

NORTH CENTRAL SOLID WASTE AUTHORITY
RESOLUTION 2019-10-02
Fraternization

Whereas, the Board of Directors of the North Central Solid Waste Authority met in regular session this 16th day of October, 2019; and

Whereas, Board seeks to adopt a policy regarding the consensual relationships and conflicts of interest; and

Whereas, this policy is in the best interest of the Board and the employees of North Central Solid Waste Authority (NCSWA).

NOW THEREFORE, be it resolved by the Board of Directors of North Central Solid Waste Authority as follows:

The following policy is hereby adopted as an amendment to the North Central Solid Waste Authority Personnel Policies and is known as “Policy on Fraternalization and Office Relationships”.

1. General

NCSWA normally has no interest in romantic or sexual consensual relationships involving employees. However, when such relationships occur in work or supervisory contexts, they can present serious ethical concerns and compromise the work environment, in part due to an inherent power differential between the parties. The relationships can lead to charges of sexual harassment and exploitation, especially when the relationships end, or cause third parties to have concerns about undue advantage or restricted opportunities. For these reasons, consensual relationships in which one party, the “superior,” has a formal instructional, supervisory, evaluative, or advisory role over the other party, the “subordinate,” must be disclosed in order to manage the actual or perceived conflicts of interest caused by the relationships and to mitigate adverse effects on third parties.

Consensual personal relationships of a romantic or sexual nature between co-workers who are not in a direct supervisory relationship are not of concern to NCSWA unless conduct associated with that relationship constitutes sexual harassment or discrimination, affects an employee’s job evaluation or treatment, or interferes with productivity or harmonious work relationships within the workplace.

2. Application

This policy applies to all employees of North Central Solid Waste Authority whether in the office or in the field.

3. Definitions

For the purposes of this policy:

- A. A “consensual relationship” means a relationship in which a superior and a subordinate are engaged by apparent mutual consent in a romantic or sexual relationship. “Apparent mutual consent” means that consent may be difficult to assess or construed as coercive due to the inherent power differential and other factors such as race, gender, sexual orientation, citizenship status, English proficiency, or past relationships and victimization. (Note that, under New Mexico law, it may be a criminal offense to have sexual relations with persons eighteen years of age or younger and with other persons who are incapable of providing consent.)
- B. A “superior” and “subordinate” mean the parties to a consensual relationship in which the superior exercises authority over the subordinate.
- C. A “co-worker” is an employee of North Central Solid Waste Authority and means the party to a consensual relationship in which neither party is a supervisor of the other party.

4. Reporting Responsibility

A superior shall not exercise authority over a subordinate with whom the superior is involved in a consensual relationship. The superior must disclose the relationship to an immediate supervisor as soon as possible. A superior should disclose a past consensual relationship with a subordinate to an immediate supervisor if the superior is currently exercising authority over that subordinate and believes a conflict exists.

Superiors are expected to cooperate in actions taken to eliminate conflicts of interest and mitigate adverse effects on third parties. When superiors fail to disclose current or ongoing consensual relationships, or fail to cooperate in efforts to manage the conflicts of interest caused by the relationships, they may be subject to disciplinary actions in accordance with the NCSWA’s policies, up to and including separation from their supervisory position.

5. Other Reporting Options

Though the primary responsibility for reporting consensual relationships rests with the superior, a subordinate may report a consensual relationship to the superior’s immediate supervisor. Consensual relationships may prompt third-party reports of the relationships, especially when third parties perceive that the relationships give undue access or advantage to the subordinate, restrict opportunities for others, or create a perception of these problems. Third parties, who believe they have been disadvantaged, may make good-faith reports of conflicts of interest due to consensual relationships to the superior’s immediate supervisor or the NCSWA Manager.

6. Immediate Supervisor Responsibility

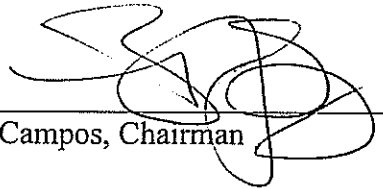
An immediate supervisor who is notified, or becomes aware, of a consensual relationship, shall take immediate steps to manage the conflict of interest caused by the relationship. This may include the immediate supervisor arranging for another department to exercise authority over the subordinate.

7. Confidentiality

As part of managing or eliminating conflicts, it may be necessary for immediate supervisors to provide general information about the conflicts to other individuals. Every reasonable effort, however, should be made to preserve confidentiality, to provide information on a need-to-know basis, and to protect the privacy of the parties. This includes responses to third-party reports.

NOW THEREFORE BE IT RESOLVED.

PASSED, APPROVED AND ADOPTED ON the 16th day of October, 2019.



Tomás Campos, Chairman

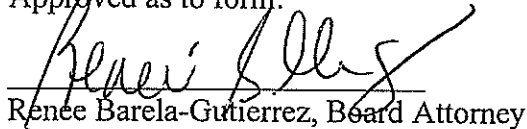
Attest:



Dion

Dion Chavarria, Secretary
bc

Approved as to form:



Renee Barela-Gutierrez, Beard Attorney