
- E. Twelve (12) percent if moving from a non-exempt to a higher exempt position, or
- F. Two and one half (2.5) percent above the minimum of the new pay grade.
- G. For a downward reclassification the affected employee should be placed in the lower of their current percentile rank, or the maximum of their new pay grade

6. Demotion. The placement of an employee within a lower grade than the employee's current assigned grade resulting in a decrease in pay.

In the case of a demotion, the employee shall be placed in the pay grade for the position they are being demoted to at their same percentile rank or the maximum of the new pay grade, whichever is lower.

In the event that an unrepresented or represented employee is demoted into a represented position, the employee shall be placed in the pay grade for the position they are being demoted to at the average wages of all employees within that position with the similar length of service with the City. In the event that no such match exists the new salary will be determined by the City Manager.

7. Full Reinstatement. When reinstated from layoff for lack of work, the employee shall be restored to the same grade and percentile rank of the grade the employee had at the time of the layoff.8. Reinstatement to a Lower Grade. If reinstated from a layoff to a lower grade, for whatever reason, the employee shall be placed in the pay grade for the position they are being reinstated to at their same percentile rank or the maximum of the new pay grade, whichever is lower.9. Merit Increases. Effective July 1, 2004 and the start of each subsequent fiscal year, all full- and part-time regular, non-contract, non-sworn employees in good standing, and employees who were hired before September 1st of the preceding year, shall be eligible for a prorated merit increase based on overall performance evaluation ratings, the employees current percentile rank, and merit budget allocated by the City Council in its annual budget. Merit

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increases will range from 0% up to 6% of the employees base rate, and will be added to the base pay the first full pay period in September beginning September 2010.

Employees near the top of their pay grade are eligible to receive performance increases based on their overall performance evaluation. The increase will be applied to the employees' base salary but any amount in excess of the salary grade maximum will be awarded as a lump sum payment, and will not be added to base pay.

10. Merit Lump Sum Awards. An employee eligible for a merit award who has met or surpassed the maximum of their pay grade shall be eligible for a merit lump sum award based on overall performance evaluation ratings and percentile rank of the employee. Merit lump sum awards will not be added to the employee's base rate. Lump sum merit awards will range from 0% up to 3% of their base rate and will be distributed in September beginning September 2010.
11. Cost-of-Living/General Wage Adjustments. The City Council may allocate funds for general wage adjustments. These adjustments may be made to the pay grades. All eligible employees will receive the amount of the adjustment that does not cause the employee to exceed the maximum of the grade.
12. Exempt Employee Initial and Last Paycheck. Exempt employees will be paid a proportionate part of the employee's full salary for the time actually worked in the first and last week of employment at an hourly equivalent of the employee's full salary.
13. The City Manager has discretion to review an individual's salary and make adjustments in the interest of parity or equity. Such salary adjustments are extraordinary and unusual and are to be considered, without precedent, on a case-by-case basis.

407. HOURLY RATE, REGULAR RATE AND HOURS WORKED DEFINED AND EXCLUSIONS IDENTIFIED.

The hourly rate is the equivalent of straight time compensation received by a non-exempt employee for work divided by the number of hours that money is intended to compensate.

The regular hourly rate of pay of an employee is determined by dividing an employee's total remuneration for employment (except statutory exclusions) in any workweek by the total number of hours actually worked in that workweek for which such compensation was paid..

Hours worked includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work.

Exclusions from the hourly and regular rate include payment for occasional periods when no work is performed due to vacation, holiday, illness, failure of employer to provide sufficient work, absence due to authorized leave, jury duty, leave without

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4. An employee who has been approved for the use of earned compensatory time shall not change that leave to sick leave, when applicable, without presenting management with a physician's statement verifying the illness.
 5. Unused compensatory time earned during the twelve months of the fiscal year must be paid out at by the end of the fiscal year and cannot be carried forward, except with the written authorization of the City Manager.
 6. Employees requesting compensatory time off shall be permitted to use such time off within a "reasonable period" after making the request, provided it does not unduly disrupt the activities of the Department/Section.
 7. Sections/Departments may direct the use of compensatory time.
 8. Upon termination for any reason, employees will be paid for unused compensatory time. Payment shall be computed by multiplying unused compensatory time by the employee's normal per hour rate.
 9. If an employee demotes or transfers from one non-exempt position to another non-exempt position; or from one department/section to another within a classification eligible for compensatory time, the employee's accrued compensatory time off balance, up to the maximum allowable accrual will be carried forward with the employee. Any accrual in excess of the allowed maximum shall be paid at the time of promotion, transfer or demotion.
 10. If an employee promotes from one non-exempt position to another non-exempt position, the employee's accrued compensatory time off balance shall be paid by the department/section the employee is promoting from at the employee's hourly rate of pay before promoting.
 11. Compensatory time accrual balances will be paid by the department/section the employee is moving from at the employee's current hourly rate of pay before demoting or transferring when the new classification is not eligible for compensatory time or accruals of compensatory time exceed the maximum of the employee's new job classification.
 12. FLSA exempt employees are not eligible for compensatory time off.

410. RECORD KEEPING UNDER FLSA.

All Sections must maintain and preserve records for three (3) years of:

1. Timesheets for each non-exempt employee and leave authorizations for all employees.
2. Authorization by the Section Administrator/Manager for all overtime worked.
3. The number of compensatory hours earned each workweek, or other applicable work period, by each employee. The hours must be calculated at a rate of one and one-half hours.
4. The number of hours of compensatory time used each workweek, by the employee.

before "standby" status begins and maintain it in operational mode at all times;

- 2) Stay within beeper, cell phone or radio range;
- 3) When notified by beeper, radio or telephone, the employee must call in within five (5) minutes;
- 4) Must leave the location where the call is received within 10 minutes or less after receiving the call; and
- 5) Must arrive in "fit" condition.

Failure to adhere to these criteria may result in the loss of stand-by pay for the period.

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- F. If an employee does not meet the criteria defined in "E", he/she will forfeit "standby" pay from the time of the first attempt to contact him/her to the end of the standby period and may be subject to disciplinary action.
 - G. Each employee on standby after regular working hours will receive adequate compensation for standby status at the designated rate of eighty-five (85) dollars a week, or twelve dollars and fourteen cents (12.14) a day.
 - H. A standby employee who is called back to work for two hours or less, after leaving the worksite at the end of the regular work period, during the standby period will be paid two hours of show-up pay, except as defined in "K" below.
 - J. If the employee remains at work following the expiration of the 2-hour period or is called back before its expiration, they will be compensated with overtime pay at the premium overtime rate for additional time worked beyond the two (2) hour period.
 - K. If the employee is released from work after the expiration of that 2 hour period, and re-called to work, the employee shall be compensated only for additional hours worked at the premium overtime rate.
 - L. A standby employee who remains at work directly at the end of a scheduled work shift or is called to report early (within two hours of their scheduled work time) or remain late when call out continues to the regular starting time, will be paid for straight overtime for the extra hours worked if the additional hours result in hours worked in excess of 40 hours in the work week.
 - M. The stand-by employee is expected to respond to telephone inquiries during the on call period without additional compensation.
 - N. An employee responding to a call-out shall assess the situation and need prior to calling out additional staff and shall describe the justification for additional staff on the Stand-By Form.
 - O. Employees called out shall complete the Stand-by Form for each situation and submit the completed forms to their immediate supervisor by the start of the next business day.

3. Miscellaneous:

414. JOINT EMPLOYMENT RELATIONSHIPS. Personnel employed by the City in more than one capacity and/or for more than one department, or section must be paid on the basis of total time worked. The exception to this extends to salaried non-exempt employees who volunteer to work after regular hours in City sponsored recreational activities or other casual assignments that are unrelated to the employee's regular position. No employee may volunteer to work for the City after regular hours when the volunteer activities are related to the employee's regular position.

**** NOTE:** For more information specific to employees working in more than one job, please contact the Human Resources Department or refer to FLSA regulations governing joint employment relationships.

415. MERIT INCREASES AND CASH INCENTIVES

Deleted March 15, 2004

416. MOTIVATION PAY. Motivation pay has been discontinued for all new hires and promotions effective July 1, 1999.

417. LONGEVITY PAY. Effective July 1, 2004 Longevity pay has been deleted.

Effective April 15, 2002, Las Cruces Police Sergeants and Lieutenants will not be eligible for longevity increases. Pay for sergeants, lieutenants and Deputy Chiefs shall be governed by pay tables for those positions.

Pay for Fire Department Battalion Chiefs and Deputy Chiefs will be governed by the pay tables for those positions.

418. PAY PRACTICE FOR ACTING APPOINTMENTS.

1. When an acting appointment exceeds 30 days, additional compensation to the minimum of the assigned pay grade or a 5% pay increase, whichever is greater, shall be awarded. Acting appointments shall not be continued for more than six months, except when, due to extraordinary circumstances. The City Manager may extend the acting appointment in writing, in increments not to exceed six months.
2. Employees appointed to acting positions may be eligible for additional compensation prior to the 30 day threshold if the acting assignment is significantly more responsible, difficult, or technical than the employee's regular duties.

419. RETIREE RECOGNITION AWARD.

In order to recognize retiring employees for their years of service to the City of Las Cruces, City Departments shall give a retiree an award as part of their compensation, as follows:

1. \$300 for 15 to 20 years of service to the City.
2. \$500 for 20 or more years of service to the City.

these hours shall be forfeited at the beginning of the first full payroll of each calendar year,

2. When an employee terminates for any reason, he/she shall be paid for all earned Annual Leave up to 240 hours (30 days) plus accrued Annual Leave for the current calendar year unused by date of termination.
 3. Employees who voluntarily retire and begin receiving a P.E.R.A. pension, will be paid for all accrued Annual Leave even if in excess of 240 hours, but not to exceed the aggregate of 30 days plus Annual Leave accrued but not used since the beginning of the calendar year (336 hours for 56 hour non-union fire service employees).
 4. Exceptions to this policy can be made under extraordinary circumstances upon recommendation of the Department Director and approved by the City Manager.
507. PERSONAL LEAVE. Regular and probationary employees shall accrue, at the beginning of the first full payroll of each calendar year, personal time off to conduct personal business as described below. The amount of Personal Leave authorized each calendar year is determined according to the employee's schedule. Personal leave shall accrue to contract employees in accordance with the terms of the contract and for grant-funded employees, in accordance with the terms of the grant.
1. 8 hrs per calendar year for employee's who are budgeted to work 35 or more hrs/week.
 2. 11.25 hrs per calendar year for 56 hour non-union fire service employees.
 3. Part-time regular employees shall accrue personal leave on a regular hours worked.
 4. All unused personal leave shall be forfeited effective midnight, at the beginning of the first full pay period of each calendar year.
 5. Personal Leave must be approved in advance and requested using the Request for Leave Form.
 6. An employee who has been approved for the use of personal leave shall not change that leave to sick leave, when applicable, without presenting management with a physician's statement verifying the illness.
 7. Eligible, non-represented employees shall receive an additional eight (8) hours of prorated personal leave on August 15, 2010. This leave will be forfeited if unused by July 2, 2011.

508. SICK LEAVE.

1. Sick Leave is an employee benefit provided by the City which provides time off from regular duty, with pay when an employee is unable to work due to illness,

- D. Have no abuse of sick leave documented by the Department Director/Section Administrator/Manager.
- E. Have exhausted all accrued leave..
- F. A maximum of 12 weeks may be withdrawn from the Sick Leave Bank per calendar year.

511. BEREAVEMENT LEAVE. Employees may take up to three days paid Bereavement Leave (48 hours (2 shifts) for non-union firefighters working a 56 hour schedule) for a death in the immediate family. For the purpose of this Section, immediate family shall include: Parents, stepparents, spouse, children, stepchildren, siblings, step-siblings, grandchildren, grandparents, legal guardian or domestic partner or eligible dependent.

- 1. Payment for Bereavement Leave shall be computed at the bereaved employee's regular base rate.
- 2. Employees shall be granted one day paid Bereavement Leave for a death of their mother-in-law, father-in-law, aunt, uncle, grandparents-in-law, and or mother or father of a qualifying domestic partner,
- 3. One additional Bereavement Leave day shall be allowed if the funeral is being held at a location greater than 300 miles from the City of Las Cruces.
- 4. If requested by the supervisor, an employee must present reasonable proof of death, relationship, and/or attendance at the service.

512. MILITARY LEAVE.

It is the policy of the City of Las Cruces to grant military leave of absence as required by state and federal law and to provide certain benefits to employees granted such leave. There are two types of military leave(s).

1. Definitions:

- A. **Persons Covered:** USERRA covers a person, who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform "service" in a "uniformed service" and who separates from military service under "Honorable" conditions.
- B. **Service:** The performance of duty on a voluntary or involuntary basis and includes the following:
 - Active duty;
 - Active duty for training;
 - Inactive duty for training;
 - Inactive duty training;
 - Full-time National Guard duty; and
 - Absence to take a fitness examination.
- C. **Uniformed Services:**

- The armed forces – Army, Navy, Marine Corps, Air Force, Coast Guard (including their respective reserve branches);
- The Army and Air National Guard;
- The commissioned Corps of the Public Health Service; and
- Any other category designated by the President in time of war or emergency.

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2. Military/Reserve Training

- A. Active Duty/Active Duty for Training – for persons who are members, or become members, of the United States Armed Forces Reserve Units, National Guard or Naval Militia, and are on federally funded military duty.
- B. Military Leave - During periods of military active duty or training, employees may request up to a maximum of one hundred and sixty (160) hours of paid military leave per federal fiscal year (unless otherwise approved in writing by the City Manager for extenuating circumstances), provided the reservist gives advance notice to the City that they will be absent from their position of employment to perform active duty or active duty training.

Procedure:

- 1) All employees ordered to active duty must present their orders, or other official military documentation validating military leave requirement, to supervision no later than three (3) days after orders were received. Upon receipt of such documentation from the employee, the supervisor will forward a copy to Human Resources for inclusion in the personnel folder and attach a copy to the leave request form for Payroll.
- 2) All employees, including, seasonal, temporary or provisional employees and those on probation status, shall be compensated at the base rate for all hours usually worked up to 160 hours of annual active duty or active duty training based on the federal fiscal year of October 1 through September 30.
- 3) The City may replace employees ordered to active duty or active duty training with other persons provided the employee is hired with full knowledge and understanding that the veteran returning from active duty has a right to his/her previous position with the City and the replacement worker will be separated.
- 4) Military leave is a special paid leave benefit and is not charged against the accumulated annual or sick leave balance, unless additional military duty is needed. Military leave in excess of one hundred and sixty (160) hours per year may be charged to annual, or leave without pay (excused) at the employee's option.

- B. Inactive Duty Training
Military reservists and guards persons shall be allowed to attend Inactive

must then provide required certification within 15 working days.

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- C. The City of Las Cruces may require medical certification to support a FMLA qualifying leave request either to care for an employee's seriously ill family member, or for leave due to a serious health condition that makes the employee unable to perform the functions of his or her job.
 - D. Employees returning from FMLA leave for a qualifying event related to personal illness or injury must provide a medical release to return to work to the Human Resources Director prior to their return when practicable.
 - E. Employees qualifying for FMLA leave are required to provide medical updates to the Human Resources Director as needed and requested.

10. Designating Leave

- A. The City of Las Cruces may make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of leave, or if the City is waiting for a second or third medical opinion.
- B. Where the City of Las Cruces has knowledge that an employee's leave qualifies as FMLA leave and does not designate the leave as such, the City may not designate leave retroactively as FMLA leave unless:
 - 1) The employee has been out of work and the employer does not learn of the reason for the leave until after the employee returns (in which case the City must designate the leave upon the employee's return to work); or
 - 2) The City has provisionally designated leave as FMLA leave and awaits receipt of a medical certification or other reasonable documentation.
- C. If the employee gives notice of the reason of the leave later than two days after returning to work, the employee is not entitled to the protections of the FMLA.

11. Job Benefits and Protection

- A. During an FMLA qualifying leave, the employee and dependent health and dental insurance is maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period.
- B. An eligible employee returning from a FMLA qualifying leave is entitled to be restored to the same position and shift that the employee held when the FMLA qualifying leave began, or to an equivalent position and shift with equivalent benefits, pay and other terms and conditions of employment.
- C. Provided the employee returns to work immediately following his/her FMLA qualifying leave, benefits must be resumed upon the employee's return to work at the same level as were provided when leave began. Any new or additional

Manager shall make the final determination concerning reinstatement based on suitability, budgetary constraints, staffing levels, and other related factors.

4. Continuation of Certain Benefits During LWOP Status. The immediate supervisor is charged with the responsibility to make sure that employees placed on LWOP status receive information on what happens to their benefits during that period. The employee may continue as a member of the Employee Health Care Plan in accordance with the provisions of the applicable insurance contract by paying the COBRA rate both his/her share and the City's share.
5. If a City employee has an on-the-job illness or injury that last over a seven day period the employee will be placed in LWOP status on the eighth day. The employee can use any combination of accrued leave for the first seven days i.e. Annual, Sick, Comp Time. If the illness or injury lasts for more than four weeks the employee will be compensated for the first seven days at the Workers' Compensation rate of sixth-six point seven percent of the average weekly wages. Employees must comply with this provision of this policy or forfeit their Workers' Compensation Benefits.

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516. WORKERS' COMPENSATION PAY STATUS.

When an employee is receiving Workers' Compensation benefits as a result of on-the-job illness or injury, the employee may continue as a participant in the City's group insurance by continuing to pay the employee's portion of the premium. The employee in this status shall be designated for payroll purposes as being on Leave Without Pay. Employees on LWOP due to a Workers' Compensation Injury will accrue Annual Leave, time in grade and longevity credits only. However, the accruals will not be posted until such time that the employee returns to the active payroll.

517. HOLIDAYS.

1. Regular full-time, regular part-time, and probationary employees regularly scheduled to work, or working non-traditional shifts, will receive up to eight (8) hours of prorated holiday pay for eleven (11) regularly scheduled holidays or as determined by the City Council.
2. Personnel required to work on a holiday shall be compensated in accordance with Section 518 of this Manual of Personnel Policies.

518. HOLIDAY PAY PROCEDURE.

1. If a paid holiday occurs while an employee is away on annual leave, the employee's supervisor will account for that day as a holiday on the employee's time sheet. Annual Leave may be combined with a holiday to the advantage of an employee, so long as prior approval by the supervisor is given.
2. If a holiday occurs on a day when an employee is not at work due to illness, that day should not be deducted from the employee's sick leave accrual, but will be charged as a holiday.

availability of personnel, timeliness, reason for leave and other job-related factors.

3. Reinstatement from LWOP Status. Reinstatement will be made only if a vacant position exists for which the employee who was on LWOP qualifies. The City Manager shall make the final determination concerning reinstatement based on suitability, budgetary constraints, staffing levels, and other related factors.
4. Continuation of Certain Benefits During LWOP Status. The immediate supervisor is charged with the responsibility to make sure that employees placed on LWOP status receive information on what happens to their benefits during that period. The employee may continue as a member of the Employee Health Care Plan in accordance with the provisions of the applicable insurance contract by paying the COBRA rate both his/her share and the City's share.
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2. DEFINITIONS:

Temporary assignment is an alternate assignment within an employee's current job classification, or another meaningful work assignment while recovering from an accident or injury.

3. GENERAL:

- A. All requirements for temporary assignments will be evaluated on a case-by-case basis with consideration given to the skills and abilities of the employee, the medical or physical restrictions, and the availability of work. The physician's statement releasing the employee for modified or light duty shall include a description of the injury/illness, prognosis, work restrictions or limitations, the estimated length of time the employee may require modified work and, if applicable, any follow-up treatment or therapy required.
- B. The City may require periodic medical updates from the physician regarding the employee's ability to perform the duties of the temporary assignment or be released to return to full duty.
- C. The City may require an employee to submit to an examination with a physician chosen by the City at City expense, if the amount of temporary assignment appears to be excessive, if the restrictions/limitations cannot be adequately interpreted or clarified with the employee's physician, or if the City has reason to believe the employee's release for duty is inconsistent with job requirements.
- D. Temporary assignments shall meet the requirements of grants or other funding sources.

4. WORKERS' COMPENSATION PROCEDURES

A. REPORTING ON-THE-JOB INJURIES

Any employee who is injured by an accident, which arises out of and in the course of employment, shall immediately notify his or her supervisor. The employee and the supervisor shall then prepare a Notification of Accident form and the employee shall report to the Risk Management Office with that form. The employee shall then be sent for medical evaluation and treatment of the injury. Should the injury render the employee unable to report to the Risk Management Office, the supervisor shall be responsible to report to Risk Management.

If the employee is removed from work by the treating physician, the Risk Management Office shall notify the supervisor.

B. RETURN TO WORK PROCEDURES

- 1) Prior to returning to work, an employee injured in the course of employment shall obtain a release from the treating physician and shall take that release, including any restrictions to the Risk Management Office.
- 2) If the employee is released without restrictions, he or she shall return immediately to their work location.

- 1) If there are temporary restrictions to the release, the Human Resources Department (in the case of non-work-related injury/illness) shall contact the employee's Department Director to determine if the employee can be utilized temporarily in the department consistent with the limitations. If the employee can be so used, a Temporary Assignment Agreement will be executed and forwarded to Human Resources, and the employee will report to that department for work.
- 2) If there is no such work available, the Human Resources Department, with the approval of the originating Department Director, will contact other Department Directors to determine if there is any temporary work available within the City that is consistent with the medical limitations of the employee. If such work is available, the employee shall be sent to that workstation for assignment.
- 3) If, while on temporary assignment, the employee needs to be absent during work hours for medical treatment or a doctor's appointment, the employee must bring a statement from the treating physician/facility indicating whether or not there are any changes in the employee's condition that would impact the temporary assignment. This statement shall be delivered to the Human Resources Director prior to returning to the work site. The Human Resources Director will advise the Department Director of any changes in restrictions.
- 4) If no work is available consistent with the employee's restrictions, the employee shall be sent home and may utilize accrued annual, sick, personal leave or excused leave without pay. The Human Resources Department will assist the employee in procuring any City benefits information that would assist the employee in considering options and/or decision-making.
- 5) If the health care provider treating the employee certifies the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a "light duty job." but is entitled to remain on FMLA leave (if applicable) until the employee's FMLA leave entitlement is exhausted and will be required to use accrued paid leave.
- 6) Temporary assignment shall not exceed 90 days in duration.

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D. PREGNANCY:

Whenever an employee becomes pregnant, she will work in her current position in accordance with her physician's recommendations, as long as able to perform the essential functions of the job. If her physician submits information indicating that she can no longer perform her current job duties, she will be eligible for temporary assignment.

E. ADA DISABILITY

When an employee believes his or her restrictions may rise to the level of a disability as defined by the ADA, the employee is responsible for following the Reasonable Accommodation Policy and Procedures.

F. DURATION OF TEMPORARY ASSIGNMENT

7. If a suitable vacancy cannot be found, or the license or certification cannot be reinstated at the end of the ninety (90) day period, the employee will be terminated

614. LOSS OF EMPLOYEE'S DRIVER'S LICENSE

1. APPLICABILITY:

This policy applies to all City employees who are required by the essential functions of their job to operate a City-owned motor vehicle or who are asked to drive on City business.

2. PURPOSE:

A. The three primary objectives of this policy are:

- 1) Ensure the safest practical working environment for our driving employees.
- 2) Protect the citizens of Las Cruces.
- 3) Control the financial liability of the City in driving situations.

B. These goals are achieved by reviewing the driving histories of City employees and applicants for City jobs that require driving on City business. Only those applicants having acceptable driving histories are hired. Employees who do not maintain acceptable driving records are subject to discipline up to and including termination.

3. POLICY:

An employee must have the appropriate license in his/her possession to drive on City business. Only authorized employees are allowed to drive vehicles on City business. Employees are required to comply with all applicable federal, state and local regulations relevant to driving a motor vehicle. Employees will be permitted to operate City-owned motor vehicles only if they possess a current and valid New Mexico Driver's License or Texas Driver's License, or have a valid and unexpired New Mexico or Texas Temporary Driving Privilege License.

4. MANAGEMENT RESPONSIBILITIES:

A. Department Directors shall establish and maintain a list of driving positions. A copy of the current list shall be sent to the Human Resources Department in January of each year. This list identified the:

- 1) Department Name/Section Name
- 2) Job classifications
- 3) Position numbers
- 4) Employee's name

B. Department Directors, or their designee, shall prohibit any employee without an appropriate driver's license in his/her possession from driving on City business.

C. Department Directors, or their designee, will regularly, not less than quarterly, inspect and keep a written record of the drivers' license of each employee

privileges upon request.

- 4) Comply with all license restrictions issued by the DMV.
- 5) Signing a release of information form allowing the City to periodically verify driving privileges and records with the New Mexico Department of Motor Vehicles.
- 6) Immediately reporting to their immediate supervisor prior to starting the next work shift if they do not have a valid drivers' license for any reason or if there is any change in status of his/her driver's license
- 7) Refrain from driving on City business after there has been a change in status of his/her driver's license, even if the cancellation, expiration, refusal, revocation, suspension, or restriction has ended, unless the license has been reinstated. Proof of reinstatement must be provided to the supervisor before driving on City business.
- 8) If an employee is cited for DUI/DWI or incurs any other action that threatens their drivers' license, the employee will:
 - a) Provide notice of such citation, non-renewal or other action to their direct supervisor prior to starting the next work shift.
 - b) Provide proof of their Request for Hearing or appeal within twenty (20) days of the date of the citation, non-renewal or other action.
 - c) Provide a copy of the Notice of Hearing from the Department of Motor Vehicle (DMV) within 72 hours of receipt.
 - d) Provide a copy of the DMV ruling within three (3) days of the ruling, but no later than 90 days from the citation, non-renewal or other action.
 - e) Immediately notify supervisor of all court proceedings, and provide copies of results related to the outcome.

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B. An employee in a non-driving position must:

- 1) Comply with federal, state, and local driving laws.
- 2) Follow all regulations pertaining to driving on City business if requested to drive a vehicle on City business.
- 3) Immediately notify his/her supervisor if requested to drive a vehicles on City business and the employee does not have the appropriate driver's license in his/her possession.
- 4) Sign a release of information form authorizing the City to verify drivers' license status.

C. No employee will drive on City business after consuming alcoholic beverages or any other substance that may impair driving. Any impairment affecting the ability to operate a vehicle safely must be immediately reported to the supervisor.

D. Failure to comply with any of these reporting requirements will result in immediate termination.

6. HIRING PROCEDURES

A. Driving records of applicants for driving positions, including present City

concerns by the supervisors, of an employee's present ability to perform the duties of the job in a safe and conscientious manner.

3. PROCEDURES:

The following procedures do not take the place of appropriate disciplinary action, but are to work in conjunction with discipline if it is appropriate for the employee to return to the worksite.

- A. The supervisor, or the effected employee, will inform his/her Department Director and the Human Resources Department of the events that have occurred. The Human Resources Department shall assist the respective Department Director in determining appropriate disciplinary action, and may enlist the intervention of the Employee Assistance Program.
- B. Employees that may have been affected by the incident will be recommended to meet with the EAP to discuss the effects the incident has had, as well as any residual emotional effects the incident may have in their work or personal situations.
- C. If the incident does not result in termination of the employee(s), the supervisor, in accordance with the Fitness for Duty Policy, shall arrange for the employee (s) to undergo an evaluation to determine the employee's ability to perform their essential job functions without posing a direct threat to self or others before they are allowed to return to any worksite.
- D. If it is determined that the employee may return to work, the Supervisor(s), Human Resources Department Representative, and Employee Assistance Program Coordinator will develop a plan under which the employee may continue to work. This plan will include all recommendations that have come as a result of the Fitness for Duty Evaluation. The employee will provide a signed commitment to continue with the established plan. Failure to sign and/or comply with the established plan will result in further disciplinary action, up to, and including termination of employment.
 - 1) Appropriate disciplinary action, ranging from verbal reprimand up to, and including termination, shall be determined by the level of workplace violence that has occurred, and past history of violence that has occurred with the employee, the results of a Fitness for Duty Evaluation (if performed) and all other information deemed relevant by the City.
- E. Threatening violence against another person is a violation of the law. It is the employee's option to report the incident to the Police.

616. WEAPONS IN THE WORKPLACE

1. POLICY:

The City of Las Cruces prohibits all employees who enter City property from carrying a handgun, firearm, or prohibited weapon of any kind onto the property regardless of whether the person is licensed to carry the weapon or not.

- A. This policy applies to all City employees. The only exceptions to this policy will be police officers, security guards, Fire Investigators or other persons who have been given written consent by the City Manager to carry a weapon on the property.
- B. All City employees are also prohibited from carrying a weapon while in the course and scope of performing their job for the City, whether they are on

710. TUITION EXPENSES.1. POLICY

Employee requested tuition and/or special training costs may be reimbursed at the discretion of the City Manager. Employee education or training required by management does not come within the purview of this policy.

Courses, certifications or degree programs related to an employee's current position are eligible for 100% reimbursement, up to a maximum of thirteen hundred (1,300) dollars per agreement, as provided below. Courses, certifications or degree programs not related to an employee's current job, but related to other City of Las Cruces positions are eligible for 75% reimbursement up to one thousand (1,000) dollars per agreement, as provided below. Courses or programs outside the scope of City employment are not eligible for reimbursement (except non-related courses that satisfy approved degree program requirements).

Training fees related to pursuing an education (e.g., registration, library, lab, graduation, or activity fees) are not reimbursable

Required book fees are reimbursable provided that after completion of the course the employee turns such materials, in unmarked condition, over to the City's Training Office for use by other City employees; and the cost of the books and tuition for each agreement are less than or equal to thirteen hundred (1,300) dollars.

PROCEDURE:

1. Each fiscal year funds will be designated for tuition reimbursement in the City Manager's organizational unit during the budget process. The Finance Director may submit, in writing, a quarterly report on the fund status to the City Manager.
2. All requests for enrollment in courses, certifications or degree programs where tuition is to be reimbursed under this policy must be submitted **through the Section Administrator/Manager, Department Director** and approved by the **City Manager** *prior* to registration for the classes, tests or programs.
3. All requests for reimbursements must be made within two (2) months of the end of the fiscal year in which the request was initiated.
4. Eligible employees requesting tuition reimbursement will submit a written request to take courses, certifications or to enroll in a degree program (Associates, Bachelors, Masters, or Doctoral) to his/her Department Director

The request will include:

1. A statement that the employee has completed his/her probationary period at the time instruction commences.
2. A statement that the course or program provides college credit from a regionally accredited institution or a statement regarding the credentials of the certifying agency. Tuition will not be reimbursed for courses taken from a non-accredited institution or honorable agency.
3. Employees are limited to two (2) open agreements at one time.

4. An explanation of how the course, certification or program will enhance the employee's ability to perform his/her job, and/or how the course or degree program benefits the City. Courses or programs that are not related to City of Las Cruces employment are not reimbursable (except non-related courses that satisfy approved degree program requirements).
5. A declaration of the amount of tuition assistance (i.e., grants or scholarships) received or expected by the employee. The City will provide assistance up to the amount of actual tuition costs and books, less any grants or scholarships received by the employee, not to exceed \$500.
6. If the employee is enrolling in a degree program, he/she shall attach the core curriculum and electives. Elective courses taken to satisfy degree requirements for approved degree programs are reimbursable even if they are not job related.
7. Courses or certifications taken under the Tuition Assistance Program will be taken at the employee's initiative. The employee assumes responsibility for course selection, scheduling, and other matters that are traditionally the responsibility of the student.
8. Agreements for tuition reimbursement will be drawn up by the Human Resources Department on a first-come, first-served basis, for no more than thirteen hundred (1,300) per agreement and four agreements per fiscal year. Agreements will not be drawn up once the total amount budgeted for tuition reimbursement is obligated. Agreements for tuition reimbursement can only be drawn up for classes that start in the current fiscal year. The fiscal year runs from July 1st through June 30th.
9. Upon completion of a pre-approved course, the employee shall be eligible to submit a claim for tuition reimbursement contingent upon:
 - A. An undergraduate or graduate student, providing a copy of a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee (3.00 G.P.A. in a 4.00 G.P.A., system)
 - B. A "pass" in a pass/fail system.
 - C. Providing a copy of a receipt showing that tuition was paid in full. The employee will also sign an affidavit which states the amount of financial aid (if any) that was received for grants and scholarships.
 - D. Provides satisfactory documentation of successful completion of certification or testing.
10. When the course work has been completed, the grade report or copy of a certification report, receipt for payment of tuition, and the Request for Tuition Reimbursement form will be submitted to the Human Resources Department, who will review it and, if complete and accurate, submit the appropriate paperwork to Accounts Payable for reimbursement. Part-time regular employees will receive a pro-rated reimbursement based on their normal hour per week schedules.
11. An employee who receives tuition reimbursement will incur an obligation to continue employment with the City for one year from the date of

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9. Upon completion of a pre-approved course, the employee shall be eligible to submit a claim for tuition reimbursement contingent upon:
 - A. If an undergraduate, providing a copy of a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee (3.00 G.P.A. in a 4.00 G.P.A., system)
 - B. If a graduate, providing a copy of a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee (3.00 G.P.A. in a 4.00 G.P.A. system).
 - C. A "pass" in a pass/fail system.
 - D. Providing a copy of a receipt showing that tuition was paid in full. The employee will also sign an affidavit which states the amount of financial aid (if any) that was received for grants and scholarships.
 - E. Provides satisfactory documentation of successful completion of certification or testing.
10. When the course work has been completed, the grade report or copy of a certification report, receipt for payment of tuition, and the Request for Tuition Reimbursement form will be submitted to the Human Resources Department, who will review it and, if complete and accurate, submit the appropriate paperwork to Accounts Payable for reimbursement. Part-time regular employees will receive a pro-rated reimbursement based on their normal hour

per week schedules.

11. An employee who receives tuition reimbursement will incur an obligation to continue employment with the City for one year from the date of reimbursement. If more than one course is taken during a year, the employee incurs an obligation to continue employment for one year from the completion date of the last course. The employment obligation is not cumulative. If an obligated employee voluntarily resigns from City employment within a year after the end date of a reimbursed course, the employee shall reimburse the City a prorate portion of the tuition reimbursement received. The Tuition Reimbursement applies only to amounts received for courses for which the employee did not fulfill the one year employment obligation. For example, if an employee receives tuition reimbursement for a course that ends December 31 and then resigns the following June 30, he/she shall reimburse the City one-half of the tuition reimbursement received.

AGREEMENT FOR TUITION REIMBURSEMENT

THIS AGREEMENT is entered into this _____ day of _____, 20____, between the City of Las Cruces and _____, hereinafter referred to as Employee. The parties to this Agreement agree as follows:

Employee is currently a full-time or part-time regular employee of the City of Las Cruces, employed as a _____, in the _____ Department.

If part-time regular, employee regularly works _____ hours per week.

The City currently has in place a Tuition Reimbursement Policy, Section 710 in the City of Las Cruces Personnel Manual.

The City hereby agrees to reimburse Employee for the costs of tuition and books not to exceed thirteen hundred (1,300) dollars per agreement, in accordance with the Tuition Reimbursement Policy for the following course(s):

A. _____ (Course # _____) (____ cr.)

B. _____ (Course # _____) (____ cr.)

C. _____ (others, Books etc...)

(use other side if necessary)

TOTAL REQUEST FOR REIMBURSEMENT: \$ _____

Said tuition reimbursement is subject to the following conditions:

1. If Employee is an undergraduate he/she must, prior to being reimbursed by the City pursuant to this Agreement, submit a copy of a transcript of

official statement by the registrar that a "B" grade or better was earned by the student/Employee for the course work mentioned herein above.

2. If a graduate, the Employee must provide a transcript or official statement by the registrar that a "B" grade or better was earned by the student/employee for the course work mentioned herein above.
3. Provides satisfactory documentation of successful completion of certification or testing.

Employee must also provide:

1. A signed copy of this Agreement.
2. A copy of a receipt indicating that tuition or costs have been paid in full.
3. A copy of a receipt indicating that study materials were paid in full.
4. A written statement from the Training Office indicating that the required study materials have not been defaced and are usable material for other city employees.
5. An affidavit which states the amount, if any, that he/she received in financial aid or scholarship that paid for any of the course work herein above referred to.

Employee will submit sufficient required documentation to the Human Resources Director who will review the documentation and if complete and accurate will submit to Accounts Payable for reimbursement. Said reimbursement shall occur within thirty (30) days after submitted and acceptance by the Human Resources Director or his/her representative. Employee agrees that from the date the City tenders a reimbursement check for said course work mentioned above. Employee agrees that for each course he/she is reimbursed pursuant to this Agreement he/she shall agree to not voluntarily terminate his/her employment with the City for one (1) year from the date of reimbursement, subject to paragraph 3 below.

In the event Employee voluntarily leaves his/her employment prior to repayment of the amount authorized for tuition reimbursement under this Agreement, Employee agrees to repay the City, within ninety (90) days of his/her termination, the pro-rated amount the City reimbursed pursuant to this Agreement.

Employee hereby agrees that at the City's option, and in the event the Employee leaves the City owing reimbursement pursuant to this Agreement the City may, at its option, deduct the amount owed from Employee's final paycheck. Employee further agrees that said deduction may be made whether or not there is a dispute that

SECTION 1000 EMPLOYEE PERFORMANCE REVIEWS

1001. PURPOSE. To provide the format for the mutual exchange of information about performance between the supervisor and employee, to determine successful completion of the probationary period, and determine eligibility for merit compensation. Through performance evaluations, supervisors will communicate to individual employees their performance expectations and department goals. Supervisors will assess the employee's job-related performance and work to enhance overall job performance by providing direction and identifying training needs.

Performance reviews and performance improvement plans may also be used when considering personnel actions for a regular employee.

1002. PERIODS OF REVIEW.

1. Each regular employee shall be given a performance review during the probationary period. This can be done by completing the performance evaluation form or other documentation as appropriate.
2. A formal performance evaluation will be completed:
 - A. At the completion of the probationary period; and
 - B. During the months of July each year; or
 - C. At such time when an updated evaluation is necessary.
3. If an employee changes assignment, position, or department during the performance cycle, performance up to that point will not be disregarded. The current supervisor shall complete an interim evaluation of the employee's performance. The interim evaluation should be completed by the supervisor prior to the employee's departure and sent with the Personnel Action Notice denoting the status change to the Human Resources Department for retention in the employee's personnel file.
4. The performance evaluation of Department Directors and Section Administrator/Managers shall include an evaluation of their compliance with this policy.

1003. RESPONSIBILITIES

1. Each supervisor is responsible to set and communicate clear performance standards for his/her employees and to observe and discuss employee performance at the beginning of and throughout the review period. Evaluations are based on job-related performance during the review period. Supervisors may use as the basis for the performance evaluation, all information believed to be relevant to an understanding of the work performance and the employee and that is consistent with the scope of the job description
2. The employee is responsible for understanding the duties and responsibilities required of the position, the employee work plan goals and measures, the core competencies and for asking any questions concerning those expectations and/or the evaluation process.

5. The Human Resources Department shall ensure that the evaluation results are made part of the employee's permanent personnel file.

1005. PERFORMANCE REVIEW COMMENTS. Each employee has the right to comment on their performance evaluation. If the employee chooses to do so in writing, such comments must be made during the evaluation period and will be included in their personnel folder.

1006. PERFORMANCE EVALUATION DISPUTE RESOLUTION. Under the City's merit program, the direct relationship between performance evaluations and pay has the potential to result in differences of opinion between employees and their supervisor.

Performance evaluations are not grievable. If an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or wrong based on solid data, the employee can enter into dispute resolution with the Department Director.

1. PROCEDURE:

In order to ensure the speedy resolution of disputes related to the City's Merit Program, the following procedure shall be followed. The expedited process from immediate supervisor to final decision is intended to resolve disputes in a timely fashion so that awards granted under the Merit Program are finalized in time for distribution each year.

- A. The dispute resolution process is an open process that is not a grievance or appeal. No party has an absolute right to legal representation. The parties are expected to represent and speak for themselves.
- B. The employee shall make every effort to discuss their performance review candidly with their supervisor, expressing any disagreements they may have with statements made by their supervisor.
- C. The employee may add any comments they may have to the written performance appraisal for inclusion in the personnel file.
- D. An employee wishing to initiate the process for dispute resolution shall do so within 10 working days of receiving the performance evaluation, by submitting a written memo to the Department Director stating the employee's wish to enter into dispute resolution and listing the specific parts of the supervisor's appraisal with which the employee disagrees and explaining the nature and extent of the disagreement. The employee shall attach copies of any relevant supporting documentation. If the employee wishes to have a meeting with the Department Director, the employee must request it in a written memorandum to the Department Director. A copy of the completed form shall be provided to the Department Director and to the Human Resources Department.
- E. The Department Director will review the performance evaluation and all supporting documentation.
- F. The Department Director may contact the employee and/or the supervisor to obtain clarification or additional information.

SECTION 1300 DEFINITIONS

A

Acting Appointment - the City Manager may appoint an incumbent to a vacant position for a period of time not to normally exceed six months pending selection of a qualified person to fill a vacancy. Acting appointees may receive additional temporary compensation if certain conditions are met.

Administrative Employee - this class of salaried exempt employees is defined in Section 310 of the Personnel Manual.

Administrative Leave - paid leave approved at the discretion of the City Manager. Administrative Leave allows the employee to be away from work without losing any work-related benefits.

Allocation - the assignment of a position as to class and specific pay grade.

Anniversary - the date on which an employee was appointed to a regular position.

Annual Leave - leave with pay granted to employees at a specific rate to be used by an employee with prior approval from management.

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 City service.

Appointing Authority - officials authorized to recommend appointment of individuals to positions in the City service. The City Manager is the ultimate appointing authority.

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.

City - the municipal government, composed of the City Council, the City Manager, all divisions, departments, agencies, and employees which comprise the organization designed to provide service to the citizenry.

N

Nepotism - patronage of one's relatives by providing them employment or position. Restrictions concerning nepotism may be found in Section 22-78 of the Personnel Ordinance.

New Hire - a person not previously employed by the City.

Nonexempt Employees - all employees who are not exempt employees as defined in Department of Labor regulations relating to the Fair Labor Standards Act.

O

Open Competition - competition for a position which is available to all interested persons.

Overtime - means time an employee is directed and authorized to work in excess of the 40 hours per week, or fire personnel, 212 hours per 28-day period.

P

Part-Time Employee - one who is scheduled to work less than 35 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 Review - an assessment of an employee's work.

Personal Leave - Leave granted to employees to be used at the employee's discretion subject to the supervisor's approval.

Post-Disciplinary Hearing - a hearing conducted by the Personnel Appeals Hearing Officer 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 Rules and Regulations

Primary Duty (FLSA) - Principal, main, major or most important duty that the employee performs.

Probation - a one year (12 month) trial period of employment, during which an employee is