



City of Bloomfield

Policies, Procedures, Work-rules & Guidelines

Employee Handbook

Adopted February 8, 2021

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

Policies and procedures will be available on the City Website and one hard copy will be located with each department. It is each employee's responsibility to read and become familiar with and follow all City policies, procedures, work-rules and guidelines.

FORWARD

Welcome to our team!

Whether you have just joined our staff or have been employed with the City of Bloomfield for a while, we consider our employees to be our most valuable resource. We are confident that you will find our City to be a dynamic and rewarding place in which to work and we look forward to a productive and successful association.

This handbook has been written to acquaint you with the policies and procedures that govern the employer and employee relationship. **This handbook does not constitute a contract of employment.** We have prepared this handbook to provide you with information covering most aspects of your employment, and to answer questions you might have about your job. Employees are responsible for reading, understanding and abiding by the policies and procedures contained in this Handbook.

We are excited that you are part of our team!

Union-Free Policy Statement

The City of Bloomfield is committed to treating its employees with respect and dignity and to providing them with excellent benefits, optimum working conditions and competitive wages. The City of Bloomfield understands that at times employees have concerns and suggestions for improvements. The company encourages its employees to speak up and take advantage of the open-door policy its managers follow. The company listens to its employees and takes their comments seriously.

The direct personal relationship between the City employees and their managers ensures the best environment for achievement of individual and company goals. The City of Bloomfield believes that a third-party influence would erode its well-established successful employee-manager relationship. A union would not benefit the City's employees, customers nor its citizens.

1. INTRODUCTION

1.1 Intent and Purpose

The purpose of this handbook is to establish basic personnel policies and practices between the City of Bloomfield (“City”) and its employees. This handbook may not cover every possible situation, and may be amended by the City Manager, as necessary, with the approval of the City Council. The City Manager, pursuant to New Mexico law, has final authority to interpret these policies and procedures, and to approve or disprove personnel actions with the assistance of the Human Resources Director, in accordance with City Council policies. These policies and procedures replace the July 1, 1994 Personnel Policy, and all amendments to it. This handbook should be interpreted as a whole rather than interpreting individual sections or sentences in isolation and out of context. Individual department policies and procedures can be created with the agreement of the Human Resources Director and the approval of the City Manager to ensure that they do not conflict with the remainder of the Personnel Policy.

1.2 Public Employment

Public employees are responsible to the citizens of the City. High standards of work ethics and good relations with the public are essential characteristics of public employment. Public employment is the operation of the organization which is geared toward providing service rather than toward making a profit. The objective is to provide services to the public while operating in a business-like manner.

1.3 Line of Authority

1. Subdivision of State

The City is a political subdivision of the State of New Mexico and is subject to various rules, regulations and policies as issued by the New Mexico government.

2. Mayor-Council

The City is a Mayor-Council form of government with a City Manager. The governing body in a Mayor-Council municipality consists of four councilors, and one Mayor, all of whom are elected. The Council is responsible for setting policy for the general operation of the City, approving budgets, contracts and establishing rules, regulations, ordinances and policies. The Council acts by a majority vote, with the Mayor voting in case of a tie. The Mayor appoints the City Manager with confirmation by the Council. The City Manager is responsible for personnel and the proper and efficient administration of the municipal government. A list of new hires and separations will be provided to the City Council on a monthly basis.

3. Hiring

Requests for additions to the work force or for replacement must be submitted to the Human Resources Director, Finance Director and the City Manager for approval prior to recruitment. If new employment involves a position that was not budgeted and approved by the City Council, the City Manager must seek funding and recruitment approval before recruitment action, regardless of grade level. The

personnel program, up to Department Head level, is administered by the Human Resources Director under the direction of the City Manager. The Human Resources Director is responsible for recruiting, and to assist the City Manager and Department Heads in selecting and hiring personnel. The Personnel Policy shall apply to all employees. See the hiring procedure.

1.4 City Manager/Mayor/Council Authority

The City Manager will inform the Mayor in advance of any anticipated hiring, promotion, suspension, demotion and termination actions involving Department Heads. The Mayor will advise the City Manager to proceed or to obtain Council input. If Council input is necessary, after obtaining Council input regarding the hiring and firing of Department Heads, the City Manager has authority to make the final decision.

1.5 Amendment of Rules

Amendments to the Personnel Policy may be proposed by the City Manager to the City Council as needed. All amendments shall be adopted by resolution and shall become effective upon adoption by the City Council, proper publication as provided by state statutes and notification to all employees.

1.6 Adoption of Personnel Rules

All employees employed when the Personnel Policy Ordinance is adopted, and in the positions covered by the Personnel Policy, shall be subject to the provisions of the Policy, as well as all rules and regulations issued pursuant to the Policy. Any employee working within a Department which has written Department or administrative rules separate from this Personnel Policy will abide by the more stringent of the two policies.

1.7 Administrative Procedures and Regulations

The City Manager, at any time deemed necessary, may amend or rescind written administrative procedures consistent with this Policy. Such procedures shall be effective on the date specified by the City Manager and shall be placed on record in the Human Resources Office, together with this Policy, to be open to public inspection during normal working hours. The Administrative Regulations and/or procedures shall be distributed to all employees in a timely manner.

2. RECRUITMENT AND SELECTION

2.1 Overview

It is City policy to recruit and select the most qualified persons to fill City positions. Recruitment and selection will be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual orientation, gender identity, marital status, spousal affiliations, genetics, physical or mental handicap or serious medical condition, veteran status, and political affiliation or any other legal status protected by federal and/or state law. Police and Fire department heads shall be responsible for establishing the hiring and testing process for all police officers and firefighters, with oversight by the Human Resources Director and City Manager.

2.2 Job Postings

1. Internal Posting of Openings

All openings subject to posting procedures will be posted on appropriate City bulletin boards. Each notice will include:

- a) The functional classification or title of the opening and the salary range, grade and step plan,
- b) A summary of major duties,
- c) Position requirements to include experience, education and/or training requirements, and/or special skills needed, and
- d) When the job opening closes (deadline for submitting application).

2. Internal Posting Procedures

- a) Vacancies will be posted on City bulletin boards for three (3) working days.

3. Eligibility

- a) Any full-time employee may apply for an internal posted opening, provided he or she has completed their 12-month probationary period. Employees will be ineligible for openings if either of the following apply:
 - The employee is currently under disciplinary observation.
 - Unsatisfactory job evaluation within the past twelve (12) months.

4. Positions Posted

All City openings will be posted internally except for Department Heads, for which the Mayor and City Council may determine an appropriate recruitment method. However, management and the Council retain the right to fill openings without internal posting if:

- a) The placement is being sought for an employee who is returning from a leave of absence, or whose City assignment might be subject to layoff, reclassification or termination.
- b) Special recruitment situations exist and the Council votes to waive the

posting.

c) The Human Resources Director has the option to post internal and external openings concurrently if the situation warrants, with input from the Department Head.

5. Procedure

The hiring manager or supervisor will review and approve the job description for the opening, complete a [Personnel Request Form](#) and submit both to the Human Resources Department. City administrative staff will ensure that each internal opening notice is posted on all appropriate City bulletin boards.

2.3 Application Form and Submission

All [employment applications](#) shall be made on forms approved by the Human Resources Director and listed on the City's Web Page. All applications must meet posted deadlines in order to be accepted. When submitting a resume, an application form is still required. All applications will be submitted to the Human Resources Director either through the City's website, in person, by mail, e-mail or fax.

2.4 False Statements

1. Employees are required to sign a statement on your job application that all of the information furnished to the City was true. The statement also warned that falsifying employment records is considered a serious offense and may lead to termination at any time of City employment. Appropriate discipline will also be taken for falsification of any reports regarding to absence from work, claims made about injuries while on the job or on City premises, benefit claims, as well as any City communications or records.

2.5 Nepotism

City policy prohibits hiring of relatives pursuant to the following guidelines:

1. Restriction

No relative can be hired as an employee, including contract employees if related to a City Councilor, Mayor, or the City Manager by blood or marriage through the third degree of kindred (see definition of "relative" in paragraph 3 below); with the exception of temporary or seasonal employees through the second degree of kindred.

2. Confidential Official

No relative can be hired as an employee of any classification or contract employee if the relative's status or employment might be influenced by a City "confidential official." A confidential official is a Department Head or director who has direct responsibility over a functional area, including the Human Resources Director and Payroll Specialist. No relative will be employed within any department, section or work group of a director, manager and or supervisor.

3. Definition of Relative

First degree: parents and children. Second degree: grandparents, grandchildren, brothers and sisters. Third degree: great grandparents, great grandchildren, aunts, uncles, nieces and nephews.

4. Change in Status after Hire

No relative shall be promoted or transferred into a position that would place him or her in direct supervisory relationship with another relative. Occasions will occur, due to career development, promotions or marital status changes, where an existing City employee may have an indirect working relationship with a relative who was previously employed. If this occurs, the relative (employee) and/or City manager/supervisor and/or confidential official will continue employment under "grand fathered" status. The same applies to "relatives" of Councilors or the Mayor. A relative who was actively employed before a Councilor or Mayor was elected will continue his or her employment in a "grand fathered status." If circumstances arise where difficulties are encountered due to the employment of a "grand fathered" employee, the facts and circumstances should be documented and reported to the Council for resolution.

2.6 Pre-Employment Screens

1. Drug Screen

All applicants offered a City position are required to undergo a City funded urinalysis substance abuse test as a condition of employment. (See Drug Free Workplace, Section 9.5) CDL drivers will be subject to [Department of Transportation \(DOT\) regulations](#).

2. Physical Exam

All applicants offered employment will be required to undergo a pre-employment and medical examination to determine fitness for their required job duties.

3. Driver History

Employees who require a CDL license to perform their job duties, police officers and those employees required to drive City vehicles are subject to a monthly screen of their driving history to assure compliance with legal requirements and public safety.

2.7 Employee Orientation

1. New Employee

The Human Resources Director will schedule an employee orientation to be conducted within the first week of employment.

The Human Resources Director will provide information regarding all City benefits and payroll information. The Human Resources Director will distribute the City's Personnel Policy and any other pertinent information to the new employee. New

employees will sign an acknowledgement they have received the Personnel Policy and other pertinent polices. Any questions about these issues should be directed to your Department Head or the Human Resources Director.

2. Department Head - Supervisor

Each Department Head or Supervisor will make sure that the department to which the new employee is assigned makes provisions for specific new employee orientation regarding departmental functions, responsibilities, and unique requirements.

3. Safety

Safety is an important responsibility of every employee. The City maintains a separate Safety Manual which will be reviewed with each new employee by the Department Head or Supervisor.

2.8 Probationary Period

Probationary Period is the trial period during which a determination is made as to whether or not an employee is suitable for their position. The probationary employee is evaluated on the employee's ability, potential and performance. The probationary period is 12-month for all employees, including Department Heads. A probationary employee serves "at will" and can be dismissed with or without cause by the City during probationary period. Police Officers will be placed on a 12-month probationary period at the completion of the basic police academy.

1. New Hire

New hires will be evaluated after 3 and 9 months of employment. Prior to the completion of the new hire probationary period, management shall decide whether or not to recommend continued employment. If a decision is made to extend probation, the employee shall be notified both verbally and in writing. If the decision is to discontinue employment, a Termination Form shall be prepared by the employee's Supervisor with written reasons for the termination. If a decision is made to continue employment, a Personnel Action Form shall be prepared by the Human Resources Director changing the employee from probationary status to regular status

2. Promotion

Promotion is defined as the assignment of an employee any of the following reasons:

- a) Change from one classification to another classification with a higher minimum base rate and greater responsibility;
- b) New position;
- c) Different department.

City employees selected for promotions will serve a 12-month probation in their new position. The employee's anniversary date will change with the promotion. If the

promoted employee does not satisfactorily complete their promotional probation, the Department Head and Human Resources Director, with approval by the City Manager, will determine on a case-by-case basis if the promoted employee will be returned to the position previously held if still available. If the prior position or an equivalent position is not available, the employee will be released from City employment.

3. Extension

The Department Head, with the approval of the City Manager, may extend both new hire and the promotional probation up to an additional 6-month period. After the extended probation the employee must either be terminated from employment or placed on regular status.

4. Demotion

The assignment of an employee from one classification to another with a lower base rate and less responsibility. A lesser base rate will be decided upon by the Department Head, reviewed by the Human Resources Director with final approval by the City Manager on a case-by-case basis. An employee's anniversary date will not change. A probationary period will not be required.

5. Transfers

A transfer is a change from one job classification to another job classification within the same pay range or from one department to another. A transferred employee will be subject to a new probationary period, and the employee's anniversary date will be changed to the day of transfer. This section excludes temporary assignments within a department.

6. Reclassification

Reclassification involves the elimination of an employee's current position. A Department Head, upon review by the Human Resources Director and approval of the City Manager, may reclassify an employee's position. A new job description must be completed and forwarded to the Resources Director. A reclassified employee will be subject to a new probationary period, and the anniversary date will change with the reclassification.

7. Merger of Positions (11-28-2011)

Merger of positions is defined in Section 4.6. An updated job description must be completed and forwarded to the Human Resources Director. The City Manager, on a case-by-case basis, shall have the authority to require a non at-will probationary period. Regardless of whether the employee is given a not at-will probationary period, the City Manager shall have authority to review, from time to time, the efficacy of the Merger of Positions on a case-by-case basis. The anniversary date will not change. This section excludes temporary assignments withing a department.

3. EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION AND ANTI-HARASSMENT

3.1 Equal Employment, Non-Discrimination & Anti-Harassment Policy

The City is an equal opportunity employer. The City makes employment decisions without regard to a qualified person's race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual orientation, gender identity, marital status, spousal affiliations, genetics, physical or mental handicap or serious medical condition, veteran status, and political affiliation or any other legal status protected by federal or state laws. This policy relates to all phases of employment, including, but not limited to, recruiting, employment, placement, promotion, transfer, demotion, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in all company-sponsored employee activities. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity or age limitations will be adhered to by the company where appropriate.

As part of the City of Bloomfield's equal employment opportunity policy, the City will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans, and qualified disabled persons are introduced into our workforce and considered for promotional opportunities.

The City is committed to a work environment in which all individuals are treated with respect and dignity. Therefore, The City requires that all relationships among persons in the workplace will be respectful, business-like and free of prejudice and harassment. The City prohibits and will not tolerate discrimination or harassment.

3.2 Responsibilities

1. Department Heads and Supervisors

- a) Creating an atmosphere free of discrimination and harassment.
- b) Insuring all employees are informed of this policy and the penalties for violation.
- c) Reporting complaints of discrimination or harassment in an expeditious manner to the Human Resources Director.

2. Employees

- a) Compliance with this policy and for respecting the rights of co-workers.

3.3 Americans with Disabilities Act (ADA) Policy

1. Discrimination Prohibited

It is City policy not to discriminate against any qualified employee or applicant with regard to any terms of employment because of the person's disability or perceived disability, so long as the employee can perform the essential job

functions. Consistent with this policy, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the [Americans with Disabilities Act](#), who has made the City aware of the disability, if the accommodation is not an undue hardship on the City.

2. Accommodation Request

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Director. Upon receipt of an [accommodation request](#), the supervisor will meet with the employee to discuss and identify the limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations. The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources, and the accommodation's impact on the operation of the company, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business. The City will inform you of its decision on the accommodation request. The law does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

3. Reporting Discrimination

An employee or job applicant who believes that he or she has been discriminated against based on a disability should notify the Human Resources Director. If you believe the Human Resources Director has discriminated against someone based on a disability, report it to the City Manager who may notify the Council.

3.4 Definitions of Harassment

1. Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) submission to such conduct is stated or implied as a term or condition of someone's employment;
- b) submission to or rejection of such conduct by a person is used as the basis for employment decisions regarding that person; or
- c) the conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors between individuals of the same or different gender. These behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about a

person's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based or gender harassment includes conduct that does not involve sexual activity or language but is directed at an employee because of their sex (e.g., male manager yells only at female employees but not males). This may also constitute discrimination if it is severe or frequent.

2. Other harassment

Harassment on the basis of any other protected characteristics is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that insults or shows dislike toward a person because of a person's race, color, religion, national origin, age, disability, sexual orientation or any other characteristic protected by law, and that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with a person's work performance; or
- c) otherwise negatively affects a person's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes and display or circulation in the workplace of written or graphic material that demeans or shows dislike toward a person or group, including through e-mail. These policies apply to all employees, and prohibit harassment, discrimination and retaliation by fellow employees, supervisors or non-employees. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

3.5 Retaliation Is Prohibited

The City prohibits retaliation against any employee who reports discrimination or harassment, or one who participates in an investigation of such reports. Retaliation against an employee for a good faith report of harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

3.6 Reporting Complaints

The City requires that all incidents of discrimination, harassment or retaliation be reported, regardless of the offender's identity or position. Employees who believe they have experienced harassing conduct must [report complaints](#) with the Human Resources Director before the conduct becomes severe or pervasive. If you believe the Human Resources Director has harassed you, report the complaint to the City Manager. If you believe the City Manager

has harassed you, report the complaint to the Human Resources Director. Employees who have experienced conduct they believe violates this policy must also report the conduct. Early reporting and intervention are the most effective method of resolving actual or perceived incidents of harassment. Therefore, please promptly report any complaints or concerns so that prompt and corrective action can be taken.

Reporting Complaints	
Step 1	Report harassing conduct to the Human Resources Director. If you believe the Human Resources Director has harassed you, proceed to Step 2. See Complaint Harassment/Discrimination Complaint Form .
Step 2	Report the harassing conduct to the City Manager.

3.7 Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated. The investigation may include individual interviews with the parties involved and, where necessary, others who may have observed the alleged conduct or may have other relevant knowledge.

3.8 Discipline

Discipline for conduct constituting harassment, discrimination, retaliation or filing a knowingly false report of harassment will be handled appropriately up to and including termination.

4. CATEGORIES OF EMPLOYMENT

4.1 Classification System

1. Exempt Employees

Exempt employees are those whose job duties and compensation make them exempt from overtime requirements of the Fair Labor Standards Act.

2. Non-Exempt Employees

Non-exempt employees are those whose duties and compensation make them not exempt from overtime requirements of the same Act. If an employee works more than 80 hours per pay period with prior approval, over time shall be paid at a rate of one and one-half (1 ½) times an employee's regular pay rate.

4.2 Categories

1. Full-Time Regular

A full-time City employee who works at least 40 hours per seven-day period is entitled to all employee benefits.

2. Full-Time Temporary

Full-time temporary employees are hired for a period of less than nine (9) months and will not be eligible for employee benefits.

3. Part-Time Regular

A City employee who works less than 40 hours per week in a regular, budgeted position. Such employees may be entitled to all employee benefits on a pro-rata basis; however, employees working less than 20 hours per week are not eligible for employee benefits.

4. Part-Time Temporary

A temporary City employee who works less than 40 hours per week. Part-time temporary employees are hired on a short-term appointment of less than nine (9) months, and will not be eligible for employee benefits.

5. Seasonal

A full-time or part-time employee hired to provide services during a particular season, whose employment ends with the season. These employees are not eligible for employee benefits.

6. Student Employee

A student who works for the City on a part-time or full-time basis while enrolled in classes at an accredited college or high school. These employees are not eligible for employee benefits.

7. Elected/Appointed Officials

Compensation is determined by current ordinance and/or State law. Officials are eligible for employee benefits, except disability. Elected officials must pay 100% of any and all premiums.

8. Volunteer Fire Fighters and Police Reserve Officers

The City utilizes Volunteer Firefighters and Police Reserve Officers and neither group is subject to this handbook.

4.3 Temporary Assignments

1. Selection

Where feasible, qualified employees expressing an interest will be given preference for a temporary assignment. Temporary assignments can serve to provide a meaningful career development orientation.

2. Administration

A temporary assignment will last at least two (2) complete bi-weekly pay periods but should not exceed six (6) months. A temporary assignment may exceed six (6) months at the discretion of the City Manager. An employee selected to serve in a temporary assignment will be placed into the appropriate functional classification that applies to the temporary assignment.

3. Compensation

A temporary assignment that carries a higher grade than the employee's permanent assignment will result in a temporary promotion. Such employees will be raised to the salary level of the minimum of the temporary assignment range, for the duration of the temporary assignment. Non-exempt employees who are selected to fill exempt classifications will be treated as exempt employees for the duration of their assignment. Thus, overtime compensation will not be paid. Exempt employees who are placed into non-exempt classifications will be compensated for any and all applicable overtime hours worked, but administrative leave will not be available for the duration of the temporary assignment.

4. Lower Grade Classification

At times, based on unique work situations, an employee may be placed into a lower grade classification assignment. When this occurs, the employee will decrease 2 steps in the Pay Plan, for the duration of the temporary assignment. If the assignment continues beyond six (6) months, and the employee desires to continue in the temporary assignment, a salary adjustment will be necessary. Salary adjustments will be handled as follows:

- a) The employee's salary will be adjusted if it exceeds the temporary assignment maximum range. The adjustment to the maximum of the temporary assignment range will apply for the duration of the extended assignment period.

- b) If the employee's salary is below the maximum of the temporary assignment range, no adjustment will apply.

5. Duration

Employees selected for temporary assignments should be given an estimate of the assignment duration. Also, a memorandum should be sent to the employee, explaining the temporary assignment and salary treatment that will apply during the duration of the assignment. The memorandum will be acknowledged by the employee.

4.4 Creation of New Positions

The City Manager shall seek the approval of the City Council prior to creating and budgeting for a new position(s).

4.5 Abolishment of Positions

The City Manager can recommend abolishing a position which is no longer needed, when approved by the City Council. If another position is open, for which work and funds are available, an employee may accept a demotion or transfer to avoid a layoff, but only if the employee is otherwise qualified for the new position. If the position is re-established, the person who held the position shall be given first consideration for reappointment.

4.6 Merger of Positions

Merger of Positions is defined as:

- 1) The combination of an existing filled position with another existing but vacant position;
- 2) such that the existing filled position assumes new and additional job responsibilities; and
- 3) the existing but vacant position remains unfilled but not abolished.

The combination of the existing filled position with the existing vacant position can be in whole or in part; that is, the existing filled position may assume all or any portion of the job responsibilities of the existing vacant position, which shall be reflected in an updated job description. This section excludes temporary assignments within a department.

The City Manager shall seek the approval of the City Council prior to creating and budgeting for a new position(s).

5. WORK HOURS

5.1 Work Week

The workweek shall be forty (40) hours. A pay period consists of two (2) workweeks. For the purpose of calculating overtime under the Fair Labor Standards Act ([FLSA](#)), the work week shall begin at 12:01 a.m. on Sunday and end at 12:00 midnight on the following Saturday. Police Officers and Fire Fighters may work irregular shifts as determined by their respective departments. Changes in the length and/or starting and ending times of shifts will be subject to notification of the City Council

5.2 Absenteeism/Tardiness

Employees are expected to report for work on time and on a regular basis. Absence includes late arrival at work as well as leaving early. Unnecessary absenteeism and lateness are expensive and place an unfair burden on other employees. If you are going to be absent or late for any reason, you must notify your supervisor two (2) hours before your start time, unless otherwise specified by department policy. Frequent absenteeism may require verification from your doctor.

Notification from another employee or relative is not acceptable, except in an emergency. Excused absences (with pay) are fully described in the Excused City Time policy. (See Section 8.2). Failure to give proper notice of your absence, or if your supervisor considers your reason unacceptable, you may be charged with an unexcused absence. Employees will only be paid for time actually worked unless their absence falls under leave provisions.

Unauthorized absences from work shall be considered job abandonment. Time lost due to unexcused reasons may subject you to disciplinary action. An employee who fails to call in for three successive days to their immediate supervisor will be considered to have voluntarily resigned.

5.3 Breaks

1. Meal break

Employees will have a thirty (30) to sixty (60) minute meal break to be taken at a time set by the Department Head. The lunch break will be taken on the employees' own time and is not paid. However, if work is required through the lunch hour, no break shall be charged and considered time worked. Additionally, any lunch break that does not exceed 20 minutes will also be compensated as time worked.

2. Rest Breaks

Employees may take two 15-minute breaks each day, one in the morning and one in the afternoon. Employees may leave their workstation at this time. The 15 minutes include travel time to and from break. Field employees shall take breaks in the field at work site unless authorized by Department Head to break elsewhere. The supervisor may schedule breaks to ensure proper coverage at all times. There will be no accumulation of breaks.

5.4 Inclement Weather

The City Manager will evaluate weather situations and determine whether work times are delayed or whether City offices will be closed depending on the severity of the weather. The decision whether to delay work times or close offices is in the complete discretion of the City Manager and the City Manager's decision is final. Each department head will call their employees to inform them of a delay. Employees in the following departments are expected to report as scheduled: Police, Fire, Parks, Water, Wastewater and Municipal Operations Center. If the offices are closed, employees receive straight time for the time off, and employees required to stay are paid overtime, for actual time worked.

6. COMPENSATION AND PAYROLL

6.1 Pay Plan

The City has a Pay Plan that consists of wages plus all other benefits of value to the employee, which result in a cost to the City.

6.2 Standards for Development of the Pay Plan

The Pay Plan is tied to the Step Plan. Pay ranges may be determined on the basis of:

1. Uniformity of pay for each class;
2. Relative difficulty and responsibility of positions;
3. Prevailing wages with public and private entities;
4. Cost of living index;
5. Financial policies of the City (i.e., budget process); and/or
6. Other economic considerations.

6.3 Administration and Amendments of the Pay Plan

The City Manager, Finance Director and Human Resources Director will administer the plan and review the plan every two (2) years by cost of living reviews and comparative wage surveys with other similarly situated governmental entities. The Finance Director and/or Human Resources Director may recommend amendments to the City Manager. If approved by the Manager, amendments shall be recommended to the City Council for budgeting purposes.

6.4 Pay Rate Adjustments

1. Transfers (Reassignment)

When an employee is transferred (reassigned) from one position to another within the same classification (pay grade); the employee may continue to receive the same base rate and will be subject to a 12-month probationary period. The employee's anniversary date will change to the date of transfer. This section excludes temporary duty assignments within a department.

2. Promotion

The assignment of an employee from one classification to another classification with a higher minimum base rate and greater responsibility. The employee will be subject to a minimum of 12-month probationary period. An employee's anniversary date will change to date of promotion. A base rate shall be decided upon by the Department Head, reviewed by the Human Resources Director and Finance Director with final approval by the City Manager on a case-by-case basis.

3. Demotion

The assignment of an employee from one classification to another with a lower

base rate and less responsibility. A lesser base rate will be decided upon by the Department Head, reviewed by the Human Resources Director with final approval by the City Manager on a case-by-case basis. An employee's anniversary date will not change. A probationary period will not be required. An employee is entitled to an Appeal Hearing as set out in Section 11.5.

4. Full Reinstatement

When reinstated from layoff for lack of work or from suspension from duty (with or without pay), the employee may be restored to the same classification and step the employee had at the time of the employment action.

5. Reinstatement to a Lower Grade

If reinstated from a layoff for lack of work to a lower classification, from suspension from duty (with or without pay), the employee shall receive a salary decrease consistent with the new position. A regular employee is entitled to an Appeal Hearing as set out in Section 11.5.

6. Reclassification

A reclassification is the elimination of employee's current position and change to a different classification. The employee's anniversary date will change with the reclassification. A probationary period will be required.

7. Personnel Action Form

All personnel actions require a [personnel action form](#). Notification must be given to the Human Resources Director for a form to be generated.

8. Merger of Positions (11-28-2011)

Merger of Positions is defined in Section 4.6 of the City of Bloomfield Employee Handbook. A base rate shall be decided upon by the Department Head, reviewed by the Human Resources Director and Finance Director, with the final approval by the City Manager on a case-by-case basis. An employee's anniversary date will not change. The City Manager, on a case-by-case basis, shall have the authority to require a not at-will probationary period. Regardless of whether the employee is given a not at-will probationary period, the City Manager shall have the authority to review, from time to time, the efficacy of the Merger of Positions on a case-by-case basis. If the City Manager determines at any point that the Merger of Positions is not feasible or otherwise beneficial for the City, he or she shall have the authority to return both the existing filled position and the existing vacant positions to their initial pre-merger job responsibilities. In such an instance, the employee shall retain his or her initial pre-merger position and the employee shall return to his or her original pre-merger base rate, and a probationary period will not be required. This section excludes temporary assignments within a department.

6.5 Regular Rate Defined

The regular rate for an employee is defined as the hours paid to that employee in a scheduled workweek. A scheduled workweek is defined as a forty-hour workweek for regular employees, and 80 hours per pay period for police officers.

6.6 Eligibility for Overtime Pay

Non-exempt employees who work more than an 40 hours in an established workweek, when approved by a supervisor, shall be paid at the rate of one and one-half (1½) times an employee's regular rate of pay for all actual hours worked. During periods when no work is performed due to vacation leave or sick leave, the leave cannot be calculated as time worked during that pay period. Those periods, whether paid or not, must be deducted and cannot be included as time worked. Employees who work 80 hours or less in a pay period shall be compensated at straight time. Overtime pay for [FLSA exempt employees](#) is not required for those employees who work more than 40 hours per workweek.

Emergency overtime eligibility during a holiday week, or any other authorized absence-employees called to resolve an emergency after regular working hours shall be compensated for all hours physically worked at straight time up to 40 hours at one and one-half (1½) times the employee's regular rate.

Non-exempt employees required to work a Holiday will be paid regular pay plus time and one-half (2 ½) time.

Part-time seasonal and temporary personnel working less than 40 hours per week will receive straight time unless hours worked in a 7-day period exceed 40 hours. In that case, they will be paid at one and one-half (1½) times their regular rate for actual hours worked.

6.7 Compensatory Time

Compensatory time ("Comp time") is governed in accordance to guidelines set forth by the federal Fair Labor Standards Act (FLSA). FLSA permits public local government to allow employees to accrue and to use comp time in lieu of paying them overtime under certain prescribed conditions. Comp time must be enacted by the City Manager prior to allowing comp time use, then approved by the department head. The City's maximum accrual limit is 90 hours. Employees that currently have more than 90 hours of Comp time will be capped and cannot accrue more Comp time. Earned compensatory time must be reported on the time sheet for the pay period in which it was accrued. Should a non-exempt hourly employee be reclassified to an exempt position or be transferred or promoted to an exempt position, accrued compensatory times shall be converted to vacation time.

Employees must be permitted to use compensatory time on the date requested unless doing so would unduly disrupt the operations of the City.

At the time of separation an employee shall be paid the higher of his or her final regular rate of pay if the employee's term of employment with the City is less than three years; otherwise, the employee shall be paid the average regular rate during his or her last three (3) years of employment for any remaining comp time "on the books" when separation occurs.

6.8 Overtime Authorization and Recordkeeping

Department Heads must maintain accurate records on non-exempt employees who work overtime and the reasons for the overtime. The Department Head or Supervisor must approve overtime, prior to overtime hours being worked or scheduled. Any adjustments made in overtime records must be accompanied by a written explanation of why the adjustments were made.

6.9 Compensated Volunteers

1. Policy

The City encourages its employees to volunteer their time for community services. In most instances, the time volunteered occurs outside an employee's normal work schedule and is for duties substantially different from the employee's normal work duties/responsibilities. This time is not compensable. However, there are a few exceptions.

2. Scheduling

Occasionally, volunteer duties may conflict with normal scheduled work hours. The employee is responsible for advising their Department Head and/or Supervisor of their volunteer duties. The Department Head has the discretion whether or not to allow an employee to volunteer during normal work hours, based on the needs of the department.

6.10 Call Back and Standby Pay (October 9, 2019)

1. Policy

Non-exempt employees who are required to be on-call or on standby and who make their time after hours available for City service will be paid as provided by FLSA. Employees who are free to use their off time as they please, not required to remain on City premises but required to be reached by phone or pager, the time while on-call is not considered to be working time. The employee is not entitled to additional wages or an overtime premium by virtue of being on-call, waiting to be "paged" or "called" to come to work. Payment for Call-Back, On-Call and Back-up assignments is defined and illustrated below.

2. Definitions

a) Call Back Pay:

Non-exempt employees who are called back after having completed a prescribed workday will be paid for additional hours worked at the overtime rate, notwithstanding the forty (40) hour workweek definition. Also, employees who are called back and are dismissed by the management before working two (2) hours will be paid for a minimum of two (2) hours.

b) On-Call (Primary) Pay:

Non-exempt employees who are required to work rotating assignments that require the employee respond on short notice (*or to respond with 30*

minutes), and be fully capable, *shall receive one-hour base pay for each day on-call.*

c) On-Call (Secondary) Pay:

Non-exempt employees who are required to work rotating assignments that require the employee to leave word where they may be reached, and be fully capable, *shall receive one-hour base pay for each day on-call.*

d) On-Call (Primary) Pay for Police Detectives & Investigator, K-9, and Command Officers, per FLSA:

Non-exempt employees who are required to work assignments that require the employee to respond on short notice or leave word where they may be reached, and be fully capable, shall receive one-hour base pay for each day on-call or standby

e) On-Call (Primary) Pay for Fire Investigators and Inspectors per FLSA.

Non-exempt employees who are required to work assignments that require the employee respond on a short notice and be fully capable, *shall receive one-hour base pay for each day on-call or standby.*

f) If the additional worked hours (worksite) exceed the 40-hour workweek, overtime rates would apply for time beyond 40 hours.

6.11 Holiday Pay Procedure

All regular employees will be eligible for holiday pay on those dates approved by the City Council equal to their regularly scheduled workday, with the following provisions:

1. Paid Holidays

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.

2. Holiday When Employee is Scheduled to Work

If a holiday occurs on a day when an employee is scheduled to work and 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.

3. If Employee is Sick Before or After a Paid Holiday

If an employee is sick the day before or the day after a paid holiday, a physician's return to work may be required by the Department Head. An illness that occurs the day before or the day after a paid holiday may be investigated.

4. Holiday Hours for Non-exempt Employees

Holiday hours physically worked by non-exempt employees, including Police Officers working shift schedules, will be paid regular pay plus time and one-half time which equals 2 ½ time.

5. On-call Employees

On-call employees called to service on a holiday shall be compensated eight hours

straight time plus one and one-half (1½) time for hours physically worked on call.

6. Non-Exempt Employees

Non-exempt employees whose normal scheduled day off falls on a paid holiday shall not be compensated for the holiday, however, they may take another day off within the same pay period, as approved by their Department Head.

7. Seasonal/Temporary/Student Employees

Seasonal/Temporary/Student employees will not be paid unless they physically work the holiday and will be paid their regular pay.

6.12 Payroll Schedule

All employees will be paid by check on a biweekly basis, on the Friday after the end of the pay period. If a scheduled payday falls on a City-observed holiday, employees will usually be paid on the day preceding the holiday.

6.13 Timesheets

To ensure that accurate records are kept of hours actually worked and of the leave time taken, all non-elected employees are required to record time worked and absences on department timekeeping records. Actual hours worked and leave time taken must be recorded accurately. Failure to accurately record time can result in disciplinary action up to and including termination.

7. BENEFITS

7.1 Educational Aid

The City shall reimburse 100% of the cost of an employee's tuition and associated instructional materials (books, etc.), not to exceed \$2,000 in a fiscal year (July 1 through June 30). This subsidy is contingent upon the employee completing the course of instruction with a passing grade of C or better. Instruction must be work-related and approved by the Department Head and City Manager prior to registering.

7.2 Employee Assistance Program

The State of New Mexico (SoNM) provides the Employee Assistance Program, to assist employees in resolving issues and problems through counseling and support service resources. The services, limited to five (5) visits, are for benefit-eligible employees and qualified dependents residing in the employees' household and are free of cost to employees.

7.3 Medical, Disability and Life Group Benefits

The City provides regular employees with insurance through the State of New Mexico. A regular employee is scheduled to work twenty (20) or more hours per work week on a continual basis. This definition excludes coverage for seasonal, temporary and student employees. (see Employment Classifications). The specifics of the coverage are detailed Online at www.mybenefitsnm.com.

1. Types of Coverage

a) Medical, Vision, Prescription Drug Expense and Dental Care:

Coverage may be provided for regular employees and their qualified dependent. Coverage may provide for a comprehensive array of medical, dental and vision care benefits that include "pharmaceutical expense" provisions. Participants in the City's Group Benefit Plan must be willing to share a portion of the premium cost (see Section 7.3.2 below).

b) Life Insurance benefits:

The City provides basic life for all eligible employees. Supplemental life is available for employees and their dependents.

c) Disability Income Insurance:

SoNM offers both [Short-term](#) and [Long-term Disability](#) options which may be elected.

d) Premium Only Plan (IRS 125):

Through the SoNM pre-tax premium deductions are automatic. A [Waiver](#) form must be completed and submitted with benefits enrollment/change form if you want post-tax deductions. Additional voluntary benefits may be provided by the carrier approved for the IRS 125 Plan.

2. Co-Sharing Premium Cost (City and Eligible Employee)

a) Annual Determination:

Annually, through the budget process, the premium cost percentages to be shared between the City and the employee will be determined, including employee, employee plus one and family coverage.

b) Right to Amend:

Because future conditions cannot be foreseen with certainty, the City does reserve the right to amend, terminate or change the amount contributed by the City on behalf of employees to the Group Medical Plan coverage.

3. Effective Date

Medical Group Plan coverage becomes effective the first day of the month following thirty (30) days of employment for regular employees. It is extremely important that eligible employees give full consideration to immediate coverage at their time of eligibility. This is critical because if coverage is not taken on the "first date of eligibility," the employee must submit evidence of insurability. The insurance company must then evaluate the medical status of the applicant and his or her dependents. The insurance company (or carrier) has the option of declining coverage. Employees electing coverage at "initial eligibility" are not subject to medical screening.

4. Open/ Switch Enrollment

Open enrollment occurs in the month of October each year. An employee may obtain coverage for themselves and qualified dependents during Open Enrollment, with coverage effective January 1.

5. Special Enrollment Life Events

It is important for employees with Medical Group coverage to inform the Human Resources Director of newly born children and/or changes in dependent status (family coverage needs). Newly acquired family members must be immediately enrolled in Medical Group coverage to avoid the need for medical screening (evidence of insurability) and the possibility of coverage rejection. Dependent data must be provided to the "insurance carrier" no later than 30 days after birth or 30 days after dependent status was acquired. The employee is responsible for notifying the Human Resources Director within 10 days in changes in dependent status due to divorce, death of dependent or if the spouse loses employment. Failure to timely make notification may subject the employee to disciplinary action.

6. Continuation of Medical Coverage after Job Separation and Other Life Events (COBRA)

Coverage after separation from City employment and other qualifying events can be continued under COBRA. COBRA continuation coverage can become available to you and members of your family when you would otherwise lose your group health coverage. You must give notice of qualifying events such as divorce or legal separation or a dependent child's losing eligibility for coverage as a dependent child, in writing, to the Plan Administrator, within 60 days after the qualifying event. For additional information about your rights and obligations, you should contact the Human Resources Director.

7.4 Professional Associations

City employees are encouraged to belong to organizations that will benefit their occupation. Dues, membership and subscriptions may be paid by the City at the discretion of the City. Appropriate travel and per diem expenses to attend meetings and/or training programs will be considered for reimbursement. Employees may make application to their Department Head for payment by the City. Requests that merit consideration will be referred to the City Manager for final review and action. The City Manager will have final authority whether or not to approve professional association and training expense requests, and association travel and per diem expenses.

7.5 Retirement - New Mexico State Retirement Plan (PERA)

The City currently pays into the [Public Employees Retirement Association](#) for all appointed, full-time, and part-time regular employees. All regular employees must work an average minimum of 20 hours per week. Temporary/Seasonal/Student employees are not eligible for PERA. Certain exclusions exist for members of New Mexico Educational Retirement Plan and retirees of PERA. Please consult with the Human Resources Director for more information.

7.6 Deferred Compensation (457 Plan)

Employees may enroll in the [State of New Mexico Deferred Compensation Plan](#). This benefit is voluntary, and participation is governed by the terms and conditions of the Plan Document. Please consult with the Human Resources Director for more information.

7.7 Credit Union

Direct deposits may be made to employees' credit union accounts with appropriate paperwork provided to the Payroll Specialist.

7.8 Safety Equipment Reimbursement

The City shall reimburse employees up to \$150.00 per fiscal year (July 1 through June 30), or up to two fiscal years totaling \$300.00, for prescription safety glasses. For employees engaged in construction/maintenance activities, the City shall reimburse employees up to \$180.00 per fiscal year (July 1 through June 30) for up to two pair of steel toed boots. Documentation of the purchase and cost is required for reimbursement.

7.9 Unemployment Insurance

The City participates in the [State Unemployment Insurance Program](#). Employees who separate from their employment with the City may be eligible for unemployment benefits in accordance with the rules and provisions as provided by the State

7.10 Workers Compensation

All City employees are covered under the provisions of the New Mexico Workers' Compensation Act. All on the job accidents must be reported immediately to the employee's supervisor. The supervisor and the injured employee must complete the appropriate forms and forward to the Human Resource Office as soon as possible or no later than 8 hours after injury/accident. Pursuant to state regulations, the City reserves the right to choose the first medical provider. After 60 days, the employee has the right to change medical providers. Return to work documents must be submitted by the employee to the Human Resource Office before returning to work.

If the injury or illness prevents an employee from returning to work, the Workers Compensation (WC) leave will be subject to the following conditions:

- The first seven (7) calendar days for the day the employee leaves work as a result of the injury may be counted as sick leave or vacation leave, provided the employee has a sufficient leave balance.
- If the period of injury last longer than twenty-eight (28) calendar days from the day the injured employee leaves work as a result of the injury or illness, disability benefits will be counted from the day the employee first left work.
- Sick leave and vacation leave will not continue to accumulate during any full calendar month(s) in which the employee is absent due to WC leave. Also, holiday pay will not apply.

The City's make-up benefit will ensure that those employees whose earnings are above the state salary cap will receive an overall benefit that will equal 66.667% of their salary level while on authorized Workers' Compensation leave. This make-up benefit is considered "salary compensation" and will be subject to federal and state taxes. The make-up benefit for employees earning above the "salary cap" is limited to the initial six (6) month period of Workers' Compensation disability.

8. LEAVE

8.1 Sick leave

Sick leave is provided for all regular employees to avoid loss of income when an employee is unable to perform work due to illness or injury. Sick leave begins to accrue on the first month of employment but cannot be used until after three continuous months of employment have been completed.

1. Accrual

An employee accrues sick leave at the rate of eight (8) hours per month. A regular part-time employee's rate of accrual will be prorated in accordance with hours actually worked. Sick Leave cannot be accrued during a period when leave of absence without pay (LWOP) is granted.

2. Use

An employee may take accrued and vested sick leave for generally accepted medical or health maintenance reasons, for themselves or for the care of qualified dependents after completing three months of continuous employment. In the event of a Workers Compensation injury or illness during the three-month waiting period, an employee may use accrued sick leave. Sick leave may be taken for illness or disability of the employee or any dependent living within their household or related to the first degree by blood or marriage.

3. Pay

Employees absent from work due to illness or injury will be on the payroll in a leave-with-pay status for time equal to leave already accrued. Any absence for illness beyond accrued credit will result in carrying the employee on the payroll in a leave-without-pay status.

4. Absence

Employees who are absent from work due to illness must report their absence to their supervisor before the start of their shift. (See absenteeism, section 5.2.)

5. Abuse

If it is suspected that sick leave is being abused, the supervisor or department head may request a physician's statement of the reasons for illness. Sick leave cannot be used to extend vacation leave. That is an abuse of privilege which is not permitted.

6. Maximum Accumulation

Sick leave will be accumulated, or carried forward, up to a maximum of 720 hours (90 days). Sick leave beyond 720 hours (90 days) in a given fiscal year is subject to special settlement. Compensation for Sick leave hours in excess of 720 shall be paid at 25% of the employee's base hourly pay. Example: Employee completed a fiscal year (June 30) with 710 credited hours. Those 710 hours are carried forward into a new fiscal year. During the next fiscal year, 96 hours are credited, and the employee used 26 hours. $710 \text{ hours} + 96 \text{ hours} - 26 \text{ hours} = 780 \text{ hours}$. 780 hours

minus 720 hours = 60 hours. Employee shall be compensated for 25% of the 60 hours over the 720 maximum allowable accumulations. Payment is made in July of each year.

7. Separation from Employment

a) Normal separation:

Compensation will be based on 25% of the sick leave value based on the employee's rate of compensation upon separation.

b) Retirement:

Compensation will be paid based on 50% of the sick leave value based on the employee's rate of compensation at retirement.

8. Donation Credits

A City employee who has sick leave credits beyond thirty (30) days (240 hours) may donate up to 20% to another employee. This will only apply in cases of documented illness where the receiving employee has exhausted all sick leave and vacation credits. Time donated will be converted on a day-for-day (hour for hour) basis. If the receiving employee does not use all of the donated credits, the remaining hours (credits) will be prorated back to employees who voluntarily donated credits per fiscal year.

8.2 Excused City Time

The City recognizes certain absences as excused time off with pay. Where practical, employees shall coordinate their needs for ECT in advance. In case of emergency, employees are expected to call in prior to or within two hours after their normal workday begins to advise of the need to take ECT. A [Leave Request](#) must be completed by all employees prior to taking ECT Leave. Regular employees will be allowed ECT based on need, based on the following guidelines:

1. Administrative Leave

Exempt employees will be granted sixty (60) hours of administrative leave per calendar year. Administrative leave will not be carried over from one calendar year to another. No compensation will be paid for unused Administrative Leave upon separation.

2. Court Summons

An employee may be granted ECT when summoned to appear in court as a witness unless he or she is a party to the case or an expert witness. Employees summoned to appear in their official capacity as a City employee are not covered within this policy. Such attendance is considered a compensated time within the scope of assigned duties.

3. Jury Duty

Employees shall provide documentation of jury duty service to their supervisor. Employees excused for jury duty will be paid their regular compensation and any fees received for jury service. Employees must return to work after jury duty is

completed.

4. Co-worker Death

ECT may be arranged in advance with the employee's supervisor for employees who wish to attend a co-worker's memorial or funeral service within a fifty (50) mile radius. This benefit is also available to Seasonal and Temporary Part-Time employees

5. Death in Immediate Family

Employees will be granted three (3) days of ECT to make funeral arrangements and attend services for immediate family. For the purposes of this policy, "immediate family" includes: spouse, children, mother, father, sister, brother, grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, step family of the same relations and foster parents and children. If travel exceeds 299 miles each way, the employees will be allowed two (2) additional ECT days.

6. Voting

Employees will be granted two (2) consecutive hours of time to vote if they are unable to vote in the hours provided for voting. Requests shall be made in advance of Election Day, and management may specify the hours during which the employee may be absent. This benefit is also available to Seasonal and Temporary Part-Time employees.

8.3 Family and Medical Leave

The [Family and Medical Leave Act](#) (FMLA) gives eligible employees the right to take up to 12 weeks of unpaid leave, or paid leave if it has been earned, in a fiscal year. Employees are required to use accrued paid leave (vacation, sick leave, etc.) as all or part of the 12-week entitlement. Employees on Family and Medical Leave will continue to accrue vacation and sick leave benefits.

1. Definition

A family and medical leave of absence is defined as an approved absence available to eligible employees for up to twelve weeks of unpaid (or paid leave if it has been earned) per fiscal year. Leave may be taken upon the birth of the employee's child, upon the placement of a child with the employee for adoption or foster care, when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee has a serious health condition.

2. Scope

The provisions of this policy shall apply to all family and medical leaves of absence unless the leave is covered under other paid employment benefit plans or policies for any part of the twelve weeks of leave to which the employee is entitled. In other words, if an employee is entitled to paid leave under another benefit plan or policy, the employee may be required to take the paid leave concurrently.

3. Eligibility

To be eligible for leave under this policy an employee must have been employed for at least twelve months in total and must have physically worked at least leave 1250 hours during the twelve-month period preceding the commencement of the leave.

4. Procedures

a) Completion of [Request for Family and Medical Leave of Absence Form](#):

A request for Family and Medical Leave of Absence Form must be completed by the employee. This form should be completed in detail, signed by the employee, submitted to the Human Resources Director. If the leave is foreseeable, the employee must provide at least 30 days' advance notice or as soon as practicable, normally the same business day or next business day if off work when employee learns of need for leave. If less than 30 days' notice is given, the employee may be required to provide an explanation of why 30 days' advance notice was not practicable (i.e., planned medical treatment for a serious health condition of employee or family member, expected birth etc.) If there is an emergency where 30 days cannot be given, notice must be given as soon as possible. Any period of delay in notification may count as non-FLMA absence.

b) All requests for family and medical leaves of absence due to illness:

Will include a completed [Medical Certification form](#) completed by the medical provider.

c) Both forms may be obtained at the Human Resources Office.

5. Provisions Not Addressed in Policy

Any provisions not addressed in this policy will be governed by the Federal Family and Medical Leave Act of 1993 and subsequent amendments.

8.4 Service Member Family and Medical Leave

The Family and Medical Leave Act (FMLA) allows eligible employees to take leave for a covered family member's service in the Armed Forces ("[Servicemember FMLA](#)"). Servicemember FMLA provides eligible employees unpaid leave for anyone, or for a combination, of the following reasons:

1. Qualifying Exigency

A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or

2. Caring for a Covered Family Member

To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

8.5 FMLA-Break Time for Nursing Mothers

1. Policy

The [Patient Protection and Affordable Care Act](#) amended the FLSA to require employers to provide a nursing mother reasonable break time to express breast milk after the birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk.

- a) A reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk; and
- b) A place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

The City shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

For more information, contact the Human Resources Director via [email](#) or at 505-632-6371.

8.6 Holidays

The following 11 days have been designated by the City to be paid holidays for all full-time regular employees. Part-time regular employees are provided paid holidays at one-half the benefit provided to full-time employees, or 4 hours paid for each holiday; seasonal, temporary and student employees will not be paid unless they are schedule to work the holiday and at regular pay:

New Year's Day.....	January 1st
Martin Luther King’s Birthday.....	2nd Monday in January
Presidents Day.....	3rd Monday in February
Memorial Day.....	Last Monday of May
Independence Day.....	July 4th
Labor Day.....	1st Monday in September
Columbus Day.....	2nd Monday of October
Veteran's Day.....	November 11th
Thanksgiving Day.....	4 th Thursday of November
Christmas Day.....	December 25th
Personal Holiday.....	Per calendar year

The actual day to take the holiday may be moved with the approval of City Council.

Regular non-exempt employees who must work on a holiday will be paid for all hours worked (minimum of two (2) hours guaranteed) at a rate of time and one-half time their regular rate. This overtime is in addition to the employee's normal pay for the holiday.

Seasonal, temporary and student employees will be paid for any hours worked on a holiday on a straight-time basis unless the hours worked during the workweek have exceeded the standard forty (40) hours.

8.7 Leave Requests

A [Leave Request](#) must be completed by all employees prior to taking Vacation Leave approved by the Immediate Supervisor or Department Head. This may be done electronically or hard copy. A Leave Request must be completed for all other requests (i.e. administrative, Excused City Time, sick leave, leave without pay, bereavement etc.) within the pay period or upon return to work and must be approved by your Supervisor or Department Head (electronic or hard copy). A Department Head's Leave Request must be approved and signed by the City Manager or designee (electronic or hard copy).

8.8 Leave Without Pay Status

Leave Without Pay (LWOP) may be awarded voluntarily or involuntarily for a variety of reasons. While an employee is on LWOP status, they are on the inactive payroll and all employer benefit contributions are suspended. NOTE: The Family Medical Leave Act (FMLA) provides for a continuation of benefit payments for qualifying events.

1. Involuntary LWOP

Employees are usually assigned to this status for disciplinary reasons as a result of employee misconduct. In those cases, LWOP status assumes the form of suspension from duty without pay for a specific period of time. Involuntary LWOP status is initiated by the Department Head and approved by the City Manager. This action may be appealed (see Appeal Process 11.5).

2. Voluntary LWOP

LWOP may be approved only when all other leave has been exhausted. This type of leave may be requested by employees for a variety of reasons not covered under the FMLA. Approval of LWOP is discretionary on a case-by-case basis. Each request will be considered in terms of workload, staffing levels, business necessity, and availability of personnel, timeliness, and other job-related factors. Voluntary LWOP status must be initiated by the Department Head and approved by the City Manager.

3. Reinstatement from Involuntary 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.

The immediate Supervisor or Department Head is responsible to make sure that employees 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 both his/her share and the City's share. If the LWOP status is due to medical disability as defined by the FMLA, the employee may continue to be covered under the City's group insurance by paying only his/her portion of the benefit. All other contributions such as accrual of Sick and Vacation Leave, Holiday Pay, contributions to PERA and all other kinds of paid leave are forfeited during the period of LWOP.

8.9 Military Leave

The City supports employee participation in military reserve and National Guard service and associated annual and/or special training programs. City employees will be provided time off to attend annual encampments and/or special training sessions required to maintain "Active Reserve or Guard" status. Employees are required to coordinate training attendance requirements with management to ensure that proper scheduling requirements are taken into consideration.

1. Eligibility

City employees who are active members of the National Guard, Air National Guard or other active Reserve Components of the Armed forces are eligible to apply and receive approval, where appropriate, for Excused City Time (ECT) to attend annual encampments and/or training sessions or other related training requirements.

2. ECT

Employees will be granted ECT under the following conditions:

- a) To attend annual two-week encampments and/or training sessions.
- b) To attend cruises associated with encampments and/or training sessions.
- c) To attend service schools relative to special courses of instructions.
- d) To meet mandatory penalty training requirements imposed as a result of missing training sessions. These sessions normally require absences up to forty-five (45) days.
- e) To perform active duty in emergencies declared by the Governor or for short periods of time not to exceed twenty-five (25) days.

City employees will be provided ECT (administrative time off) for only fifteen (15) days. Additional time off will be non-compensated (LWOP), unless vacation time is used.

3. Scheduling

Because encampments and/or training sessions are typically scheduled in advance, employees must advise management of the need to attend training sessions no later than three (3) months in advance. A written request outlining the

dates of training and enclosing notice of training (orders, etc.) must be provided, unless an exception is approved by the City Manager.

4. Compensation & Benefits on ECT

Military pay (base pay only) received will offset City compensation (base salary). Upon return from military service, employees will present to the Payroll Specialist the official record of their military compensation. Based on the military base pay received, the balance of the proper City base pay will be paid. EXAMPLE: If military base pay was \$700.00 and normal City base pay is \$960.00, the employee would be entitled to a City payment of \$260.00, less appropriate taxes and payroll deductions. Vacation and Allowable Sick Time will continue to accrue during period of service. Medical and dental coverage and like benefits will continue, and where appropriate, the employee share of premium deductions applies. In cases of non-pay status, the employee may arrange to continue medical and dental coverage by separate payments of his/her elected coverage premium amount. Pre-arrangements should be made before departing for training (contact Payroll Specialist).

5. Reinstatement

If military service results in extended military duty the City employee will be eligible for employment reinstatement rights upon completion of active duty service. The employee shall be reinstated within a reasonable time to the same position or to a position of like seniority, status and pay upon application within ninety (90) days after being relieved from active military service.

8.10 Vacation Leave

1. Regular Full-Time and Part Time

The City grants vacation leave to its regular full-time and part-time employees. Regular, full-time employees earn vacation credits on a monthly basis at the following rates:

Regular Full-time Employees

<u>Years of Service</u>	<u>Accrual Rate</u>
0-5 years	8 hours per month/12 days per year
5-10 years	10 hours per month/15 days per year
10 or more years	14 hours per month/21 days per year

Regular part-time employees earn vacation credit prorated based on a 40-hour work week. (An employee who works 20 hours per week earns 50% credit; and employee who works 32 hours per weeks earns 80% credit). Accrual begins the first day of employment. Vacation leave will not accrue while an employee is on a non-pay (LWOP) status.

2. Milestone

New credits are awarded at the beginning of the service milestone year. Example: Employment begins April 15, 2020, Effective April 15, 2025, new milestone credits based on “5 but less than 10” years will begin.

3. Seasonal/Temporary/Student

These positions do not receive vacation credits, but may take leave without pay, if approved in advance by the employee’s supervisor.

4. Maximum Accrual

Vacation credits may be carried forward from fiscal year to fiscal year. The maximum accruals are as follows:

Years of City Employment (most recent employment)	Maximum Hrs. per Fiscal Year End (June 30)	Maximum Days per Fiscal Year End (June 30)
Less than 5 years	240 hours	30 days
5 but less than 10 years	300 hours	37.5 days
10 and more years	360 hours	45 days

Employees whose credits exceed those listed above as of June 30 will lose the credits in excess of the maximum stated amounts.

5. Urgent Work Situations

Sometimes due to urgent work situations, an employee may be unable to take a planned vacation. When this occurs, and the employee would be subject to a loss of vacation credits (maximum carry-forward), a cash settlement for possible lost credits may be appropriate. The facts regarding the urgent work situation will be documented and submitted to the City Manager for consideration. In no case should a commitment of an “urgent work environment” be made until the documentation is reviewed and acted upon by the City Manager. Settlement for management employees must be referred to the City Council for consideration.

6. Cash Settlement at Job Separation

Employees will be paid for unused vacation credits upon separation of employment. Payment will be made on the basis of the employee’s normal salary at separation.

7. Scheduling

City supervisors and managers will ensure that an “annual vacation schedule” is established. Vacation may be taken as weekly periods, individual days, or even hourly increments as long as the periods chosen meet with departmental approval. It is important that the vacation schedule take into consideration work activity during the year. Each employee will be given the opportunity to indicate their preference for a planned vacation. If a conflict in scheduling occurs, the employee with greater seniority will be given preference. Although vacation should be scheduled, “unscheduled” [vacation requests](#) will be appropriately considered. Unscheduled vacation requests must be made as soon as possible.

9. EMPLOYEE CONDUCT

9.1 Policy

In accordance with City of Bloomfield Policy, certain fundamental values characterize the city in which we work and guide us in the accomplishment of this mission. Those values include the dignity and worth of each individual, open and honest communication and teamwork and cooperation. To carry out this policy, employees will work together, and with citizens, in a professional and respectful environment which reflects these values.

Employees are expected to treat each other in a professional manner while conducting business. Discourteous or offensive behavior directed toward staff, or others will not be tolerated and will result in disciplinary action. Examples of such prohibited behavior include, but are not limited to:

- Bullying or berating others
 - Verbal bullying. Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
 - Gesture bullying. Nonverbal gestures that can convey threatening messages.
 - Exclusion. Socially or physically excluding or disregarding a person in work-related activities.
- Physical or verbal intimidation, such as shouting or angry outbursts directed toward others
- Derogatory verbal or physical behavior, such as name-calling
- Directing profanity toward others

City of Bloomfield Work-rules

Consistent with this and other relevant City policies, all employees at the City of Bloomfield are expected to refrain from disrespectful behavior. Examples of disrespectful behavior can include, but are not limited to, the following:

- Use of threatening or abusive language, profanity or language that is intended to be, or is perceived by others to be, demeaning, berating, rude, or offensive;
- Bullying
- Making threats of violence, retribution, litigation, or financial harm; shouting or engaging in other speech, conduct or mannerisms that are reasonably perceived by others to represent intimidation or harassment;

- Using racial or ethnic slurs; demonstrating racial, gender, sexual orientation, or cultural bias;
- Making or telling jokes that are intended to be, or that are reasonably perceived by others to be, crude or offensive; teasing, name calling, ridicule or making someone the brunt of pranks or practical jokes;
- Using sarcasm or cynicism directed as a personal attack on others;
- Spreading rumors or gossip;
- Making comments or engaging in behavior that is untruthful or directed as a personal attack on the professional conduct of others;
- Making actual or threatened inappropriate physical contact; see also City Policy:
- Throwing instruments, tools, office equipment, or other items as an expression of anger, criticism, or threat, or in an otherwise disrespectful or abusive manner;
- Retaliation
- Engaging in any pattern of disruptive behavior or interaction that could interfere with the workplace or adversely impact the quality of services.
- Behavior that has the effect of humiliating others
- Mobbing (group behavior)
- Other unprofessional or inappropriate behavior
- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.

- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Discourteous or offensive behavior also includes written or electronic communication, as well as group behavior (e.g. "mobbing") which has a negative impact on the workplace and/or on others.

Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possible in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

Employees who believe they are being subjected to discourteous or offensive behavior are encouraged, when appropriate, to ask the person engaging in the behavior to stop. If an employee is uncomfortable doing so, or if the behavior continues, the employee should report the incident to his/her immediate supervisor. If the employee is not comfortable reporting the matter to his/her immediate supervisor, the employee should contact the supervisor's manager. Employees may also contact their Human Resources Representative.

Reports of unprofessional behavior should be taken seriously by supervisors and managers and followed up on as promptly as is reasonably possible. A supervisor or manager who receives a report should acknowledge receipt of it within five business days. Upon completion of any follow up, the responsible supervisor or manager should also advise the person who made the report that the matter has been reviewed and addressed.

Violation of these standards may be cause for disciplinary action, up to and including termination. Disciplinary action will be determined on a case-by-case basis depending upon the severity of the behavior and whether it is a repeated or an isolated instance. Employees may also be subject to disciplinary action for making false complaints or allegations of discourteous or offensive behavior. Discourteous or offensive behavior that involves forms of unlawful discrimination or harassment based on a protected status under state or federal law.

9.2 Confidentiality

City policy requires that employees follow the applicable city policies, state or federal laws when releasing confidential information to outside sources.

9.3 Conflict of Interest

City policy requires that no employee will have a direct or indirect financial interest or by reason of corporate stock ownership, in any contract or in the sale to the City or to a contractor supplying the City of any land rights or interests in any land, material, supplies, equipment or services.

9.4 Dating

The City discourages dating between co-workers. The City prohibits dating between supervisors and subordinates within the same department.

9.5 Dress

A neat, business-like appearance and good hygiene are job requirements. It is expected that all employees exercise good judgment and dress appropriately for their jobs. Low cut tops are not allowed. Tattoos and body piercings (other than standard ear piercings) should be concealed in order to present a professional appearance. The following factors should be considered when determining appropriate dress:

- The nature of the employee's work.
- Safety considerations, such as necessary precautions when working near machinery or hazardous work areas. Employees will be required to wear proper safety equipment at all times, without exception for any reason.
- The nature of the employee's public contact, if any, and the normal expectations of outside parties with whom they will work.
- The prevailing dress practices of other workers in similar jobs.
- The City recognizes "Casual Friday" for 8 hr. employees and "Casual Thursday" for 10 hr. employees, with the following restrictions: No tee-shirts or beach-type flip flops. Jeans must be in good condition. The City reserves the right to revoke this privilege.

When an employee's dress or hygiene does not comply with established standards, the supervisor will discuss the matter with the employee. The supervisor may take disciplinary action if the conduct continues to fail to comply with this standard.

9.6 Drug Free Workplace

1. Health and Safety

Abuse of drugs or alcohol on the job is unsafe. Substance abuse poses a significant health and safety threat to employees, co-workers and employers. The United States government has imposed legislation and regulations requiring a Drug Free Workplace. The City is required to implement comprehensive policies and procedures addressing workplace substance abuse.

2. Treatment

Chemical dependency may be successfully treated, allowing the employee to maintain or to return to satisfactory job performance. City policy is not to discipline an employee for chemical dependency, in and of itself. The City strongly encourages an employee who recognizes that he or she has a substance abuse problem to voluntarily seek assistance through medical providers and/or appropriate treatment programs.

3. Alcohol and Drug Use Prohibited at Work

The City prohibits employees (and others) from using, possessing, manufacturing, or transferring alcohol, drugs, or other controlled substances on City Property or in City vehicles, including personal vehicles, when used for City business. Intentional misuse of prescription drugs also violates this Policy. Violations will result in immediate termination for the first violation.

4. Pre-employment Testing

The City will conduct pre-employment substance abuse testing for all applicants for illegal or controlled substances. "Substances" are defined as any illegal or controlled drugs, including prescription medications. The term "abuse" may include "use." The testing cost will be paid by the City. Testing procedures will be conducted in a controlled manner that complies with legal requirements. Testing will be conducted with reasonable sensitivity to the applicant's privacy. Testing laboratories (or medical providers) used will be certified to meet governmental standards. Applicants testing positive for substances (besides medically prescribed drugs/medications), will be denied employment. Applicants may re-apply after six (6) months from the application.

5. Fitness for Duty Determinations

Employees are required to report to work unimpaired, in a mental and physical condition allowing them to perform their jobs productively. It is the ongoing responsibility of an employee's supervisor to determine the employee's fitness for duty while on work duty. If an employee, while on the job, is believed to be under the influence of alcohol or non-prescribed, illegal drugs or other controlled substances, the employee could be a risk to himself/herself and others. If a supervisor or management representative believes that there is a potential risk to the security, health and safety of the employee, a co-worker or others, the supervisor or management representative is required to initiate fitness-for-duty or reasonable-suspicion substance abuse testing.

6. "For Cause" Substance Testing

"For-cause" substance testing may be required for, but not limited to involvement in a work-related vehicle (City owned or leased) crashes, industrial accidents, police shootings, or incidents that did or could have caused property damage.

All City of Bloomfield employees are subject to post-accident drug and alcohol testing

when their actions or conduct contributed to an accident or vehicle crash; or cannot be completely discounted as a contributing factor to the accident; and where medical attention, greater than on-site first aid treatment, is required or where property damage exceeds \$1,000.

7. “Reasonable Suspicion” Testing

Substance testing may be performed on any employee if there is reasonable suspicion to believe that he/she may be under the influence of drugs or alcohol. Reasonable suspicion may include but is not limited to:

- a) abnormal or erratic behavior,
- b) physical symptoms such as slurred speech, poor or lack of coordination, glazed or bloodshot eyes, or a distinct breath odor,
- c) abnormal decline in work performance,
- d) frequent absence or tardiness, or
- e) adequately based information from a reliable source.

8. Random Testing

The City reserves the right to random test any employee for substance abuse.

9. Refusal to Test

An employee who refuses testing will be immediately suspended and placed on administrative leave status (pay or non-pay) pending investigation. Employment reinstatement with back pay and/or employment termination could follow given to the investigation findings.

10. Positive Test

Any employee, regardless of job classification, who tests positive for any substance abuse will be subject to termination for the first offense.

11. Reporting Job Related Convictions

An employee who is convicted, pleads nolo contendere, or is subject to the imposition of a sentence for on-the-job activity involving illegal drugs, controlled substances or alcohol is considered in violation of this policy, which will be subject to termination for the first offense. Employees are required to report such convictions to the Human Resources Director and/or City Manager within five (5) days of the conviction (court action). A conviction includes, but is not limited to manufacture, distribution, sale, use or possession of any illegal drugs or controlled substance for which the individual does not have a current prescription from a licensed physician and DWI/DUI. Non-work-related arrests must be reported by the next scheduled shift.

9.7 E-Mail, Internet and Voice Mail Policy

1. Introduction

The City’s technology resources, including desktop, laptop and portable computer machines, Internet (“web”) access, voice mail, and electronic mail (“e- mail”) provide

employees quick and efficient access to information. When used properly, these resources greatly enhance employee productivity and knowledge. This policy applies to all technological resources which are owned by the City, used on or accessed from City premises, or that are used for City business. It also applies to all activities using any City paid accounts or other tech services, such as Internet and Web access, voice mail and e-mail, whether or not the activity was conducted from City premises.

2. City Supplied Communications Systems

City supplied communications systems, including but not limited to, voice mail, e-mail, electronic mailing lists, and cell phones, are intended to assist the City and its employees' performance of City-related business only. All City supplied communication systems are City property. As such, all voice mail, e-mail and text messages created, sent and received are City property. The City reserves the right to retrieve and read any message composed, sent or received. Even when a message is deleted, it is still possible to recreate the message. The ultimate privacy of messages is not guaranteed to anyone. Despite the City's right to retrieve, read or listen to any such messages, they should be treated as confidential by other City employees and accessed only by the intended recipient. Employees are not authorized to retrieve or listen to any messages that are not sent to them. Employees shall not attempt to gain access to another person's messages or files without proper authorization.

City supplied communications systems may not be used to solicit for commercial ventures, religious or political causes, investment, pyramid schemes, chain letters, spamming (unsolicited e-mail), or other non-City related purposes. In addition, City supplied communication systems may not be used to create or disseminate any offensive or disruptive messages. Messages that contain obscenity, pornography, threats, intimidation, defamatory content, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that are intended or likely to offend a reasonable person on the basis of his or her age, physical or mental disability, gender, race, religion, national origin, physical attributes, sexual orientation, or other classification protected by law are strictly prohibited.

3. Internet Access

City supplied Internet access is supplied to assist the City and its employees in the performance of City-related business only. City supplied web access may not be used to create or send any offensive or disruptive messages, or to create, send, store, transmit, forward, cut, paste, copy, print, save, send by fax, upload, or download any messages in violation of the copyrights, trademarks, service marks, trade secrets, patents, intellectual property or other confidential or proprietary information of any party. Further, Internet access to sites and services which contain obscenity, pornography, threats, intimidation, defamation, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that are intended to or are likely to offend a reasonable person on the basis of his or her age, physical or mental disability, gender, race, religion, national origin, physical attributes, sexual orientation, or any other classification protected by law are strictly prohibited.

In addition to these restrictions, City supplied Internet access may not be used for the unauthorized copying or transmission of text, software, photographs, video images,

graphics, music or sound recordings. City supplied Internet access is provided for City-related use only and should not be used for the benefit of any individual or other business. Employees are prohibited from playing web-based games during normal work hours. Download of any software must be approved by the IT Specialist, unless approved by the Department Head.

4. Public Requests for E-mail Records

E-mail correspondence among elected officials to discuss public business is subject to the open meetings law, [NM 14-2-6]. Moreover, e-mail correspondence between the City employees may be a public record pursuant to [NM 14-2-6] and may be subject to public inspection. E-mail messages and attachments that are public record shall be made available for public inspection as provided by law. Each employee is the custodian of his or her incoming and outgoing e-mail. Whenever a request is made for e-mail records pursuant to [NM 14-2-6] the employee in question shall consult with the City Clerk or City Attorney to determine whether the requested records are public. When e-mail records are requested under [NM 14-2-6], the employee shall use whatever methods are efficient and cost-effective for the requesting person to inspect and copy the requested records. In order to facilitate research and retrieval of e-mail records that may be requested by the public, employees should take care to use a descriptive subject line that accurately reflects the topic of the e-mail correspondence.

By using City supplied communication systems and web access, and by signing an acknowledgement of this policy, employee consents to the City reviewing, intercepting, and/or disclosing all documents or messages created by, received by, sent by or on City communication systems. Unauthorized use of City supplied communications systems and web access may be grounds for disciplinary action, up to and including termination.

9.8 Ethics

City employees may not use their positions for personal gain or to give unwarranted benefit or treatment to any person. The City respects the employee's right to engage in activities outside his or her employment which are private in nature and do not in any way conflict with or reflect poorly on the City. The City reserves the right however, to determine when an ethics violation has occurred.

1. Misuse of Official Position

City employees may not use their official position to secure employment or obtain contracts from other organizations; accept pay from anyone other than the City for the performance of their official duties; take or withhold official action on a matter in which they have an outside personal or financial interest; use City time, equipment, property or facilities for personal and/or financial benefit; or coerce subordinates in any manner which will result in outside financial benefit to the supervisor.

2. Gifts

City employees may not accept gifts exceeding a nominal value that benefit the

employee's personal or financial interest if it can be reasonably inferred that the gift is intended to influence the employee's actions or judgment. Any gift received by an employee, whose action can affect the giver, must be reported to the employee's supervisor immediately. Gifts include money, items of value, services, loans, travel, entertainment, hospitality and employment.

3. Improper influence

No City employee whose action or inaction can affect the award, administration of a City grant or contractor loan, may apply for, be a party to or have an interest in that city grant, contract or loan.

4. Improper Representation

No City employee may accept outside payment or financial benefit to represent, advise, or assist an individual in any matter being handled by the employee's administrative department.

5. Legal Requirements

No employee will do anything in the conduct of business which would violate any local, state, or federal law.

6. Aiding a Violation of Employee Ethics Policy

Aiding another city employee to violate this policy is prohibited.

9.9 Outside Employment

The City depends on each employee to devote full attention and effort to City job duties and considers City employment an employee's "primary" job. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. An employee wishing secondary employment, including self-employment, will submit a written request prior to accepting the job stating the type of employment and work hours involved. The request will be submitted to the employee's immediate supervisor for evaluation and approval by the Department Head and City Manager. The criteria to evaluate the request include whether the position:

1. Interferes with the employee's performance at the City
2. Represents a conflict of interest or
3. Harm's the City's credibility

Failure to comply with this procedure may be grounds for disciplinary action, up to and including termination.

9.10 Political Activity

No City employee shall hold an elected office with the City of Bloomfield. City employees may participate in political campaigns, distribute literature or solicit political contributions or membership, provided that the activity is conducted away from the City premises, and is not conducted during working hours, or using a City vehicle. City employees shall not hold an elected political office if it will negatively affect the employee's performance or creates a

conflict of interest with City work, as determined by the City Council. Membership on a local school board or an elected position with any post-secondary educational institution will not be considered holding a political office. Any employee elected to a City office must resign from City employment. City employees are free to hold membership in and supporting a political party; to vote; to express public or private opinions on political subjects and candidates, or to actively participate or decline to participate in any political meeting.

9.11 Smoking and Tobacco

In compliance with State and Federal laws regarding smoking in government buildings, it is against the City's policy to smoke in City buildings or City vehicles. Government buildings and vehicles are considered an extension of the "office". Therefore, NO SMOKING, of any kind, of any substance, is allowed in any City facility, building, property, vehicle, within fifty (50) feet of an entrance. Smokeless tobacco is also prohibited in City buildings and vehicles. This policy is designed to ensure the City maintains a Smoke Free/Tobacco Free environment and workplace.

9.12 Social Media Policy

At City of Bloomfield we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for City of Bloomfield. Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

1. Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Bloomfield, as well as any other form of electronic communication.

The same principles and guidelines found in City of Bloomfield policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects elected officials', customers, suppliers, people who work on behalf of the City of Bloomfield or the City of Bloomfield's legitimate business interests may result in disciplinary action up to and including termination.

2. Know and follow the Work-rules

Carefully read these guidelines, the City of Bloomfield's Statement of Ethics Policy, the City's Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

3. Be respectful

Always be fair and courteous to fellow co-workers, customers, suppliers or people who work on behalf of the City of Bloomfield. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

4. Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Bloomfield, fellow employees', volunteers, customers, suppliers, or people working on behalf of the City of Bloomfield.

5. Post only appropriate and respectful content

Maintain the confidentiality of the City of Bloomfield trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications. Do not create a link from your blog, website or other social networking site to a City of Bloomfield website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City of Bloomfield. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of City, fellow co-workers, customers, suppliers or people working on behalf of City. If you do publish a blog or post online related to the work you do or subjects associated with the City of Bloomfield, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Bloomfield."

6. Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the City Policy. Do not use the City of Bloomfield's email addresses to register on social networks, blogs or other online tools utilized for personal use.

7. Retaliation is prohibited

The City of Bloomfield prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

9.13 Media Contact

The City strives to keep the public well-informed by cooperating fully and impartially with authorized news media representatives in their efforts to gather factual information pertaining to City business. Release of non-routine or sensitive information should be cleared by the Department Head and/or City Manager prior to release.

9.14 Telephone and Cell Phone Use

The telephone system is intended primarily to serve the needs of the City. It is essential that each employee keep personal use from interfering with that purpose. If you have personal calls, including text messages, to make, try to do so during non-work periods. Employees should minimize the number of personal calls they receive, including on their personal cell phones. Personal long-distance calls may not be charged to the City at any time. Emergency personal calls will be placed collect to the receiving number or charged to the employee's private home number. If you use a cell phone for City business, if you are driving, you are encouraged to pull off the side of the road to make or take cell phone calls, with the exception of Police and Fire employees. Employees who abuse this policy may be subject to discipline.

9.15 Employee Cell Phone Use & Allowance Policy

The City of Bloomfield (City) recognizes the need for certain personnel to own and use cell phones to complete and enhance their job performance. This policy establishes the procedures for cell phone authorization, reimbursement, and use. Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a cell phone allowance, to cover business-related costs on their personal cell phones. No further reimbursement for cell phone costs is available to employees who receive such an allowance. The City shall maintain a limited number of cell phones assigned to a specific department or piece of equipment. These and all cell phones are intended to be used only during working hours and personal use of these phones is strictly prohibited during scheduled working hours.

As a general rule, cell phones should not be selected as an alternative to other means of communication (e.g., landlines, pagers, and radio phones) when such alternatives would provide adequate, but less costly, service to the City.

Cell Phone Allowance

(a) **Eligibility:** Employees eligible for a cell phone allowance generally include department heads, supervisors, and employees whose job duties regularly require emergency call back, irregular working hours, and/or other job-related factors that require the employee to routinely utilize a cell phone to enhance his ability to perform his job duties. Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The City Manager shall give final approval on all cell phone allowances.

(b) **Allowance Amount:** The standard, monthly, cell phone allowance amount shall be \$35.00. No, further reimbursement for cell phone costs is available to employees who receive an allowance.

(c) **Allowance Payment:** The approved, cell phone allowance will be paid in twelve (12), monthly allotments as part of the employee's second paycheck of each month and will be subject to all, applicable payroll taxes. This allowance does not constitute an increase to base pay and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc. and does not affect the employee's retirement.

Employee Responsibilities: The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide his department head and the City's Information Technology Department with his current, cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry their cell phones on their persons both on and off duty and respond when called for City business.

Employees may choose the cellular service provider and plan design of their choice. Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes as needed. Use of the phone in any manner contrary to City policies or local, state, and/or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance and/or disciplinary action up to and including termination.

If, prior to the end of the cell phone contract, a personal decision by the employee, employee misconduct, and/or misuse of the phone result in the cell phone allowance being discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. For example, if an employee resigns and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

Any and all costs associated directly or indirectly with an employee's cellular telephone contract above the amount paid by the allowance are the responsibility of the employee. It is not expected that the amount of the allowance will always cover the total cost of the service plan, since it is expected that the communication device will be used for personal use as well as business use. The cellular telephone allowance does not permit the employee to violate the City's other policies regarding cell phone usage, including personal use of cell phones

while on City time.

All decisions regarding the granting, denial, and removal of a cellular telephone allowance are entirely at the discretion of the City Manager and are non-grievable as well as non-appealable.

Department Assigned Cell Phones: City-owned cell phones assigned to departments shall be used on an as-needed basis during the workday and are intended solely for City business use. Personal use of such phones for anything other than a personal emergency shall subject the employee to disciplinary action and require appropriate reimbursement to the City.

Inspection of Public Records Act (IPRA): Employee-owned cell phones that are used for business purposes may be subject to IPRA unless any, applicable exceptions to IPRA apply. By applying for and accepting the cellular telephone allowance, the employee recognizes and agrees that the employee's information stored on his personal cell phone (including, but not limited to, e-mails, text messages, pictures, video, notes, etc.) is subject to IPRA. The employee, furthermore, agrees to cooperate with the City in responding to any, applicable IPRA requests regarding the employee's cell phone.

9.16 Uniforms

The City provides uniforms for employees as budgeted funds are available and as required in Departmental Policies. Uniforms are to be returned on separation for the City.

9.17 Use of City Vehicles

Employees who are required to drive City vehicles are required to successfully pass a Defensive Driving course every three (3) years or such other intervals as may be required by the City's insurer. Driving records will be checked monthly for all employees required to drive City vehicles. City vehicles shall not be used to carry passengers other than in the interior or cab of the vehicles; the vehicle shall not be used to carry passengers in excess of the capacity thereof; shall not be used to push, propel or tow any vehicle, trailer or any other thing that is not within the scope of the job, without written permission of the City; shall not use the vehicle for any race or competition or for any illegal purpose; shall not be operated in a negligent manner; shall not be operated by any other person without written permission; and shall not carry passengers, property or materials in excess of the rated weight carrying capacity of the vehicle. Department policy may allow special use under certain circumstances.

9.18 Use of City Property or Facilities

You are expected to exercise care in the use of City property and facilities. Negligence or unauthorized removal of property may be cause for disciplinary action. City property or facilities may not be used by any employee for personal use, or by the general public, except as approved in writing by the City Manager. At the end of your employment, all City property issued to you must be returned, (i.e., manuals, files, laptops, software, keys, cell phones, pagers, etc.). It is your responsibility to return City issued property to your Department Head or Supervisor.

9.19 Workplace searches

City facilities and equipment do not belong to the employee, and the employee has no expectation or right of privacy in using the facilities and equipment. The City retains the right to search all City facilities and equipment if there is a reasonable basis to do so.

10. EMPLOYEE EVALUATION

10.1 Purpose

The performance evaluation provides a means for discussing, planning and reviewing the performance of each employee. Regular performance evaluations:

- help employees clearly define and understand their responsibilities;
- suggest ways in which employees can improve performance;
- provides a fair basis for awarding compensation based on merit;
- provides a forum for goal setting.

10.2 Evaluation Schedule

All Full Time Regular and Part Time Regular employees shall be given a [performance review](#):

- Upon completion of 3 and 9 months from starting employment or new position.
- Upon completion of the probationary period, or other times as deemed necessary by supervisor.
- Annually for all full-time and part-time regular employees at a time(s) to be determined by the Human Resources Director and approved by City Manager.

10.3 Evaluation Coordination

Supervisors are primarily responsible for initiating the performance evaluation. The Human Resources Director shall maintain a schedule of performance evaluation timetables and shall send a reminder to each Supervisor or Department Head.

11. DISCIPLINARY ACTION

11.1 Expectations

The City expects employees to perform their assigned duties at or above satisfactory levels, to follow accepted standards of workplace behavior, and to comply with all laws, rules and regulations. Supervisors and management should provide constructive coaching and feedback, and may impose disciplinary action, up to and including termination, based on the severity of conduct.

11.2 Management Responsibility

Department Heads and Supervisors have the responsibility of identifying, evaluating and instituting measures to correct performance issues. Department Heads and Supervisors are expected to use the following prevention strategies:

1. Communicate the City's expected performance and behavioral standards.
2. Communicate the City's disciplinary system.
3. Provide employees training, recognition and feedback on performance standards.
4. Productively conduct periodic performance evaluations.
5. Apply positive disciplinary measures.
6. Apply progressive disciplinary measures when possible.

11.3 Progressive Discipline Policy

Purpose

The City of Bloomfield's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues.

Outlined below are the steps of the City of Bloomfield's 's progressive discipline policy and procedures. The City of Bloomfield's reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and performance issues have on the City.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Bloomfield's and its employees.

11.4 Procedure

Step 1: Counseling and verbal warning

A counseling and verbal warning creates an opportunity for the immediate

supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

Step 2: Written warning

A written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During Step 2, the immediate supervisor and a division manager or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

Step 3: Suspension and final written warning

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from a next-level manager and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. In compliance with the Fair Labor Standards Act (FLSA), unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance to

ensure that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee of wrongdoing.

Step 4: Recommendation for termination of employment

The last and most serious step in the progressive discipline process is a recommendation to terminate employment. Generally, the City of Bloomfield will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the employee from the workplace before proceeding to a recommendation to terminate employment. However, City of Bloomfield reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by City Manager.

11.5 Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may result in immediate termination. Such behavior may be reported to local law enforcement authorities. Similarly, theft, substance abuse, intoxication, sexual harassment, fighting and other acts of violence at work are also not subject to progressive discipline and may be grounds for immediate termination.

11.6 Documentation

The employee will be provided copies of all progressive discipline documentation, including performance improvement plans, if any. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

11.7 Grounds for Discipline

1. Probationary Employees

At any time during the probationary period, or any extensions thereof, an employee whose performance does not meet the required standards of the position will be terminated if the supervisor does not believe that an extension of the probationary period would be beneficial. Probationary employees do not have the right to the grievance procedure since the probationary period is the final step in the selection process.

2. General Grounds

In general, grounds for discipline, up to termination, include but are not limited to:

- a) neglect of or failure to perform assigned job duties;

- b) interference with other employees' efforts to perform their job duties;
- c) violation of federal, state or local laws and regulations; and
- d) violation of City policy or departmental policy.

3. Specific Grounds

Specific reasons for discipline, up to termination, include but are not limited to:

- Insubordination, willful failure to obey lawful order of your supervisor.
- Violation of the City's Work-rules
- Continued, unsatisfactory performance of duties.
- Failure to work overtime when directed to do so by a supervisor.
- Inability to work satisfactorily with others.
- Conduct unbecoming of a City employee: (1) abusive attitude, language or conduct toward employees or others; (2) abuse of authority over employees or others; and (3) on or off-duty conduct that may harm the reputation of the City.
- Violation of safety laws, regulations, or guidelines.
- Negligence or careless in job performance.
- Negligence or loss of City property.
- Unexcused or excessive absenteeism and repeated tardiness.
- Violation of equal employment opportunity laws, including harassment and discrimination. (See Section 3).
- Willful and unauthorized removal and control of City, employee or general public's property.
- Preferential treatment of individuals or firms.
- Misappropriation or conversion of City, co-worker or the general public's property.
- Violating the Drug Free Workplace policy, even on the first offense.
- Fighting, restraining, or attacking any employee or other person while on duty; coercion, intimidation, assault, including sexual assault, or threat of reprisal to any other employee.
- Willful falsification or omission of City documents, records, forms or information required by the City.
- Conduct that is a violation of public policy or trust or is corrupt.
- Disclosure of confidential information.
- Conflicts of interest (the improper use of position or confidential information for personal benefit or for the benefit of others).
- Criminal activity which jeopardizes effective or efficient business practices; poses a threat to the safety or security of persons or property; and failure to report pending criminal investigations and convictions.
- Theft or vandalism of City property.
- Ethical violations including misuse of position or acceptance of bribes, gifts or favors in exchange for favorable City action.

- Abuse of the legitimate grievance process resulting in repeated unsubstantiated claims.
- Abuse of meal or rest periods.

4. Considerations

When determining the appropriate disciplinary action, the department head or supervisor should consider factors including, but not limited to:

- a) Seriousness and consequences of the performance deficiency.
- b) Employee's previous performance and/or conduct record.
- c) Previous disciplinary action for similar performance deficiencies.
- d) The disciplinary action that would be effective in correcting the employee's performance deficiency.

11.8 Employee Due Process Rights for Non-Probationary Employees

1. Notice of Intent

- a) All intended disciplinary action that results in unpaid suspension of 3 days or more, demotion that results in a reduction of pay, or termination, shall be provided in writing to the employee, which shall include:
 - The intended disciplinary action and date to be imposed.
 - Reasons for the action, including a statement of facts of each instance of unsatisfactory job performance resulting in the intended discipline.
 - The employee's right to respond, orally or in writing, within five (5) working days of the notice, or to challenge the intended action.

2. Notice of Disciplinary Action.

After considering the employee's response to the Notice of Intent, if a decision is made to impose the action, a Notice of Disciplinary Action shall be made in writing to the employee that shall include:

- a) Notice to the effective date of the action.
- b) Reasons for the action, including a statement of facts of each instance of unsatisfactory job performance resulting in the action.
- c) A list of exhibits and witnesses supporting the statement of facts, including audio and video.
- d) The employee's right to appeal the action by submitting a written letter to the Human Resources Director within ten (10) working days of the Notice.

11.9 Appeals

Any regular employee who has successfully completed his or her initial probationary period who is suspended without pay for a period of 3 days or more, involuntarily demoted resulting in a reduction of pay, or involuntarily terminated, may appeal the action by filing a written Notice of Appeal with the Human Resources Director within ten (10) working days after the

Notice of Disciplinary Action. An employee's failure to file a written Notice of Appeal within this time terminates the right to a hearing, and the suspension without pay, demotion or termination shall be final.

11.10 Appeal Hearing Procedure

The Mayor will appoint a Hearing Officer to hear the appeal. Within fourteen (14) calendar days of the receipt of Notice of Appeal, the Hearing Officer will set a hearing date, which shall be held within a reasonable time, not to exceed sixty (60) calendar days from receipt of the Notice of Appeal. The employee must appear in person at the hearing and may present evidence. The employee may be represented by legal counsel. The case for the disciplinary action shall be made by the manager taking the action (Department Head or higher authority) and may have the City Attorney's assistance in presenting the case. The hearing shall not be bound by formal rules of evidence, but they will be used as a guide, as determined by the Hearing Officer. The hearing shall be a closed meeting. Testimony shall be under oath. The hearing shall begin with the Manager's designee presenting evidence supporting the action, followed by the employee's defense and evidence, and will end with rebuttal by the Manager's designee.

11.11 Appeal Disposition.

1. Employees less than a Department Head

Within fourteen (14) workdays after the hearing, the Hearing Officer shall report findings and recommendations to the City Manager. If the Hearing Officer does not sustain the City action, the Hearing Officer's findings and recommendations shall be advisory in nature. The City Manager will have final discretion to affirm the original action or modify it pursuant to the Hearing Officer's recommendations. The employee will not have a right of rehearing or to present additional evidence to the City Manager. The City Manager will act solely on the findings and recommendations of the Hearing Officer.

2. Department Heads and Higher

The Hearing Officer's findings and recommendations shall be reported to City Council on the first regular Council session after the hearing. If the Hearing Officer does not sustain the City action, the Hearing Officer's findings and recommendations shall be advisory in nature. The City Council may affirm the original action or modify it pursuant to the Hearing Officer's recommendations. The employee will not have a right of rehearing or to present additional evidence to the City Council. The City Council will act solely on the findings and recommendations of the Hearing Officer.

12. EMPLOYEE GRIEVANCES

12.1 Purpose

It is City policy to provide for an orderly, informed and confidential process for employees to raise concerns considered in a fair and expedient manner without fear of reprisal. The purpose of the Grievance Procedure is to provide an effective method for the prompt resolution of employee concerns without reprisal.

12.2 Definition and Exclusions

1. Definition

A grievance means any employee claim regarding his or her rights, benefits, privileges or interests that the employee believes has been violated, misapplied or misinterpreted. Claims of discrimination shall not be considered a grievance but will be considered as stated in Section 3.6.

2. Exclusions

A grievance shall not include, and the grievance policy shall not apply to any of the following:

- a) A matter on which the City is without authority to act.
- b) Any proceeding for employee disciplinary action.
- c) The content and structure of the Pay Plan.

12.3 Grievance Statement

A grievance statement must be in writing and:

1. State the act or omission the employee believes unjustly denied his or her rights, benefits, privileges or interests. Provide a detailed description of the act/event, the date on which it occurred, the parties/individuals directly involved, and the names of other employees/individuals who have knowledge of the act/event.
2. Arise out of an act or omission of management related directly to the grievance.
3. Concern a matter within the authority and control of the City.
4. State what you want to be done, which must be within the City's authority.

12.4 Grievance Procedures and Time Limits

In attempting to resolve the concern, certain steps must be followed:

- Step 1 First, try to resolve the matter through informal discussion with your immediate supervisor. This should be done within five (5) working days after the occurrence
- Step 2 If the matter cannot be resolved informally, submit your written grievance,

on a [Grievance Complaint Form](#), within five (5) working days after Step One (1) to the Human Resources Director. The written grievance (see 12.3) shall clearly state the problem and request what you want done. The Human Resources Director may discuss the concern with your immediate supervisor or arrange a meeting with the employee and Department Head to resolve the problem. If the complaint is not mutually resolved, proceed to Step 3.

Step 3 The employee may request the City Manager review all the facts. The Human Resources Director shall submit written documentation to the City Manager which may take up to ten (10) working days to resolve the problem. The City Manager's decision is final.

Step 4 Department Heads may appeal the City Manager's decision to the Mayor, in writing, within five (5) working days of the decision. The Mayor will review the appeal and determine if the appeal should be heard by the City Council. If so, the Human Resources Director will place the item on the next council meeting agenda following the Mayor's decision. If the Mayor decides not to refer the matter to City Council, the City Manager's decision will be sustained.

13. JOB SEPARATION

13.1 Resignation

Employees shall give the City two (2) weeks advance notice in writing, stating the date of termination, forwarding address, and their reason for leaving City employment. Failure to comply with this notice requirement may impose a hardship on the City and will consequently be taken into consideration should the former City employee again seek employment with the City of Bloomfield.

13.2 Layoff and Workforce Reduction

1. Authorization

City Council may authorize a reduction in the City's work force (layoff and/or permanent reduction-in-force actions) whenever the City Council determines it would be in the City's best interest due to a shortage of funds, lack of work, elimination of positions and such other reasons as deemed appropriate. City policy has established systematic procedures for reduction-in-force, layoff and rehire procedures which ensure essential City services are provided to residents.

2. Determination and Selection Procedures

a) Determination:

Once the City Council determines the classifications and number of employees to be affected by a layoff or reduction in force, the employees with the least amount of seniority in the affected classification will be laid-off or affected by the reduction in force action. Those employees with equal seniority within the classification will be based on the employee's work records and performance evaluations within the affected classification.

b) General Layoff:

Under certain conditions, general layoffs and/or reduction in force actions may be appropriate (no targeted classifications). Employees to be affected will be based on seniority. City Council reserves the right to make exceptions to the "seniority" rule, to ensure that critical positions continue to be filled by qualified employees. Seniority shall be determined with respect to the most recent continuous City employment date. In all cases, however, temporary and/or seasonal employees will be selected before any reduction occurs within other employee classifications.

c) Procedures:

Notice—The City Manager and Department Heads, in consultation with the Human Resources Director, will decide which employees within an affected classification are to be laid off or affected by a reduction-in-force based on this policy and other Council resolutions. Employees identified to be laid off or separated due to reduction-in-force actions shall be given notice, both verbal and written, by their Department Head that their employment is terminated due to a reduction in work force, effective no less than fourteen (14) calendar days

from receipt of the written notice.

- **Bumping Rights**—An affected employee who has held a position in another classification with the City may return to (“bump back”) the most recent previous classification held, if the employee performed satisfactorily in that previous classification, the previous classification has not been eliminated and the employee meets the current minimum job requirements. A request to “bump back” must be given to the Human Resources Director within five (5) days after receipt of the written notice of layoff or reduction in force action. If two or more qualified affected employees apply for bumping rights, the affected employee with the greater seniority (based on the most recent continuous employment date) shall be offered the assignment. The bumping back process will not apply if the layoff and/or reduction-in-force action is general (no targeted classifications). If the salary of an employee who has “bumped back” is greater than the maximum of the salary range for the classification into which the employee has moved, the employee’s salary will be adjusted to the maximum salary for that classification.
- **Appeal**—An employee notified of layoff and/or reduction-in-force termination may appeal his or her selection for termination to the City Manager. Written notice of an appeal must be received by the City Manager within five (5) calendar days from employee’s receipt of written notice of layoff and/or termination. The scope of appeal will be limited to whether the employee’s seniority was properly calculated and whether other employees within the classification with less seniority than the appealing employee.
- **Severance Pay**—The City will make severance payments to regular employees whose employment is involuntarily separated as a result of reduction-in-force action as follows.
 - Less than one (1) year of continuous service: Two (2) weeks of base pay (overtime and benefits excluded).
 - One (1) year but less than two (2) years of continuous service: Three (3) weeks of base pay (overtime and benefits excluded).
 - Two (2) but less than four (4) years of continuous service: Four (4) weeks of base pay (overtime and benefits excluded).
 - Four (4) years or more of continuous service: Five (5) weeks of base pay (overtime and benefits excluded).

No severance benefits will be granted for employees who leave City employment due to resignation or disability leave.

d) Re-employment:

- **Rehire List**—The names of affected employees whose employment with the City has been actually terminated pursuant to this layoff policy shall be kept on a “Rehire List” for a period of two (2) years from their termination date. The employee’s name shall be removed from the list if the employee is rehired by the City in a Regular employee classification. It is incumbent

upon the employee to keep the City apprised of current contact information.

- **Reinstatement**—If, within two (2) years from the date a position was eliminated as part of the Work Force Reduction Plan, the City reinstates the position, the position will be offered to the employee laid off who had the most seniority within that classification before being laid off. If no employee laid off from that classification accepts the position, the procedures below will apply.
- **Open Recruitment**—No open recruitment for a City vacancy will be conducted until the Human Resources Director determines no person on the “Rehire List” is qualified for the vacancy.
- **Vacancies**—If the Human Resources Director determines people on the “Rehire List” may be qualified for a vacant position, she will forward the names and personnel information to the Department Head where the vacancy exists. The Department Head and other staff members shall interview the persons identified by the Human Resources Director as potentially being qualified for the position. If the Department Head, after consultation with staff, determines no person identified by the Human Resources Director is qualified for the vacant position, the Department Head will notify the Human Resources Director, who will then open the recruitment for the vacant position.
- **Seniority**—An employee laid off pursuant to this policy, and later rehired within two (2) calendar years from the date of separation shall have seniority calculated using service with the City before the separation and service after the date of rehire (determination of vacation credits and seniority should other work reduction plans be implemented).

e) Health Care Benefit Continuation:

The City will continue to contribute its share of the medical group premium for one (1) month after employment separation. (Example: If separation occurs on October 14, the City would continue premium support through November 30). Thereafter, the employee may continue coverage through COBRA procedures.

133 Termination

Involuntary termination of employment may occur for a variety of reasons including, but not limited to:

Unsatisfactory performance during probationary period. This action is originated by a supervisor, approved by City Manager and may be initiated with or without cause, as the employee is an “at will” status.

1. Conclusion of a seasonal or temporary assignment.
2. Loss of student status.
3. Incapacity or inability to perform the “essential job functions” for which the employee was hired, with or without reasonable accommodations.
4. Failure to perform job duties adequately.

5. Violation(s) of the Personnel Policy.

134 Disbursement of Final Paycheck

When an employee resigns his/her position, the earned salary or wages plus any other compensation (such as annual leave accrual) shall be due and payable on the next regular payday. When an employee is terminated from employment, the earned salary or wages plus any other compensation (such as annual leave accrual) shall be due and payable no later than [2] working days following termination.

135 Exit Interviews

Employees who resign from their position will be asked to complete an [Exit Interview](#) with the Human Resources Director. When an employee is dismissed from employment an Exit Interview is not completed.

14. PERSONNEL RECORDS

14.1 Release of Personnel Information

1. References

All requests for information about employees will be referred to the Human Resources Director or designee. The Human Resources Director may disclose dates of employment, final title or position, wage or salary levels, and work location.

2. Law Enforcement.

Information will be given to authorized requests from law enforcement agencies, including investigators, summonses, subpoenas and judicial orders. Information not deemed confidential within a personnel file is considered public information pursuant to the Public Records Act. The City does not need to inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct.

14.2 Inspection of Personnel Records

1. Examination

Employees may examine their personnel records per state law. You may request a correction, ask for a deletion or write a statement of disagreement with any item in the file. Files may only be reviewed in the Human Resources Office, and employees may not remove anything from their file. A request form may be obtained at the Human Resources office.

2. Corrections

Employees must submit a written request to the Human Resources Director to make corrections to their personnel file. The request will be reviewed by the City Attorney and Human Resources Director. If the request is granted, then the changes will be made by the Human Resources Director. If the request is denied, employees can then request that their statement of disagreement be placed in their personnel file. The statement of disagreement will be permanently placed in their file.

14.3 Change of Employee Information

To satisfy certain legal requirements, certain information is needed for reporting functions of the Human Resource Department. Information in employees' records must be correct to avoid any problems that could arise regarding taxes, employee benefits, or paychecks. Employees must promptly report changes to the Human Resource Department in any of the following:

- Name, address and telephone numbers
- Marital Status and dependents
- Person(s) to notify in case of an emergency

- Insurance or retirement plan beneficiary
- Any limitations that require accommodation
- Medical plan coverage

**15. ACKNOWLEDGEMENTS OF RECEIPT OF PERSONNEL HANDBOOK
AND REVIEW OF POLICIES AT ORIENTATION**

<input type="checkbox"/>	I acknowledge that I have been encouraged to read and familiarize myself with the contents of this City Personnel Policy Handbook and that I accept the terms of these employment policies, procedures, and work rules as a condition of my employment.
<input type="checkbox"/>	I acknowledge that these policies in this City Personnel Policy Handbook have been reviewed with me and that I have had an opportunity to ask questions about all the policies.
<input type="checkbox"/>	I understand that nothing this this policy is meant to, nor should it be interpreted to, in any way limit my rights under and applicable federal, state, or local laws, including my rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve terms and conditions of employment, such as wage and benefits.
<input type="checkbox"/>	I fully understand that as a condition of my continued employment with the City of Bloomfield, it is my responsibility to comply with, uphold, and observe these and all future revisions and amendments to all COB policies, procedures and work rules, including those specific to my department.
<input type="checkbox"/>	I also acknowledge and understand that these policies, procedures, and work rules may be changed, interpreted, withdrawn or added to by the City Manager at any time, with sole discretion and without prior notice to me.

Conflict of Interest. I will not have a direct or indirect financial interest by reason of corporate stock ownership, in any contract with the City.

Discrimination and Harassment. The City prohibits discrimination or harassment on the basis of race, color, national origin, religion, gender, age, disability, sexual orientation or any other characteristic protected by law. All incidents of discrimination and harassment must be reported to the Human Resources Director, where they will be investigated, and if confirmed, discipline imposed.

Dress Code. I will dress appropriately for my job. I will conceal tattoos and body piercings. (other than standard ear piercings).

Drug Free Workplace. Substance abuse poses health and safety risks to employees and the public. The United States Government requires that the City impose a Drug Free Workplace. Use of controlled drugs or alcohol at work is prohibited. Random drug testing may occur, and I will be subject to termination if I test positive on the first offense.

E-Mail, Internet and Voice Mail. I understand that my use of the City's e-mail system, the Internet and the voice mail system constitutes my consent to all the terms and conditions of that policy. In particular, I understand that (1) the e-mail, Internet and voice mail systems

and all information transmitted by, received from, or stored in those systems are City property, (2) the systems are to be used only for business purposes and not for personal purposes, and (3) I have no expectation of privacy in connection with the use of these systems. I consent to the City's monitoring my use of these systems at its discretion.

No Smoking. By state law, there is no smoking of any kind (including smokeless tobacco) in any City facility, building, property, or vehicle, and within 50 feet of any entrance.

Outside Employment. I must receive prior approval to obtain secondary employment. Decisions will be made based on any interference with my ability to perform my City job, whether there is any conflict of interest with the City and whether the position will compromise the City's credibility.

Please sign and date this Acknowledgement and return it to the Human Resources Director.

Date: _____

Signature: _____

Print Name: _____

16. Appendices

Procedures and Related Documents

1. Educational Aid Application Procedure:

Step 1. Complete an [Application for Educational Assistance](#) form prior to registering for the class.

Step 2. Obtain approval signatures from your Department Head, Finance Director and City Manager

Step 3. Once approved you may enroll in your classes.

Step 4. Upon successful completion of the class, the employee presents to HR proof of making a "C" or better along with receipts of tuition, books and fees for review. HR then delivers request and receipts to Accounts Payable Specialist to reimburse employee.

2. Hiring Procedure for Approved Positions:

Step 1. Complete a [Personnel Request Form](#) (PRF)

Step 2. Obtain approval signatures from the Finance Director and City Manager

Step 3. Submit approved PAF to HR.

Step 4. Once received, recruitment can begin.

3. Worker Comp Accident Procedure:

Step 1. Complete a [Notice of Accident Form](#) or Occupational Disease (NOA)

Step 2. Obtain signature from department head or immediate supervisor

Step 3. Contact HR at 505-632-6371

Step 4. Obtain medical assistance: [Report to Reliance Medical](#); 3451 N Butler Ave, Farmington, NM 87401. With treatment, post-accident drug and alcohol tests will be administered. For an Emergency go directly to the Emergency Room at [SJRMHC](#).

Step 5. Complete an [Employer's First Report of Injury or Illness \(E-1\)](#) form (To be completed by the employee' supervisor).

Step 6. Complete the following forms along the Notice of Accident Form and E-1 Form and submit to HR.

1. [HIPAA Complaint Medical Release Form](#)

2. [Election of Benefits Form](#)

4. Workplace Accident Procedure for "for Cause" Substance Testing

All City of Bloomfield employees are subject to post-accident drug and alcohol testing when Involved in a:

13.1.1 Work-related vehicle crash

13.1.2 Industrial accident

13.1.3 Police Shooting

13.1.4 Incidents that caused or could have caused property damage.

- If Their actions or conduct contributed to accident or vehicle crash
- When required medical attention is sought outside of the workplace
- When property damage exceeds \$1,000

Step 1. Workers Comp Accidents follow the Workers Comp Accident Procedures

Step 2. Contact HR to determine course of action if not clear

Step 3. Report to Reliance Medical; 3451 N Butler Ave, Farmington, NM 87401 to take a post-accident drug and alcohol tests.

Step 4. For vehicle accidents, send an email to vehiclecrash@bloomfieldnm.com with a statement and pictures of the damaged vehicle.



Personnel Request Form

Position Information

Date: _____ **Department:** _____

Date Needed: _____ **Position Title:** _____

Please check appropriate box:

Temporary Full-Time Regular Full-Time

Part-Time (Under 20) Regular Part-Time

Number of Vacancies to be Filled: _____

Work Location: _____

Immediate Supervisor: _____

Budget

Is this request for additional staffing? YES NO

If YES, is it budgeted? YES NO

If NO, who is being replaced? _____

Posting/Advertising

Please note special advertising requirements: _____

Approval of Request

Department Head: _____

Date: _____

Finance Director _____

Date: _____

City Manager: _____

Date: _____

NOTICE OF ACCIDENT OR OCCUPATIONAL DISEASE DISABLEMENT NOTIFICACION DE ACCIDENTE O ENFERMEDAD DE OFICIO

In accordance with New Mexico law, Section 52-1-29, Section 52-3-19 and Section 52-1-49, NMSA 1978; NMAC 11.4.4.11
Conforme a la Ley de la Compensación de los Trabajadores, Sección 52-1-29, Sección 52-3-19 y Sección 52-1-49, NMSA 1978; NMAC 11.4.4.11

I, _____, was involved in an on-the-job accident or was disabled
Yo, (name of employee/hombre del empleado) me lastimé en un accidente en el trabajo o fui incapacitado

by an occupational disease at approximately _____, on _____, 20____. por
enfermedad de oficio aproximadamente (time/a la(s) hora(s)) el (date/fecha) del 20_____.

Employee's social security number: _____ Where did the accident occur? _____
Número de seguro social del empleado: ¿Dónde ocurrió el accidente?

What happened? _____
¿Qué ocurrió?

To be completed by Employer: <i>Completado por el empleador:</i>	Worker will choose health care provider. Yes <input type="checkbox"/> NO <input type="checkbox"/> <i>Trabajador elegir proveedor de atención médica.</i>
If Yes, Employer has right to change health care provider after 60 days. <i>En caso afirmativo, el empleador tiene derecho a cambiar de proveedor de atención médica después de 60 días.</i>	If No, Worker has the right to change health care provider after 60 days. <i>En caso que no elige, el trabajador tiene derecho a cambiar de proveedor proveedor de atención médica después de 60 días.</i>
WORKER MUST INITIAL	INICIALES DEL TRABAJADOR

Signed: _____ Signed/Notice Received: _____
Firma: (employee/empleado) Firma/Notificación recibida: (employer or representative/empleador o representante)

Date/Fecha: _____ Date/Fecha: _____

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.

PREVIOUS NOA FORMS ARE STILL VALID FOR USE

Worker -- For emergency medical care, go to any emergency medical facility.
Workers and Employers with questions about workers' compensation may contact an Ombudsman at any New Mexico Workers' Compensation information and assistance. The offices are open Monday through Friday, 8 a.m. to 5 p.m., except holidays.

Trabajador - Para emergencias médicas vaya a cualquier clínica / hospital.
Trabajadores y empleadores con preguntas acerca de la compensación de los trabajadores pueden comunicarse con un asesor ("ombudsman") a cualquier oficina de la Administración de la Compensación de los Trabajadores para información y asistencia. Las oficinas están abiertas desde las ocho de la mañana hasta las cinco de la tarde de lunes a viernes, con la excepción de días festivos.

Statewide Helpline -- Línea de Asistencia
1-866-WORKOMP / 1-866-967-5667
toll free -- llamada sin costo de larga distancia
New Mexico Workers' Compensation Administration
PO Box 27198, Albuquerque, NM 87125

Albuquerque: (505) 841-6000 - 1 (800) 255-7965 Las Vegas: (505) 454-9251 - 1 (800) 281-7889 Santa Fe: (505) 476-7381
Farmington: (505) 599-9746 - 1 (800) 568-7310 Lovington: (575) 396-3437 - 1 (800) 934-2450 TDD for the deaf: (505) 841-6043 Las Cruces: (575) 524-6246 - 1 (800) 870-6826 Roswell: (575) 623-3997 - 1(866) 311-8587

www.workerscomp.state.nm.us

Employer/employee: Each keep one copy.
Empleador/empleado: Retener una copia.

Form NOA-1-W (4/12)

NEW MEXICO WORKERS' COMPENSATION ADMINISTRATION

EMPLOYERS' FIRST REPORT OF INJURY OR ILLNESS

2410 CENTRE AVE. SE ♦ PO BOX 27198
ALBUQUERQUE, NM 87125-7198

OFFICIAL USE ONLY

PLEASE PRINT IN BLACK INK OR TYPE.

GENERAL	EMPLOYER (NAME & ADDRESS INCL ZIP) City of Bloomfield P.O. Box 1839 Bloomfield, NM 87413		CARRIER / ADMINISTRATOR CLAIM #	OSHA LOG NUMBER	REPORT PURPOSE CODE	
	PHONE NUMBER 505-632-6300		EMPLOYER FEIN 856004832	JURISDICTION	JURISDICTION CLAIM NUMBER	
	INSURED REPORT NUMBER		EMPLOYER'S LOCATION ADDRESS (IF DIFFERENT) 915 N. First St. Bloomfield, NM 87413		LOCATION #	
	INDUSTRY CODE		CLAIMS ADMINISTRATOR (NAME, ADDRESS & PHONE NO) New Mexico Self-Insurer's 1231 Paseo de Peralta Santa Fe, NM 87504 1-800-432-2036			
CLAIMS ADMINISTRATOR	CARRIER (NAME, ADDRESS & PHONE NO) New Mexico Self-Insurer's 1231 Paseo de Peralta Santa Fe, NM 87504 1-800-432-2036		POLICY PERIOD TO	CHECK IF APPROPRIATE <input type="checkbox"/> SELF INSURANCE		
	CARRIER FEIN	POLICY / SELF-INSURED NUMBER	ADMINISTRATOR FEIN			
	AGENT NAME & CODE NUMBER					
EMPLOYEE	NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH	SOCIAL SECURITY NUMBER	DATE HIRED	
	ADDRESS (INCL ZIP)		GENDER <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> UNKNOWN	MARITAL STATUS <input type="checkbox"/> UNMARRIED SINGLE/DIVORCED <input type="checkbox"/> MARRIED <input type="checkbox"/> SEPARATED <input type="checkbox"/> UNKNOWN	OCCUPATION/JOB TITLE OR (SOC) CODE	
	PHONE NUMBER		# OF DEPENDENTS	EMPLOYMENT STATUS Active		
WAGE	RATE	PER.	<input type="checkbox"/> DAY <input type="checkbox"/> WEEK	<input type="checkbox"/> MONTH <input type="checkbox"/> OTHER:	# DAYS WORKED/WEEK	
	FULL PAY FOR DAY OF INJURY? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID SALARY CONTINUE? <input type="checkbox"/> YES <input type="checkbox"/> NO			
OCCURRENCE	TIME EMPLOYEE BEGAN WORK 7:00	<input type="checkbox"/> AM <input type="checkbox"/> PM	DATE OF INJURY/ILLNESS	TIME OF OCCURRENCE E	<input type="checkbox"/> AM <input type="checkbox"/> PM	
	CONTACT NAME / PHONE NUMBER		TYPE OF INJURY/ILLNESS		PART OF BODY AFFECTED	
	DID INJURY/ILLNESS EXPOSURE OCCUR ON EMPLOYER'S PREMISES? <input type="checkbox"/> YES <input type="checkbox"/> NO		TYPE OF INJURY / ILLNESS CODE		PART OF BODY AFFECTED CODE	
	DEPARTMENT OR LOCATION WHERE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		ALL EQUIPMENT, MATERIALS, OR CHEMICALS EMPLOYEE WAS USING WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED			
	SPECIFIC ACTIVITY THE EMPLOYEE WAS ENGAGED IN WHEN THE ACCIDENT OR ILLNESS EXPOSURE OCCURRED		WORK PROCESS THE EMPLOYEE WAS ENGAGED IN WHEN ACCIDENT OR ILLNESS EXPOSURE OCCURRED			
	HOW INJURY OR ILLNESS / ABNORMAL HEALTH CONDITION OCCURRED. DESCRIBE THE SEQUENCE OF EVENTS AND INCLUDE ANY OBJECTS OR SUBSTANCES THAT DIRECTLY INJURED THE EMPLOYEE OR MADE THE EMPLOYEE ILL.					
	DATE RETURNED TO WORK					
TREATMENT	PHYSICIAN / HEALTH CARE PROVIDER (NAME & ADDRESS) Reliance Medical 3451 N. Butler, Farmington NM 87401		HOSPITAL (NAME & ADDRESS)		INITIAL TREATMENT <input type="checkbox"/> NO MEDICAL TREATMENT <input type="checkbox"/> MINOR: BY EMPLOYER <input type="checkbox"/> MINOR CLINIC/HOSPITAL <input type="checkbox"/> EMERGENCY CARE <input type="checkbox"/> HOSPITALIZED > 24 HRS <input type="checkbox"/> FUTURE MAJOR MEDICAL/ LOST TIME ANTICIPATED	
	WITNESSES (NAME & PHONE #)		DATE ADMINISTRATOR NOTIFIED			
OTHER	DATE PREPARED		PREPARER'S NAME & TITLE			
	73					

**WORKER'S AUTHORIZATION FOR DISCLOSURE OF PROTECTED HEALTH
INFORMATION FOR WORKERS' COMPENSATION PURPOSES
(HIPAA COMPLIANT)**

I, (Print Worker's Name) _____ **hereby authorize the use or disclosure of my health information as described in this authorization.**

1. INFORMATION WCA No. _____

Date of Birth _____ Date of Injury _____ SSN _____

Address _____ Phone _____

Worker's representative, if any: _____ Phone _____

Address: _____

RELEASE

2. I authorize the Health Care Provider (HCP) or any member or employee of its office or association who has examined or treated me, as well as any hospital or treatment facility in which I have been a patient, to disclose and release complete and legible copies of any and all information concerning my physical or psychiatric condition, care and treatment, to my employer, _____ and/or insurance carrier, and/or their attorneys, and/or _____ duly authorized representatives of the New Mexico Workers' Compensation Administration and its current medical cost containment contractor or their duly authorized agents. Copies of all documentation released pursuant to this authorization shall be sent to the agency requesting the information and to me or my representative as listed above.

3. I understand the following information will be released pursuant to a work-related/occupational injury or illness/workers' compensation claim: medical reports; clinical notes; nurses' notes; patient's history of injury; subjective and objective complaints; x-rays; test results; interpretation of x-rays or other tests (including a copy of the report); diagnosis and prognosis; hospital bills; bills for services the HCP has rendered; payments received; and any other relevant and material information in the HCP's possession. This Authorization also includes, if applicable, any hospital operational logs, emergency logs, tissues committee reports, psychiatric reports and records, physical therapy records, and all outpatient records. This release may also be used to request a Form Letter to HCP as approved by the Workers' Compensation Administration. I understand that I have the right to restrict the information that may be provided by signing this authorization to the extent provided by law.

CONDITIONS

4. I understand the purpose of this request is to determine the proper level of workers' compensation benefits and may include information regarding any of the following: to determine my occupational injury or illness status; to determine my eligibility for workers' compensation benefits; to determine my current and future medical status after occupational injury; to determine my current medical status and/or return-to-work capability.

5. Right to revoke: I understand I have the right to revoke this authorization at any time by notifying the company named in Paragraphs 1 and 2. I understand that the revocation is only effective after it is received and logged by that company and that any use or disclosure made prior to the revocation under this authorization will not be affected by the revocation. I further understand that my revocation of this authorization may affect my ability to receive occupational injury or workers' compensation benefits governed by this revocation.

6. I understand that after this information is disclosed, the recipient may continue to use it pursuant to my prior authorization, regardless of my subsequent revocation of this authorization. I further understand that different protections may be available pursuant to state and federal law.

7. I understand that information to be released pursuant to a work-related/occupational injury or illness/workers' compensation claim may also be released to WCA and its current medical cost containment contractor or their duly authorized agents.

8. I hereby expressly waive any regulations and/or rules of ethics that might otherwise prevent any hospital, health care provider or other person who has treated me or examined me in a professional capacity from releasing such records.

9. A photostatic or other copy of this Release, which contains my signature, shall be considered as effective and valid as the original, and shall be honored by those to whom it is sent or provided for a period of six (6) months from the date it was signed.

10. This Release does not authorize any personal or telephonic conferences or correspondence directly between any health care provider and a representative of my employer, its attorney or insurance carrier to discuss my case and is solely for the release of medical documentation as set forth herein. Brief communication for the limited purpose of obtaining medical records is permitted.

11. I understand I am entitled to a copy of this authorization and to any records provided hereunder. I am requesting a copy of this authorization Yes No - If Yes, I have received a copy _____ (initial)
I understand this authorization will expire within six (6) months of the date I signed it, unless I revoke it earlier, pursuant to Paragraph 5.

Signature of Employee _____ Date _____

Witness Signature (REQUIRED) _____

This form cannot be accepted without a witness signature.

Witness Name (Print or type) _____ Date _____

Personal Representative Section:

If a personal representative executes this form, that representative warrants that he or she has authorization to sign this form on the basis of (print detailed basis for representation):

Signature of Personal Representative _____ **Date** _____



ELECTION OF BENEFITS

I, _____ hereby acknowledge my right to receive benefits pursuant to the New Mexico Workers Compensation Act as the result of an on-the-job-injury. I have decided that I would rather accept my salary or sick leave benefits rather than accept my worker's compensation indemnity benefits. I fully understand that, in accepting my sick leave or salary in the place of my Worker's Compensation benefits, I am expressly giving up my right to receive Worker's Compensation indemnity benefits which my employer is obligated to pay me by law. I also understand that I am not giving up my rights to medical benefits as provided in the Act. I further acknowledge that I have not been coerced, forced or threatened in any manner to accept my salary or sick leave in the place of my Workers' Compensation benefits and that this decision has been made freely after full consideration of my rights and benefits.

Claimant Name :

(Please Print)

Claimant's Signature:

_____ Date: _____

Witness Name:

(Please Print)

Witness's

_____ Signature: Date: ____/____/____

New Mexico Self-Insurers' Fund
P.O. Box 846
Santa Fe, New Mexico 87504
(800) 432-2036 (505) 820-0670