



North Central Solid
Waste Authority

2020

Effective November 19 2020

Personnel
Policies and
Procedures

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PREFACE

These personnel policies and procedures include a brief summary and description of the employee-related benefits, policies, and procedures that were in effect at the time this policy was prepared. Modifications to this policy may be made at any time at North Central Solid Waste Authority's sole discretion to meet the changing needs and conditions of our operations. You will be kept informed of these changes through published revisions to this policy or other official Authority communications to the extent practicable.

However, it is your responsibility to stay abreast of our current rules, directives, policies, and practices.

Please keep in mind that the information contained in this policy is in summary form and is not a substitute for North Central Solid Waste Authority's complete policies, procedures, or benefit plan documents which are governing as to any specific question of interpretation, applicability, or eligibility. You may always obtain more complete information on these matters from your supervisor or the Human Resources Department.

INTRODUCTION

The personnel policies, procedures, and guidelines in this policy will remain in effect until changes are considered necessary as a result of internal growth, competitive forces, or as a result of general economic conditions.

If you have any questions as to the interpretation or understanding of any revised policy or procedure, please discuss it with your supervisor or Human Resources Director.

Remember:

- This employee policy is not a contract of employment.

*This policy refers to specific forms by name. Note that these forms may change at the discretion of the Human Resources Department as needed. The employee is encouraged to contact the Human Resources Department with questions.

ORIENTATION

All new employees will be scheduled for orientation at North Central Solid Waste Authority. The orientation will include a brief history and organization of the Authority, presentation of the transfer and collection stations, a review of the personnel policies, procedures, and benefits, plus an explanation of safety procedures.

EQUAL OPPORTUNITY EMPLOYMENT

North Central Solid Waste Authority's employment policy shall provide opportunity regardless of: race, color, sex, creed, religion, political affiliation, marital status, disability or any other protected class and shall not show partiality or grant any special favors to any employee or group of employees. This policy is based on the same philosophy as the Equal Employment Opportunity Act of 1966. North Central Solid Waste Authority is compliant with the American Disabilities Act's current laws and regulations.

SECTION 1 GENERAL PROVISION

- 1.1 SHORT TITLE** This document may be cited as the *North Central Solid Waste Authority Personnel Policies and Procedures*.
- 1.2 APPLICABILITY** This policy contains the terms of the employment relationship between North Central Solid Waste Authority (NCSWA) (hereinafter “the Authority”), and its employees. The terms of this policy apply to all employment classifications, unless otherwise specified. A department may establish written policies or operating procedures that are applicable only to the department. If there is a conflict between a department-specific procedure and this policy, this policy shall supersede the department - specific procedure.
- 1.3 EQUAL EMPLOYMENT OPPORTUNITY** It is the policy of NCSWA to ensure equal employment opportunity to all persons regardless of race, color, age, or physical or mental disability, sex, national origin, ancestry, religion, serious medical condition, sexual orientation, gender identity, political affiliation, spousal affiliation or any other protected class. In addition, NCSWA endeavors to comply with state and federal law pertaining to equal opportunity. Through the procurement process, the Authority also endeavors to encourage those who do business with the NCSWA to practice equal employment opportunity. Any and all violations of the Equal Employment Opportunity policy must be immediately brought to the attention of the Human Resources Director.
- 1.4 TIME** In computing any period of time prescribed or allowed by this policy, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a day on which the Administrative Offices of North Central Solid Waste Authority are closed, in which event the time period runs until the end of the next day which is not one of the aforementioned days. Unless otherwise specified the term “day” or “days” shall refer to calendar days.

SECTION 2 EMPLOYMENT CLASSIFICATIONS

- 2.1 CLASSIFIED EMPLOYEE** A classified employee is an employee who has completed the probationary period.
- 2.2 APPOINTED BOARD OF DIRECTOR (BOD)** A member of the Board of Directors is appointed from the membership of NCSWA, as identified in the Joint Powers Agreement forming NCSWA. Members of the Board of Directors are generally not governed by this Policy.
- 2.3 FULL-TIME EMPLOYEE** A full-time employee is a person who is scheduled to work 40 hours or more each week unless otherwise specified by a different schedule.
- 2.4 PART-TIME EMPLOYEE** A part-time employee is a person who is scheduled to work fewer than forty (40) hours each week on a consistent basis. Part-time employees filling classified positions may receive benefits on a pro-rata basis pursuant to policies and procedures of the administering agency.

- 2.5 PROBATIONARY PERIOD** A person offered employment and who is eligible to become a classified employee begins employment as an at-will employee and must serve 6 months probationary period. During the probationary period, the employment relationship may be terminated without cause or advance notice at any time. Probationary employees cannot file grievances or appeal disciplinary actions. Probationary employees accrue annual and sick leave and receive benefits.

The probationary period is used to evaluate the new employee's capabilities, work habits, and overall performance. The probationary period shall commence when the employee begins NCSWA employment. Any absence, of thirty (30) consecutive days or more, during the probationary period shall automatically extend the probationary period by the length of the absence.

If the probationary period does allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for up to an additional ninety (90) days. The extension must be approved by the Human Resources Director.

An employee who fills a temporary or casual position and is subsequently hired to fill a classified position shall serve the required probationary period beginning the date the employee changed from temporary or casual to probationary status.

- 2.6 TERM POSITION** A term position is a position created for a special project or for a program that is not usually funded by the general fund of the NCSWA and that has a term longer than three (3) months. Employees filling a term position shall serve a twelve (12) month probationary period upon hire and may be extended pursuant to this section. Employees in term status who complete the one-year probationary period required by Section 2.5 and shall have all the rights of employees in classified status except that a term position may be terminated with a minimum of fourteen (14) days written notice to the employee. The termination of a term employee is not a dismissal or layoff and may not be appealed or be the subject of a grievance.
- 2.7 TEMPORARY POSITION** A temporary position is a position created for services needed on a temporary or seasonal basis. A classified position may be filled by a temporary employee due to a temporary absence of an employee or other circumstances. A temporary position shall not exceed nine months in length. Temporary employees are terminable at-will, do not accrue leave, do not receive benefits and are not paid for holidays. Termination of a temporary position may not be appealed or subject of a grievance.
- 2.8 CASUAL POSITION** A casual position is a position created for services on an as needed basis or services that usually requires 19 hours or less per week. Casual employees are terminable at-will, do not accrue leave, do not receive benefits and are not paid for holidays. Termination of a casual position may not be appealed or be the subject of a grievance.
- 2.9 UNCLASSIFIED AT-WILL EMPLOYEE** an unclassified, at-will employee is an employee who may be terminated at any time, with or without cause. Therefore, unclassified at-will employees are not protected by the grievance procedures set out herein and may not appeal disciplinary actions.

Only the Board of Directors may change the status of a position from unclassified at-will to a classified position. If the Board of Directors approves a change of status of a position from unclassified at-will to classified, and the employee effected has not completed six (6) months of service with the Authority, the employee shall serve the remaining time up to six (6) months on probation. The probationary status may be extended pursuant to the applicable section of this policy. The Authority Manager is appointed by and serves at the pleasure of the Board of Directors.

SECTION 3 RECRUITMENT AND SELECTION

- 3.1 HIRING PROCEDURES** Certain procedures are required in the solicitation of employees by the Authority and employment of persons with NCSWA. The Human Resources Department shall administer and coordinate the hiring process according to these procedures. These procedures may be waived if necessary, but only by the Authority Manager. While advertising is not required for persons considered for temporary or casual positions, they must still meet the qualifications for the position and satisfy all other employment requirements including pre-employment medical examinations and drug and alcohol screening.
- 3.2 REQUEST TO ADVERTISE** The Authority Manager shall notify the Human Resources Department of its need to hire an employee by completing and forwarding a Human Resources *Requisition to Fill a Position Form* to the Human Resources Department. The *Requisition to Fill a Position Form* must be submitted at least two working days prior to the expected posting date. Exceptions to advertising a job are if a qualified applicant for the position is already on a valid [*List of Qualified Applicants Form*] for the same position, or if the Authority Manager determines that it is in the best interest of the Authority not to advertise. Each job announcement shall state the job title, department, salary range, position classification, Fair Labor Standards Act status, closing date, qualifications required to be considered for the position, and a brief description of the contemplated duties.

The Human Resources Department shall open the position for applications by forwarding copies of the job announcement to each department Manager and positing the job announcement on NCSWA bulletin boards for a minimum of three (3) working days. The job announcement may also be posted on the Web, or other areas to attract qualified applicants. A job announcement may be published in a local newspaper or other publications at the request of the Department Supervisor/Authority Manager/ Board of Directors, budget permitting. A position may be advertised internally and externally simultaneously, or just internally.

- 3.3 INITIAL SCREENING** Following the closing date, the Human Resources Department will screen the applications submitted. The Human Resources Department will determine whether each applicant possesses the minimum qualifications for the position, whether the applicant has a satisfactory employment history and whether any false or deceptive statements are present on the employment application. All applications must be received by the closing date and must include copies of all necessary transcripts, licenses, and certifications. Resumes shall not be accepted in lieu of the official application. An applicant who does not meet the minimum qualifications of the position shall receive written notification.

- 3.4 LIST OF QUALIFIED APPLICANTS FORMS** List of Qualified Applicants Forms are developed and maintained by the Human Resources Department for the convenience of NCSWA in obtaining qualified applicants for positions. Each person placed on such an eligibility list must be qualified for the position. Placement on an eligibility list shall in no way guarantee appointment to any position, nor shall it guarantee that any applicant will obtain a position or that the application will even be considered. It is the obligation of a person seeking employment to keep NCSWA informed at all times of his or her interest in openings and make timely application for each position. List of Qualified Applicant Forms are valid for ninety (90) days from the date of creation. The List of Qualified Applicant Forms may be extended for a period not to exceed six (6) months from the date of creation but only by written approval of the Human Resources Director. Persons on an eligibility list may be offered a position when one becomes available without the need to submit another application if the position is offered within ninety (90) days of the creation of the List of Qualified Applicants Form.
- 3.5 INTERVIEWS** The hiring department/office shall submit proposed interview questions and interview panel members to the Human Resources Department. The Human Resources Department will disapprove any questions that are not relevant to the position or that otherwise improper. The Human Resources Department shall not release the *List of Qualified Applicants Form* the hiring department/office until it has authorized the interview questions. The hiring department/office shall schedule and conduct interviews. The Human Resources Department may assist with the interview process at the request of the hiring department/office, or if deemed necessary by the Human Resources Director. All currently employed NCSWA employees who are on the List of Qualified Applicants Form shall be granted an interview.
- 3.6 ADMINISTER TESTING** Appropriate employment testing may be administered to applicants for employment. The Human Resources Department shall assist the hiring department/office in developing and administering such employment tests. Testing may include completion of a structured questionnaire, practical test, written test, in-basket exercise, keyboard test, computer skills test, assessment battery or other job-related assessment of ability. Test scores shall become a part of the employee's Human Resources file.
- 3.7 PREVIOUS EMPLOYMENT AND REFERENCE CHECKS** All applicants shall sign an authorization form allowing NCSWA to research their background, contact previous employers and references. Following completion of above steps, if the hiring department/office desires to hire an applicant, it shall contact former employers and references prior to making an offer of employment, then make a recommendation to the Human Resources Department. The Human Resources Department must authorize any offer of employment.
- 3.8 OFFERS OF EMPLOYMENT** Any offer of employment shall be made by the hiring department/office or HR liaison. Any offer of employment shall be made contingent upon successful completion of all required pre-employment medical examinations and drug and alcohol screenings, satisfactory background checks and compliance with immigration law requirements. Any offer of employment that does not comply with the requirements of this section is invalid. If an applicant declines an offer of employment at any stage in the hiring process, he or she will receive no further consideration for the applied-for position.

3.9 PRE-EMPLOYMENT MEDICAL EXAMINATION AND DRUG AND ALCOHOL SCREENING Each person who is offered employment must successfully undergo a pre-employment medical examination and drug and alcohol screening as a condition prior to obtaining employment. Additionally, any employee who is transferred or promoted to a new position and who did not undergo a pre-employment medical examination and a drug and alcohol screening as a condition prior to obtaining employment with NCSWA must successfully undergo a medical examination and drug and alcohol screening as a condition prior to the transfer. The medical examination and drug and alcohol screening shall be performed by a health professional of NCSWA's choice, at the NCSWA's expense. If the medical examination and/or drug and alcohol screening shows the employee is not in fact qualified for the position sought or discloses a disability which cannot be reasonably accommodated in the position sought, the offer of employment will be withdrawn.

Applicants must appear for drug and alcohol testing on the date and at the time directed by NCSWA and may be denied employment if they fail to do so. If the person administering the test believes that the applicant's sample is tainted for any reason, the applicant shall remain at the testing site and submit another sample. If the second sample is also tainted, the job offer shall be rescinded. Applicants who receive a positive drug or alcohol test result shall be denied employment and shall not be considered for employment for a NCSWA position for twelve (12) months. An applicant receiving a positive drug test may be given the opportunity to demonstrate a positive test was indicative of legal use of a drug. For purposes of this section, the word "drug" refers to substances whose use is illegal under the laws of the State of New Mexico, applicable federal law or whose use is legal, but which is misused or used illegally.

3.10 BACKGROUND CHECKS North Central Solid Waste Authority (NCSWA) will conduct a criminal background check for all employees once a conditional offer of employment has been extended by NCSWA. If the background check discloses criminal convictions, the conditional offer of employment may be revoked, but does not automatically disqualify an applicant from consideration for employment with NCSWA. Where there is a conviction, hiring decisions will be made consistent with the Criminal Offender Employment Act including any appellate interpretations of the Act.

3.11 IMMIGRATION LAW COMPLIANCE Each person offered employment shall complete *Employment Eligibility Verification Form I-9* and present appropriate documentation establishing identity and employment eligibility as a condition precedent to obtaining employment. Former NCSWA employees shall not be required to re-establish eligibility if they have completed a Form I-9 and established identity and eligibility within the past three (3) years.

3.12 INELIGIBILITY FOR HIRE AND REHIRE An applicant may be considered ineligible for hire or rehire by NCSWA if the applicant has:

- A. knowingly made any false statement of fraudulent omission on the employment application;
- B. not met the requirements of the position;
- C. been convicted of a felony or misdemeanor;
- D. failed pre-employment examinations or screenings or other requirements as directed by NCSWA;
- E. not been certified by a physician that he or she can perform the physical requirements or essential requirements of the position; or

- F. a person who has been dismissed from NCSWA employment as a result of disciplinary action

The above list is not exhaustive and may not include all of the reasons that would make an applicant ineligible for hire or rehire.

3.13 NOTE ON EMPLOYMENT APPLICATIONS NCSWA relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in NCSWA's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.14 NEPOTISM No person shall be considered for employment in a position in which they would be subject to supervision by a person related by consanguinity (blood) or affinity (marriage), by domestic partnership, or by a step relation within the third degree. The employment of immediate relatives in the same department or office is strongly discouraged so as to avoid interpersonal conflicts and favoritism.

3.15 FRATERNIZATION AND OFFICE RELATIONSHIPS

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.

Definitions

- 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.

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.

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.

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.

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.

- 3.16 PAYMENT OF NCSWA ACCOUNTS** In the event an applicant or employee of NCSWA is a customer of NCSWA, the applicant or employee is required to maintain their account in good standing. Any past due balance is to be paid upon terms and conditions determined by and acceptable to NCSWA. If an applicant for employment fails to comply with the terms of this section, an offer of employment may be withdrawn by NCSWA. An employee of NCSWA will be subject to all terms and conditions of the NCSWA Personnel Policies and Procedures for failure to comply with this policy.

SECTION 4 EMPLOYEE TRAINING

- 4.1 GENERAL TRAINING** Employees will be required to attend training deemed necessary by their supervisor. Supervisors may also approve additional training pertinent to assisting the employee with his or her duties or for further knowledge of work related duties. When NCSWA

invests in training and/or travel, NCSWA expects to benefit from the investment. With this, NCSWA employees who receive funding for travel and/or training in the amount of \$1,500.00 or more per occasion will be required to reimburse NCSWA through a deduction from the employee's final paycheck should the employee voluntarily terminate their employment with NCSWA within twelve (12) months according to the schedule set forth by NCSWA. The items for which reimbursement will be required include, but are not limited to registration fees, transportation fares, lodging and meals. Employees may also apply for tuition assistance as set forth in this policy. Employees who desire to utilize funding for travel and/or training of \$1,500.00 or more shall prior to commencement of training and/or training funds from their final pay check in the event they voluntarily terminate their employment within twelve months of completion of the training.

- 4.2 NEW EMPLOYEE ORIENTATION** Each new employee is required to attend New Employee Orientation as scheduled by the Human Resources Department within thirty (30) days of the hire date. The Human Resources Department shall explain Authority policies, benefits, and the employment relationship, and shall distribute benefit enrollment forms. The employee shall receive a copy of the Personnel Policies and Procedures and shall review and abide by it. New employees shall complete all necessary forms. Next, the employee shall receive orientation at the hiring department. A representative of the hiring department shall explain the employee's duties, what the employee will be evaluated on, the department's work standards, the department's internal policies, the hours of work, lunch and break schedule, when and whom to report absence from work, methods of recording time worked, and the department's safety rules and procedures. The hiring department shall also provide a tour of the department, show the employee where applicable safety or protective equipment is located and introduce the employee to co-workers.

SECTION 5 HOURS OF WORK

- 5.1 HOURS OF WORK** Full-time employees are expected to work at least forty (40) hours per week unless otherwise specified by a different schedule or part-time status.
- 5.2 BREAKS** Lunch breaks are taken without pay and are normally one (1) hour, except for departments with established alternative schedules. In addition, each employee may be granted two (2) breaks per day, one in the morning and one in the afternoon, each for a period of ten (10) minutes. Supervisors may limit or delay breaks if continuous work is required, and the entire break or remainder of a break may be taken at a later time on the same day as determined by the supervisor. Breaks will not be accumulated. Breaks shall not be taken in conjunction with lunch breaks, at the end, or beginning of a work shift unless authorized by the employee's immediate supervisor.
- 5.3 ATTENDANCE AND ABSENTEEISM** Employees are expected to report for work promptly. Employees will be paid for time actually worked, unless absences are authorized leave. If an employee expects to be absent from work for any reason, the employee shall submit a leave slip for the proposed absence to the employee's immediate supervisor at least one (1) week prior to the time the employee is to report to work consistent with the time requested off. In cases of excessive absenteeism or when the supervisor believes that an employee is abusing sick leave, the employee may be required to submit a medical certification. Unauthorized absences (those

not approved by the immediate supervisor) will be grounds for disciplinary action up to and including termination and the employee shall not receive pay for the period of the absences. Unauthorized absence from work for two (2) consecutive work days or more will be considered abandonment of the job and automatic resignation without notice shall result without the right of appeal or grievance. Where circumstances beyond an employee's control prevent that employee from contacting their immediate supervisor to request time off, the Authority Manager may elect not to treat an unexcused absence as a voluntary resignation.

SECTION 6 EMPLOYEE RELATIONS

- 6.1 CHAIN OF COMMAND** The Authority urges employees to follow the chain of command concept. Employees should address issues first with their immediate supervisor. If the issue is not resolved at this level, employees may request a meeting with the next level supervisor up to the Authority Manager. If Pursuant to the Whistleblower Protection Act {NMSA 1978 Section 10-16-C3} the Authority shall not take any retaliatory action against an employee for communicating to any person or entity information about an action or a failure to act that the employee believes in good faith constitutes an unlawful or improper act.
- 6.2 UNIFORMS** Employees who are required to wear a uniform must wear the uniform while on duty as a condition of employment and shall not wear the uniform while off duty. The supervisor will inform the employee what constitutes the required uniform. Employees improperly wearing or failing to wear uniforms may be disciplined up to and including termination.
- 6.3 DRESS AND PERSONAL APPEARANCE** Employees must present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to follow the dress code while on duty shall be considered insubordination. NCSWA strives to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is not acceptable in the office: gym clothing; sexually provocative clothing; clothing that contains inappropriate material including profanity; observable lack of undergarments; exposed undergarments; clothing that exposes the midriff; tank tops; halter tops and beachwear including flip flops, sandals or open toe shoes. Employees who appear for work inappropriately dressed shall be sent home and directed to return to work in proper attire and shall not be compensated for time spent changing to appropriate work attire.
- 6.4 SOLICITATION** Employees are prohibited from soliciting or providing information to any person in any Authority facility during work hours concerning products, services, campaign information or membership unrelated to the employee's direct work responsibilities.
- Request for donations for charitable causes shall not be considered a violation of this rule, provided that it is approved by the Human Resources Director or designee. Solicitation materials are prohibited from being distributed in NCSWA buildings.
- 6.5 OUTSIDE EMPLOYMENT** Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment

does not cause a conflict of interest. If an employee's outside work interferes with the performance of his or her position with the Authority, the employee will be required to terminate the outside employment immediately. Interference with the employee's performance includes, but is not limited to: attendance, work performance and accuracy, and timeliness. Before beginning any outside employment, an employee shall complete a Notification of Outside Employment Form and forward it to the Department Supervisor and the Human Resources Director.

- 6.6 CONFIDENTIAL INFORMATION** Employees in positions that are exposed to or have access to confidential information must take appropriate measures to safeguard such information. Confidential information includes but is not limited to information not subject to inspection under Inspection of Public Records Act (IPRA) or protected by the Health Insurance Portability and Accountability Act (HIPPA), attorney/client privileged information, or attorney work product. Sharing this information or allowing this information to be released without prior approval of the Authority Manager or designees and compliance with applicable laws may subject an employee to disciplinary action up to and including termination.

- 6.7 SMOKE-FREE WORKPLACE** The purpose of this policy is to provide a safe and healthy work and living environment for our employees and the citizens.

NCSWA prohibits smoking, carrying a lighted or smoldering smoking device, into or lighting a smoking device into any NCSWA Facility. This includes facilities owned, leased or rented by NCSWA.

This policy applies to all employees and officials of the Authority, all visitors of NCSWA, any person conducting business with the NCSWA, and anyone driving a NCSWA-owned or NCSWA-leased vehicle.

Smoking is prohibited within twenty-five (25) feet of an opening of any area where smoking is prohibited. When smoking outside, do not dispose of cigarette butts on the ground of anywhere else other than the receptacles provided for that purpose. Failure to comply may lead to disciplinary action up to and including termination.

6.8 POLITICAL PARTICIPATION

- 6.8.1 CAMPAIGNING** NCSWA employees shall not campaign for political office during scheduled work hours. In addition, material and literature regarding candidates shall not be dispensed on NCSWA premises through NCSWA equipment, or out of NCSWA vehicles and shall not be created using NCSWA property. Employees are also prohibited from campaigning in NCSWA facilities while off-duty

- 6.8.2 RUNNING FOR POLITICAL OFFICE** All NCSWA employees, who becomes a candidate for an elected state, federal, or county office, must upon filing a declaration of candidacy or accepting a nomination, take a leave of absence from his or her NCSWA position. Such leave absence shall be for thirty (30) calendar days before the primary and general elections. The leave may be charged to accrued annual leave or compensatory leave if available, and if no paid leave is available, the time will be leave without pay. This provision shall not apply to a candidate who is running unopposed.

NCSWA employees may not hold an elected political office during employment by the Authority. Serving as a member of a local school board or an elected board member of any post-secondary educational institution shall not be construed as holding a political office for purposes of this section.

6.9 VOTING RIGHTS Nothing in these Personnel Policies and Procedures shall deny employees the right to vote as they choose.

6.10 CARE OF AUTHORITY EQUIPMENT Each employee who is entrusted with the use of NCSWA equipment shall exercise reasonable care in its use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine or tool appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. If NCSWA equipment is damaged as a result of an employee's neglect of his or her responsibilities, the repair or replacement may be deducted from the employee's net pay.

6.11 PERSONAL USE OF AUTHORITY PROPERTY Except as otherwise allowed by the Personnel Policies and Procedures an employee shall not use NCSWA property for personal use, for profit, or as part of secondary employment.

All NCSWA employees must maintain his or her work environment in an orderly fashion and follow all NCSWA rules to ensure its proper use and maintenance.

Any employee who is found to have neglected or misused NCSWA property will be subject to disciplinary action up to and including termination. If an employee's misuse of property damages the property, NCSWA reserves the right to require the employee to pay all or part of the cost to repair or replace the property. Misappropriation of property is grounds for immediate termination and possible criminal action.

Property (including but not limited to computers, telephones, cellphones, copiers, fax machines, Internet services and printers) is intended for business use only. Limited personal use as necessary is allowable but should be the exception and not the rule. Abuse of property may result in discipline up to and including termination.

6.12 MAINTENANCE OF MINIMUM QUALIFICATIONS All employees in positions that require certification, licensure, continuing education units (CEU's), etc., are required to maintain such certification, license, CEU's, etc., as a condition of employment. Failure to maintain the required minimum qualifications may result in termination of employment.

6.13 PROCUREMENT Individuals found to have violated the New Mexico Procurement Code, NMSA 1978, Sections 13-1-1 through 13-1-191.1, or the NCSWA Procurement Policy, and any Resolution adopted by the Board of Directors in the acquisition of goods or services shall be subject to disciplinary action up to and including termination. Violators may be required to reimburse the Authority for those goods or services acquired in violation of the aforementioned statutes and policies.

6.14 PERSONAL RELATIONSHIPS IN THE WORKPLACE Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception is romantic or sexual relationships between supervisors and subordinates. It is strictly prohibited for an employee in a supervisory position to supervise another employee with whom he or she is romantically or sexually involved. A supervisor who becomes sexually or romantically involved with an employee whom he or she supervises must immediately disclose the existence of the relationship to his or her immediate supervisor and the Human Resources Director. One of the employees may be transferred to another position or department, which may result in a reduction in pay. The employee with the more senior position will be considered for transfer first to avoid any perception of retaliation against the less senior employee. If no opportunity for a transfer exists, the senior employee will be required to resign. Failure to resign will result in termination. Failure of an employee to disclose that they are involved in a romantic or sexual relationship with their supervisor or their subordinate shall result in disciplinary action up to and including termination. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

6.15 CONFLICTS OF INTEREST Each employee must perform his or her assigned tasks without actual, potential or apparent conflicts of interest, particularly with vendors of the Authority. Violation of this policy may include disciplinary action up to and including termination.

Examples of potential conflicts of interest include, but are not limited to, the following: (1) a direct or indirect financial interest in any sale or lease to the Authority of goods or services (2) a close, personal relationship with a vendor which influences a transaction; (3) outside employment with a vendor; (4) influencing a decision of the Authority for personal gain of the employee or any family member; or (5) disclosure of confidential information to a private interest.

6.15.1 CODE OF ETHICS AND HONESTY All NCSWA employees are expected to conduct themselves in an honorable fashion. Honesty is an important company attribute. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like, will not be tolerated. The same honesty standard applies to any company investigation. Any violations will result in disciplinary action, up to and including termination.

6.16 CRIMINAL ACTIVITY All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Office or other appropriate outside agency for investigation. Any employee who engages in criminal activity may be subject to termination. An employee shall immediately inform his or her supervisor if the employee is charged with a crime. All employees are required to cooperate and participate in investigative and/or disciplinary matters. Failure to comply may result in disciplinary action up to and including termination.

6.17 PRESS CONTACTS Inquiries from the news media are given a high priority by the Authority and should be responded to as quickly and efficiently as possible. In order to ensure the dissemination of consistent, accurate and timely information, the Executive Assistant or other person designated by the Authority Manager shall be responsible for the Authority media relations. NCSWA employees shall immediately notify the Executive Assistant, or the designated

person about media inquiries. Employees shall not make comments to the Media on behalf of the Authority.

- 6.18 SERVICE ON BOARD/COMMISSIONS/COMMITTEES/GROUPS** An employee must receive prior Authority approval to serve on a board, commission, committee or group for which membership is not required duty of the employee's position, and which interferes with the employee's regular work schedule. To request approval, an employee shall complete and submit an *Intention to Serve/Participate on a Board, Commission, Committee, or Group Form*. The form shall be submitted to the Human Resources Department prior to the intended start date. The request must be approved by the immediate supervisor, Department Director, the Human Resources Director, and the Authority Manager prior to the employee's participation. If the request is approved, the employee may attend meetings or transact business during the employee's regular working hours only when on approved leave. If being a member conflicts with the employee's position, the request will be disapproved.
- 6.19 FIREARMS AND PROHIBITED WEAPONS** NCSWA prohibits all people who enter NCSWA property or employee's conducting Authority business on or off NCSWA property from carrying a handgun, firearm, or other prohibited weapons regardless of the employee's possession of a license to carry a weapon, including having a prohibited weapon in a vehicle on NCSWA property. A prohibited weapon includes any weapon or explosive prohibited by state and federal law. It is the responsibility of the individual to be aware of what is prohibited by law. Failure to comply with this policy may lead to disciplinary action up to and including termination.
- 6.20 SEARCH AND SEIZURE** Employees are advised that the work area is subject to reasonable search by the Authority. Employees are further advised that they do not have an expectation of privacy in the work area in most cases and should therefore refrain from keeping personal items or property in the work area. Purses, backpacks and suitcases are generally not subject to search. Authority-owned vehicles, equipment, lockers, desks, cubicles, file cabinets, computers or telephones, even though used by a single employee, may be searched upon reasonable suspicion that a violation of this policy exists. Nothing in this paragraph shall prohibit the Authority from searching the work area for work-related, non-investigatory reasons.
- 6.21 USE OF AUTHORITY VEHICLES**
- 6.21.1 DRIVER SELECTION/QUALIFICATIONS** NCSWA may identify and select certain employees to drive Authority vehicles based on the nature of duties of the position. Driver selection and qualification shall be analyzed during the hiring process. All drivers (current and prospective) shall possess a valid license for the type of vehicle(s) operated on the job. Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. Drivers shall successfully complete the NCSWA's Defensive Driver's Training Program within six months of hire. Refresher training shall be provided to all drivers at least every three years. There shall be no exception of privacy of a NCSWA vehicle for employees who use an Authority vehicle. All traffic violations involving an Authority vehicle must be reported to NCSWA immediately. All traffic violations involving a personal vehicle utilized for Authority business where an employee risks loss or suspension of driving privileges or where there is damage to property or person(s) must be reported to NCSWA Risk Management

Division immediately. Failure to notify may result in disciplinary action up to and including termination.

6.21.2 MAINTENANCE AND REPAIRS Employees assigned to a NCSWA-issued vehicle are responsible for the routine maintenance and repairs of NCSWA vehicles and shall be conducted in a regular and timely fashion at NCSWA facilities. NCSWA vehicles shall be maintained in accordance with the manufacturer's recommendations at a minimum.

6.21.3 VEHICLE ACCIDENTS If a NCSWA employee is involved in a motor vehicle accident while driving a NCSWA vehicle or while performing official duties in a private vehicle, the employee shall contact law enforcement immediately. The employee shall also request that the parties and properties involved remain at the scene of the accident until a law enforcement officer has released them. The employee's supervisor must be notified of the accident immediately. The employee shall refrain from making statements regarding the accident to anyone other than the investigating officer(s), Authority, Human Resources, or representative of his or her own insurance company, if the employee's privately-owned vehicle is involved. Drivers involved in the following types of accidents shall be immediately tested for use of drugs or alcohol:

- A. Where an individual dies;
- B. Where an individual suffers bodily injury and receives medical treatment at or away from the scene of the accident;
- C. Where a citation is issued;
- D. Where one or more vehicles incur substantial property damage; or
- E. Where the Authority or Human Resources Director deems appropriate

6.21.4 OPERATION OF AUTHORITY VEHICLE Only a NCSWA employee, or other person authorized through a Joint Powers Agreement or Memorandum of Understanding, may operate a NCSWA vehicle.

6.21.5 PASSENGERS The transport of a non-NCSWA employee in a NCSWA vehicle is prohibited except in an emergency or when approved by the Authority Manager.

6.21.6 USE OF CELLULAR PHONES WHILE DRIVING Use of cellular phones is prohibited while operating NCSWA vehicles and other vehicles while on NCSWA business unless a hands-free system is used. Employees shall use due caution when using cellular telephones while the vehicle is in motion. The primary responsibility of employees using NCSWA vehicles is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation. Text messaging or electronic mail communication is prohibited while operating NCSWA vehicles and other vehicles while on Authority business. Violation of this policy may result in disciplinary action up to and including termination.

6.21.7 USE OF TOBACCO PRODUCTS Smoking and other uses of tobacco products are prohibited in NCSWA vehicles.

6.21.8 VEHICLE TAKE-HOME POLICY An employee may be assigned a NCSWA vehicle to take home if NCSWA deems it necessary. Employees shall not transport any persons other than NCSWA personnel in the vehicle except in the course of official business. Take home vehicles may only be used for personal purposes on a "de minimis" basis. The assignment of a NCSWA vehicle may result in taxable income to the employee pursuant to IRS rules. In no event shall a NCSWA

employee who has had a positive drug or alcohol test or who has been convicted of driving under the influence of alcohol or drugs be permitted to take a NCSWA vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test and/or conviction.

6.22 FREEDOM FROM DISCRIMINATION AND HARASSMENT All employees should be able to enjoy a work environment free of unlawful discrimination and harassment. NCSWA will not tolerate unlawful discrimination or harassment of any kind. All employees are covered by and are expected to comply with this policy, and to take appropriate measures to ensure prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy, up to and including termination. Harassment includes: verbal or physical conduct intended to threaten, intimidate or coerce; verbal or physical conduct that has the purpose or effect of unreasonably interfering with work performance or that creates an intimidating, hostile or offensive working environment; and the uttering of words, or the display or circulation of written materials or pictures that are degrading to individuals of a particular sex, race, age, national origin, disability, religion, sexual orientation or political affiliation. Sexual harassment includes but is not limited to: unwelcome sexual advances; requests for sexual favors; making jokes of a sexual nature; displaying photographs, picture messages or posters that show nudity; displaying words of a sexual nature; commenting about a person's appearance, or dress; or other verbal or physical conduct that is sexual in nature.

Any discrimination or harassment of any employee by any other employee will not be permitted, regardless of the working relationship between the participants. Any employee found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination. The Authority Manager, Human Resources Director or supervisory personnel shall immediately take action regarding any harassment which they observe or become aware of, by disciplinary action if necessary. In addition, supervisors are required to report any incident of harassment or discrimination to the Human Resources Director.

6.22.1 MAKING A FORMAL CHARGE Any employee who believes he or she has been subjected to discrimination or harassment by an employee of NCSWA or a person doing business with NCSWA shall file a formal charge of harassment with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Department. NCSWA prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

6.22.2 SEXUAL HARASSMENT POLICY

Sexual Harassment is defined as unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission 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 made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

If an employee feels that he or she is being subjected to sexual harassment he or she may immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or to the human resource (HR) Director. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses. It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the HR Director or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of sexual harassment within their departments, whether or not there has been a written or formal complaint. Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

Once reported, the HR Director will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

Employees who violate this policy are subject to discipline up to and including termination. Persons who violate this policy may also be subject to civil damages or criminal penalties. All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. Complete confidentiality is not guaranteed as adequate steps must be taken to investigate the allegations.

6.23 PROHIBITION OF VIOLENCE IN THE WORKPLACE Employees shall not exhibit violent, hostile or aggressive behavior while in the workplace or while conducting Authority business. Prohibited activity includes, but is not limited to, making threatening remarks, causing physical injury, engaging in hostile aggressive behavior that creates a reasonable fear of injury or causes another employee emotional distress, or intentionally damaging NCSWA property or harming a co-worker or the property of a co-worker. Violation of this policy may result in disciplinary action, up to and including termination.

6.23.1 MAKING A FORMAL CHARGE Any employee who believes that he or she is a victim of or who observes workplace violence shall file a formal charge with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Department.

NCSWA prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

- 6.24 REPORTING IMPROPER ACTIVITIES** NCSWA employees shall immediately report information about an action or a failure to act that the employee believes in good faith constitutes an unlawful or improper act. Such action or failure to act includes, but is not limited to, waste, fraud, abuse of authority, violations of laws or other improper government activity. Employees providing such reports shall be free from harassment, discrimination, or retaliation. Any such activity shall be reported immediately to the Human Resources Director, and any employee who harasses, intimidates, or retaliates against an employee reporting pursuant to this Section may be disciplined up to and including termination.
- 6.25 INFORMATION TECHNOLOGY RESOURCES** The Authority provides information technology resources ("IT resources") to designated employees. These resources include, but are not limited to NCSWA owned or leased computers, copiers, printers, all other computer equipment, telephones, cellular phones, personal digital assistants, software, data, network devices, accessories, email, voicemail, NCSWA Intranet, the Internet, and electronic files.
- 6.25.1 USAGE** Use of IT resources are intended for business-related purposes, such as communicating with vendors, suppliers and consultants, researching relevant topics related NCSWA business, and acquiring information of use to the Authority. Limited, occasional use of the Authority email and/or the Authority Internet services for personal purposes is allowed provided that it does not negatively affect the employee's performance, discredit the Authority, or violate any Authority policy or state or federal law. Personal use shall occur only during non-working time unless otherwise specified. There shall be no expectation of privacy when using IT resources, and the Authority reserves the right to audit, monitor and inspect IT resources and any related documents or material with or without notice and with or without permission from the employee. Users shall not assume electronic communication is private.
- 6.25.2 MISUSE** IT resources shall not be used to reveal confidential or sensitive information, client data, or any other information covered by existing state or federal privacy or confidentiality laws, policies, procedures, or contract terms. IT resources may not be used to create, access, download or upload information to include text or images, print, display, archive, store, distribute, edit, or record information that is considered to be discriminatory based on particular sex, race, age, national origin, disability, religion, sexual orientation or political affiliation, IT resources may not be used to create situations which are harassing, threatening obscene, abusive, fraudulent, indecent, or contain sexual content. An employee may not use IT resources to engage in any business or for personal gain or profit. Employees are prohibited from accessing private, non-Authority e-mail accounts from Authority owned or leased equipment within the Authority's network. An employee shall not share his or her user name or password and is responsible for all activity occurring under his or her user name and password.
- 6.25.3 USE OF AUTHORITY TELEPHONES** The use of NCSWA telephones is restricted to Authority business and necessary brief personal telephone calls. Examples of necessary brief personal calls are calls to alert household members about schedule changes, make alternative child care arrangements, talk with medical providers, reach businesses or government agencies that can only be contacted during working hours, and arrange emergency repairs. To the extent possible, such personal calls shall occur during non-working hours. An employee shall reimburse the Authority for all long-distance personal calls.

6.25.4 USE OF AUTHORITY CELLULAR PHONES The Authority may provide cellular telephones for employees whose duties require wireless access to telephone service. The use of Authority cellular telephones is restricted to Authority business and necessary brief personal telephone calls. An employee shall reimburse the Authority for all overage charges whether the overage is due to personal calls or business calls. If an employee exceeds the plan due to business calls, it is the responsibility of the employee to meet with his or her immediate supervisor to evaluate whether the plan is sufficient for the duties required. Cellular telephones should be turned off or set to silent or vibrate mode during meetings and in other situations where incoming calls may disrupt the workflow.

6.25.5 USE OF PERSONAL CELLULAR TELEPHONES, CHARGERS AND OTHER CELLULAR DEVICES The use of personal cellular telephones while an employee is working, whether in the field or in the administrative office, including text messaging and email communication is restricted to necessary brief personal telephone calls or text messages. An employee shall not use his or her personal cellular phone during working hours to send information or materials that are harassing, defamatory, discriminatory, or inappropriate for the workplace, including information or materials of a sexual nature or that show nudity. An employee is responsible for replacement cost of lost or mislaid chargers and other cellular accessories.

6.25.6 COMPUTER PROGRAMS OR SOFTWARE No software licensed to the Authority nor data owned or licensed by the Authority shall be uploaded or transferred out of the Authority's control without explicit authorization from the Information Technology Director or Authority Manager except through the Inspection of Public Records process. Users shall not download executable software, including freeware and shareware, unless approved by the Information Technology Director or Authority Manager. Users shall not use information technology resources to download or distribute pirated software or data. Unauthorized dial-up access to the Internet is prohibited from any device that is attached to any part of the Authority's network. The Authority's IT resources shall not be used to establish connections to non-Authority Internet service providers without prior authorization by the Information Technology Director or Authority Manager. No program or software which must be purchased may be downloaded until the program is properly purchased under the New Mexico Procurement Code and the Authority's purchasing procedures. Use of any program or software which is downloaded pursuant to these provisions must be strictly used within the terms of any license or registration.

6.26 SOCIAL MEDIA

6.26.1 DEFINITION OF SOCIAL MEDIA Social media is a means of communication on the internet that is accomplished by posting information or content for others to read, comment on, or respond to. It includes, but is not limited to, communicating with others on a web log or blog, an electronic journal or diary, a personal internet website, communicating through a social networking or affinity website (e.g. Facebook, LinkedIn), a web bulletin board, chat room, instant messaging site, video or photo sharing site (e.g., YouTube), forums, discussion boards and groups (e.g. Google groups, instant messaging (including SMS), a wiki or online collaboration site (e.g. Wikipedia), a blog hosted by a media outlet, geo-spatial tagging vod and podcasting, micro blog (e.g. Twitter), gaming platforms or chat rooms.

6.26.2 SOCIAL MEDIA AT WORK

- A.** In an effort to reach a broader audience of NCSWA residents for a variety of reasons, the Authority participates in social media. The use of social media allows NCSWA to disseminate time-sensitive information as quickly as possible (e.g. emergency information). The Media Production and Public Relations Specialist and/or the Authority Manager shall determine which social media outlets are suitable for use, and which employees are authorized to use any given social media outlet, and the permissible content that may be communicated through social media. Employees shall not use social media at work unless specifically authorized to do so by the Media Production and Public Relations Specialist, the Authority Manager or designee. When an employee is so authorized, the employee shall use the social media consistent with the terms of the authorization and this policy.
- B.** Unless specially authorized to use social media at work by the preceding paragraph, use of social media at work is strictly prohibited. Likewise, unless authorized as provided, use of Authority property including computers, wireless technology, cellular phones, smart phones or internet networks for social media use is prohibited. Employees are advised that NCSWA computers, wireless technology, cellular phones, smart phones, internet networks and other NCSWA property are monitored and use of the Authority equipment for an improper purpose will be detected and may result in disciplinary action up to and including termination.

6.26.3 PERSONAL USE OF SOCIAL MEDIA

NCSWA does not prohibit employees from participating in social media while not at work, nor is the content posted any concern of the Authority. However, if an employee uses social media to harm the Authority, Authority constituents, or fellow employees, participation in social media while not at work can have employment consequences. Employees shall not use social media to harm the Authority, Authority constituents or fellow employees. Employees shall not use social media to impair the work of any NCSWA employee; to harass, bully, demean or create a hostile work environment for any NCSWA employee. Nor shall an employee use social media to violate NCSWA policies, an Authority ordinance, or state or federal law. To make the distinction between private activity and work activity as clear as possible, in cases where confusion might be created, each employee should identify a social media posting as a personal opinion rather than the opinion of the Authority. Bullying means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more NCSWA employees whether or not at work or during work hours. Bullying includes, but is not limited to hazing, harassment, intimidation or menacing acts of another NCSWA employee which may, but need not be based on the employee's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

6.26.4 IDENTIFICATION OF INAPPROPRIATE USE

If any NCSWA employee becomes aware of inappropriate use of social media in violation of this policy, he or she is to immediately report the conduct to the Human Resources Department. Violations of this policy may result in disciplinary action up to and including termination.

SECTION 7 DISCIPLINE

7.1 AUTHORITY TO TAKE DISCIPLINARY ACTION

Supervisory and managerial personnel have the responsibility and obligation to take disciplinary action deemed necessary, in the best interest of the Authority.

7.2 PROGRESSIVE DISCIPLINE

The primary purpose of discipline is to correct performance or behavior that is below acceptable standards, or contrary to the Authority's legitimate interests, in a constructive manner that promotes employee responsibility. It is the Authority's policy that as a general rule, discipline is progressive in nature beginning with less severe action necessary to correct the undesirable conduct or behavior and increasing in severity if the conduct or behavior is not corrected. There are instances when a disciplinary action, including dismissal, is appropriate without first having imposed a less severe form of discipline. The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred, as well as any previous counseling, and the employee's disciplinary history will be factors considered in determining the action to be taken. The conduct at issue in prior discipline need not be similar to the conduct involved in a subsequent discipline to serve as the basis for progressive discipline.

7.2.1 PERFORMANCE IMPROVEMENT PLAN

If an employee's performance, attendance, or behavior is unsatisfactory, the supervisor and the Human Resources Director will advise the employee of the unsatisfactory condition and may give him/her an appropriate opportunity to improve to an acceptable level through a Performance Improvement Plan (PIP), subject to the other provisions of this policy. After completion of a PIP, if the employee's performance, attendance, or behavior fails to improve as specified by the PIP, the employee will be subject to further disciplinary action, up to and including termination.

7.3 FORMS OF DISCIPLINARY ACTION

7.3.1 ORAL REPRIMAND

An oral reprimand is generally used for minor offenses or to correct minor faults in an employee's performance.
An oral reprimand is not subject to the grievance or appeal process and not subject to the notice and hearing requirements of this section.

7.3.2 WRITTEN REPRIMAND

A written reprimand may be issued by a supervisor for an offense of a more serious nature which requires more formal action than an oral reprimand. The written reprimand shall become a part of the employee's Human Resource file.
A written reprimand is not subject to the grievance or appeal process and not subject to the notice and hearing requirements of the applicable section of this policy.

7.3.3 SUSPENSION

A suspension may be ordered for an offense of a more serious nature or for repeat of a minor offense. An employee may be suspended for a period not to exceed thirty (30) working days.
During a suspension, an employee will not be paid or accrue leave. Each suspension shall be recorded and filed in the employee's Human Resources file.

7.3.4 DEMOTION

An employee may be demoted for an offense of a more serious nature or for repeat

of a minor offense. The employee may be demoted to a lesser position for which the employee is otherwise qualified. When demoted, the employee will receive a decrease in compensation commensurate with the new position. Each demotion will be recorded and filed in the employees Human Resources file.

7.3.5 DISMISSAL An employee may be terminated for an offense of a more serious nature or for repeat of a minor offense.

7.4 GROUNDS FOR DISCIPLINARY ACTION A classified employee or a term employee, if the probationary period has been served, may be suspended, demoted, or dismissed for just cause which is any behavior relating to the employee's work that is inconsistent with the employee's obligation to the Authority. Just cause includes, but is not limited to, the following:

7.4.1 UNSATISFACTORY PERFORMANCE

This conduct consists of:

- Unsatisfactory performance of duties
- Insubordination
- Continued violation of safety practices
- Failure to cooperate with fellow employees
- Failure to adhere to the established work schedule
- Failure to obtain prior authorization to work overtime
- Failure to meet or maintain job qualifications, as set forth in the job description, including failure to maintain a valid driver's license
- Sleeping on duty
- Any other behavior that justifies discipline under this category

7.4.2 TARDINESS/ABSENTEEISM

This conduct consists of:

- Abuse of sick leave
- Unauthorized absence from work
- Tardiness shall include being late for work, returning late from lunch, or late to scheduled meetings or other work-related events for which attendance is required
- Failure to abide by time frames for sick calls
- Any other behavior that justifies discipline under this category

7.4.3 CARELESS, NEGLIGENT, OR IMPROPER USE OF AUTHORITY PROPERTY, EQUIPMENT OR REFUNDS

This conduct consists of:

- Falsifying official documents or records
- Theft or vandalism of Authority property
- Unauthorized use or possession of Authority property or equipment
- Operating an Authority vehicle or equipment in a negligent, reckless or tortious manner
- Unauthorized disclosure of confidential information from Authority records or documents

- Falsification, destruction, or unauthorized use of Authority records, reports, or other data belonging to the Authority
- Unauthorized or fraudulent manipulation of time records or other Authority records
- Operation of an Authority vehicle or equipment while under the influence of a controlled substance or intoxicant
- Inappropriate use of IT resources
- Any other behavior that justifies discipline under this category

7.4.4 IMPROPER CONDUCT

This conduct consists of:

- On the job conduct toward the public or employees that causes discredit to the Authority
- Personal conduct which impairs the employee's ability to perform the employee's duties or causes discredit to the Authority
- Conflict of interest which results in private gain to the employee or detriment to the Authority
- Threatening or harassing an employee, a Board member or anyone doing business with the Authority
- Consumption, possession, or distribution of alcohol or drugs on the job, or reporting to work under the influence of alcohol or drugs
- Accepting a bribe or consideration given with the intent to influence the performance of duty
- Use of official position or authority for personal profit or advantage
- Bribery or coercion of, or attempting to bribe or coerce an employee or
- Influencing, or attempting to influence, a Hearing Officer, other than through established hearing procedures
- Failure to cooperate in an investigation
- Distributing of literature, vending, soliciting, or collecting contributions while on the job and on Authority premises, or assisting with the same, without prior authorization of the Authority Manager
- Unauthorized possession of a weapon on the job site
- Fighting or other disruptive behavior in the workplace
- Gambling during work hours
- Any other behavior that justifies discipline under this category

7.4.5 VIOLATION of any federal or state law including all civil right statutes.

7.4.6 CONVICTION of a misdemeanor or felony.

7.4.7 VIOLATION of the North Central Solid Waste Authority Personnel Policies and Procedures Or department-specific procedures, or a professional code of ethic followed by those in the same profession as the employee.

7.5 PERSONS INELIGIBLE TO FILE GRIEVANCES OR APPEAL A DISCIPLINARY ACTION A probationary

employee, at-will employee, or employee in a casual or temporary position, or an employee in a term position who has not completed the probationary period may be disciplined at any time without a right to file a grievance.

- 7.6 ADMINISTRATIVE LEAVE** The Authority Manager may approve administrative leave for an employee pending an investigation or disciplinary action.
- 7.7 DISCIPLINARY PROCESS** The following procedures apply when a supervisor proposes to suspend, demote, or dismiss a classified employee or an employee in a term position who has completed the probationary period.
- 7.7.1 DELIVERY OF CORRESPONDENCE** The Authority will make an effort to hand-deliver correspondence related to the disciplinary process including but not limited to disciplinary action forms, memos, or documents, and such correspondence will be considered served upon delivery. When hand delivery is not practical, such correspondence will be mailed by priority mail, certified return receipt requested and will be considered served on the first date of attempted delivery by the U.S. Postal Service to the last and usual place of residence indicated in the employee's Human Resources file. Employees are required to maintain a current address with the Human Resources Department and to notify the Human Resources Department in writing when that address changes. For the purpose of this Section, days mean workdays to include Monday through Friday and not to include holidays or time when the Authority Administrative Offices are closed. Notice will be deemed sufficient upon hand delivery to the employee or the first date of attempted delivery by the U.S. Postal Service to the last and usual place of residence indicated in the employee's Human Resources file.
- 7.7.2 NOTIFICATION OF PROPOSED DISCIPLINARY ACTION** To initiate the suspension, demotion, or dismissal of a classified employee or an employee in term status who has completed the probationary period, the employee's Manager or designee will serve a Notice of Proposed Disciplinary Action to the employee within (15) fifteen working days of becoming aware of the incident that describes the basis for the proposed action, or within fifteen (15) working days of completion of an investigation. A copy of the notification of proposed disciplinary action shall be submitted simultaneously to the Human Resources Department. The Notice of Proposed Disciplinary Action will describe the conduct, actions, or omissions that form the basis for the proposed disciplinary action, give a general explanation of what evidence the Authority has, and will include the date, time and place of the pre-determination hearing. The Authority will attempt to provide notice of the proposed disciplinary action and pre-determination hearing date via hand delivery to the employee. If hand delivery is not practical, such notice will be mailed by priority mail, certified return receipt requested and will be considered served on the first date of attempted delivery by the U.S. Postal Service to the last and usual place of residence indicated in the employee's Human Resources file.
- 7.7.3 PRE-DETERMINATION HEARING** The employee shall be given an opportunity to respond to the proposed discipline at a pre-determination hearing. The pre-determination hearing shall be recorded by the use of electronic recorder. The employee's immediate supervisor and a representative from the Human Resources Department shall be present at the pre-determination hearing. A representative of the Authority Attorney's Office may be present at the pre-determination hearing. The employee has the right to have a representative of his or her choice present during the hearing. Pre-determination hearings will be held within five (5)

working days from the date of hand delivery or certified mailing of the proposed discipline. The pre-determination hearing is not an evidentiary hearing but is an opportunity for the employee to present his or her version of events. It is a determination of whether there are reasonable grounds to believe that the allegations against the employee are true and support the proposed discipline.

- 7.7.4 DECISION ON DISCIPLINARY ACTION** Regardless of whether an employee attends the pre-determination hearing, the Human Resources Director or designee shall issue a Notice of Final Action within ten (10) working days following the pre-determination hearing. The Notice of Final Action shall specify the final action to be taken, which may be upholding the proposed disciplinary action, modifying the disciplinary action, or reversing the disciplinary action and shall describe the conduct that forms the basis for the disciplinary action, give a general explanation of the evidence the Authority has, and specify when the disciplinary action will become effective. The Notice of Final Action shall also advise the employee of the appeal rights set forth in Section 7.7.5 below.
- 7.7.5 APPEAL OF DISCIPLINARY ACTION** If the employee or previous employee wishes to appeal the disciplinary action; he or she shall submit a written appeal to the Authority Manager within five (5) working days from the date he or she was served with the decision on the disciplinary action. The Authority Manager may request additional information or documentation before rendering a decision. The Authority Manager will render a written decision by issuing a Notice of Final Action within ten (10) working days from the date of receipt of the appeal.
- 7.8 FILING AN APPEAL**
- 7.8.1 EXHAUSTION OF REMEDIES** An employee or previous employee must exhaust the administrative remedies described in Section 7.7 prior to filing an appeal as set forth in this Section.
- 7.8.2 REQUEST** A request for a post-determination hearing must be made in writing and filed with the Human Resources Director no later than ten (10) calendar days from service of the written decision of the Authority Manager. A copy of the Notice of Final Action and a statement of the specific grounds for the appeal must accompany the request.
- 7.8.3 TIME TO FILE AN APPEAL** Failure to file an appeal within ten (10) calendar days shall constitute forfeiture of the right to appeal.
- 7.8.4 HEARING OFFICER** The Authority will select a hearing officer deemed capable of providing a fair and impartial hearing to the person or employee.
- 7.8.5 TIME TO HOLD HEARING** The Hearing Officer shall set a hearing date no more than forty-five calendar (45) days from the receipt of the request for a post-determination hearing. The hearing shall be recorded. This timeline can be extended by the hearing officer for cause or by written agreement of the employee and the Authority.
- 7.8.6 REPRESENTATION** The employee may represent him or herself or designate a person who is not an employee of the Authority to represent him or her. The Authority Manager or supervisor

initiating the disciplinary action must be represented at the hearing. The employee and the Authority may each choose to have an attorney as a representative at the hearing.

7.8.7 EVIDENCE Oral evidence shall be taken only under oath or affirmation. The Hearing Officer has the power to administer oaths, issue subpoenas, witnesses and compel either party to produce documents pertinent to the hearing.

7.8.8 WITNESSES Employees may be required to appear as witnesses in hearings. Refusal by an employee to testify in an appeal hearing is grounds for disciplinary action. The hearing shall be conducted in an orderly and informal manner without strict adherence to the rules of evidence that govern proceedings in the courts of the State of New Mexico. However, in order to support a decision, there must be a preponderance of legally competent evidence to support a verdict in a court of law. Irrelevant immaterial or unduly repetitious evidence shall be excluded by the Hearing Officer on their own or evaluated by the Hearing Officer upon request of either party.

7.8.9 HEARING OFFICER DUTIES The hearing officer shall control the conduct of all parties and all other persons present at the hearing. The hearing officer may, under the appropriate circumstance; (1) remove any person from the hearing room; (2) close the hearing to the general public; (3) exclude all witnesses until they are called to testify; (4) continue the hearing to a later time and date; and (5) take any other action the Hearing Officer determines is necessary to insure orderly proceedings and conduct a fair and impartial hearing.

7.8.10 HEARING PROCEDURE The representative will present its evidence first.

7.8.11 PARTY RIGHTS Each party shall have the right to:

- a. make opening and closing statements;
- b. call and examine witnesses and introduce exhibits;
- c. cross-examines witnesses; and
- e. rebut any relevant evidence

7.8.12 ADMINISTRATIVE NOTICE The hearing officer may take administrative notice of those matters of which courts of this state may take judicial notice.

7.8.13 FAILURE TO APPEAR An employee or person who files a request for a hearing and fails to appear or participate in the appeal process forfeits the right to continue the appeal. The record of the hearing shall reflect and take into consideration the employee's failure to appear or to participate in the appeal process.

7.8.14 HEARING OFFICER DECISION The hearing officer will render a decision within thirty (30) calendar days from the final date of hearing. The hearing officer shall determine if there was just cause for the disciplinary action. However, the hearing officer shall not substitute his or her discretion for that of the employer.

7.8.15 JUDICIAL REVIEW Any party that is adversely affected by a final decision of the hearing officer may seek judicial review of the decision by filing a petition of for writ of certiorari in the First Judicial District Court. The District Court reviews the hearing officer's decision for arbitrariness capriciousness, lack of substantial evidence, or nonconformance with the law.

SECTION 8 GRIEVANCES

8.1 POLICY The grievance procedure is used by employees to voice concerns relating to problems or complaints related to their employment and work-related activities. A grievance is a complaint by an employee concerning a violation of the Personnel Policies and Procedures. The steps outlined in Section 8.4 comprise the normal grievance process. The employee's supervisor or Authority Manager may waive steps in writing, as appropriate, and a grievant may withdraw a grievance at any step in the grievance process. The grievance process is not applicable to disciplinary actions.

8.2 DELIVERY OF CORRESPONDENCE For the purposes of the grievance process, the Authority will make an effort to hand-deliver any documentation, or correspondence related to the grievance process including but not limited to forms and memos and will be considered served immediately upon delivery. In cases where hand delivery is not practical, such materials will be mailed priority, certified return receipt requested and will be considered serviced on the first date of attempted delivery by the U.S. Postal Service. For the purpose of this section, days mean workdays to include Monday through Friday and not to include holidays or time when the Authority Administrative Offices are closed.

8.3 TIME LIMITATIONS Failure to file a grievance within ten (10) working days following discovery of the act or condition that gave rise to the grievance will constitute a waiver of the right to file a grievance. Furthermore, any grievance determination not appealed to the succeeding level within the time limits set forth herein shall be considered closed. The time limits in this grievance procedure may be extended upon written agreement of the parties. If the Authority fails at any stage during the grievance process to timely respond, the grievant may appeal to the next level in the grievance process within the time limits set forth as if the Authority had timely responded.

8.4 STEP PROCESS

8.4.1 STEP 1. Informal Discussion Within ten (10) working days of any action complained of, the employee must attempt to resolve the complaint through informal discussion with the employee's immediate supervisor.

8.4.2 STEP 2. Written Grievance

(A) Written Grievance Required. If the matter cannot be resolved informally in Step 1, the employee shall submit a written grievance to the Department Manager. If a Department Manager is also the employee's immediate supervisor with whom the Step 1 grievance had previously been addressed, the employee shall present the written grievance to that person.

(B) Time to File Written Grievance. A written grievance must be submitted within five (5) working days of the Step 1 discussion.

(C) Content of Written Grievance. Written grievances will be submitted on the established NCSWA *Report of Grievance Form*. The grievant will provide a short and concise statement of the action complained of, brief additional facts as appropriate, the relief requested, and the date when the Step 1 discussion occurred. *Report of Grievance Forms* will be made available in

each Authority Department/Office and will also be available at the Human Resources Department.

(D) Response to the Written Grievance. The Department Manager or designee shall promptly respond in writing to the written grievance, but in any event, within ten (10) working days of the receipt of the written grievance.

(E) Review by Authority Manager. If the matter cannot be resolved at the Department Manager level, the grievant may file the grievance with the Authority Manager and request a meeting with the Authority Manager or designee. The meeting shall be scheduled within five (5) working days of the Authority Manager's receipt of the grievance. The Authority Manager shall respond to the grievant within ten (10) working days following the grievance meeting or if a grievance meeting is not conducted, within ten (10) working days from receipt of the grievance by the Authority Manager.

(F) Finality. The grievance process concludes with Step 2.

SECTION 9 HUMAN RESOURCES RECORDS

9.1 REQUESTS FOR RECORDS All written requests by the public to inspect documents shall be forwarded immediately upon receipt to the Authority's Records Custodian.

9.2 HUMAN RESOURCES FILE The Human Resources file is considered to be the official employment file. A Human Resources file shall be maintained on each employee. The Human Resources file shall be maintained by the Human Resources Department in a secure location.

9.3 INSPECTION OF HUMAN RESOURCES FILE Each employee shall be permitted to review his or her Human Resources file. The request must be submitted in writing. The employee may be required to present identification. The review of the file shall take place with a Human Resources representative present. The review shall occur as soon as possible, but no later than within one working day following the request. The employee shall not be permitted to remove anything from the file.

9.4 ACCESS TO HUMAN RESOURCES FILES Human Resources files are the property of NCSWA, and access to the information they contain is strictly restricted by law. Accordingly, access to an employee's Human Resources file shall be limited to persons with a legal right to examine the file. A supervisor shall be permitted to examine the Human Resources file of an employee under his or her direct supervision, but only if there is a legitimate business reason to do so. A supervisor who is considering hiring an Authority employee or a previous Authority employee shall be permitted to examine the Human Resources file of the applicant.

9.5 INQUIRIES CONCERNING PRESENT AND FORMER AUTHORITY EMPLOYEES Only the Human Resources Department is authorized to respond to inquiries regarding present and former Authority employees. Responses to such inquiries will confirm dates of employment, wage rates, and positions(s) held. No further information will be released without a written authorization and a notarized release signed by the individual who is the subject of the inquiry.

- 9.6 MEDICAL FILES** Medical information on each employee and dependents which is obtained by the Authority will be maintained in a separate medical file. The medical file is a confidential file and may be inspected only by those with a legal right to do so pursuant to the Federal Health Insurance Portability and Accountability Act. Any employee who is permitted to inspect such a file has a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately inspecting a medical file, or disclosing its contents, is subject to disciplinary action, up to and including termination of employment.
- 9.7 HUMAN RESOURCES DATA CHANGES** Each employee shall promptly notify the Human Resources Department of any changes in the employee's name, mailing address, telephone number, marital status, number and names of dependents, individual(s) to be contacted in the event of emergency, educational accomplishments, and other relevant information. Any information affecting an employee's pay or record must be submitted as soon as it is known, but no later than the effective date.

SECTION 10 LEAVE

10.1 ANNUAL LEAVE

- 10.1.1 ELIGIBILITY** Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is eligible to accrue annual leave beginning the date the employee becomes an Authority employee. Annual leave may be used after it has been accrued upon the approval of the employee's supervisor and successful completion of six (6) month probationary period.
- 10.1.2 ACCRUAL** Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee accrues annual leave for each hour actually worked, excluding overtime, and for each paid hour according to the schedule below. Full-time and part-time classified, term and probationary employees are authorized to accumulate a maximum of two hundred and forty (240) hours of annual leave which may be carried forward. This carry forward calculation is based upon the fiscal year. At-will employees are authorized a maximum of three hundred and twenty (320) hours of annual leave to be carried forward to the next fiscal year. Annual leave shall not be granted in advance of accrual.

ANNUAL LEAVE

To provide permanent employees with paid vacation; to be taken in ½ day increments.

All new employees

Acquired per pay period	Acquired Year	per
1 st year of employment	3.69 hours	96 hours
2 nd – 5 th year of employment	4.62 hours	120 hours
6 th - 15 th year of employment	5.54 hours	144 hours
15 years or more of employment	6.15 hours	160 hours

SICK LEAVE

For personal illness; to tend to immediate family members who are sick, including: spouse, child, parent, brother, sister, or grandparent; or, for medical, dental or eye treatment or examination.

Acquired per pay period	Acquired Year	per
1 st – 5 th years of employment	3.69	
6 th and subsequent years of employment	3.69	

10.1.3 REQUESTING ANNUAL LEAVE An employee seeking to take annual leave must submit a *Request for Leave Form* to his or her supervisor with notice consistent with annual leave requested. For example, if one day is requested, on day notice is required.

The supervisor shall grant any reasonable request, but shall also consider the Department's workload, present staffing levels and other and other job-related factors when deciding whether to grant the request. A leave request may be denied based upon the needs of the department. A previously granted leave request may be rescinded based upon the needs of the department. The denial of leave is not subject to the grievance or appeal process.

10.1.4 ANNUAL LEAVE COMPENSATION During the period of annual leave, an employee shall receive the employee's hourly base rate of pay, multiplied by the number of regular hours the employee would have worked during the annual leave. An employee on annual leave shall not be compensated for overtime that might have accrued had he or she not been on annual leave nor shall the employee receive shift differential pay while on annual leave.

10.1.5 DONATION OF ANNUAL LEAVE Employees may donate annual leave to another employee due to medical circumstances for which the recipient employee would be entitled to a leave of absence pursuant to the applicable section in this policy.

10.1.6 REQUEST FOR ANNUAL LEAVE DONATIONS An employee may request donations of annual leave from other employees upon approval of the Supervisor, the Human Resources Director and the Authority Manager if the employee has less than 20 accrued hours including sick leave, annual leave, or compensatory leave. An employee seeking donations of annual leave shall submit a *Request for Annual Leave Donations Form* to his or her supervisor. Upon all appropriate approvals, the Human Resources Department will announce the request of annual leave donations. Upon receipt of donations, the Human Resources Department will transfer the donated annual leave from the donating employee to the sick leave balance of the recipient employee, converting the dollar value of the donor's leave, based on the donor's hourly rate of pay, to hours of leave based on the recipient employee's hourly rate of pay. The recipient employee shall not use donated leave until exhausting all accrued annual and sick leave, compensatory time, and personal leave day. When the recipient employee returns to work, any remaining donated leave shall revert to the donor employees on a prorated basis. Leave donated to an employee shall not exceed 480 hours.

10.2 SICK LEAVE

10.2.1 ELIGIBILITY Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is eligible to accrue sick leave with pay to be used to attend medical appointments, for illness or injury, or to care for an ill or injured immediate family member beginning the date of hire. For purposes of this section, an "immediate family member" is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son and daughter-in-law, brother and sister-in-law, domestic partner, domestic partner's child, and domestic partner's parent.

- 10.2.3 REQUESTING SICK LEAVE** Employees who are unable to report to work due to illness or injury are required to speak to their supervisor at least one (1) hour before the scheduled start of the shift, unless otherwise specified by the Supervisor, Human Resources Director, or Authority Manager. If an employee has a planned doctor's appointment, the employee shall request the time off at least two days prior to the appointment.
- 10.2.4 PHYSICIAN'S STATEMENT** If an employee is absent from work for three or more consecutive days due to illness or injury, a physician's statement may be required to verify the illness or injury, estimate its duration or certify that the employee may safely return to work.
- 10.2.5 COMPENSATION WHILE ON SICK LEAVE** While on sick leave, each employee shall receive the employee's hourly base pay rate at the time of illness, physician's appointment, or injury multiplied by the number of regular hours the employee would have worked had he or she not needed to use sick leave. An employee on sick leave shall not be compensated for overtime which might have accrued, nor shall the employee receive any shift differential pay while on sick leave. Paid sick leave may only be used in minimum increments of on-half (1/2) hour.
- 10.2.6 TRANSFERABILITY** Sick leave is not transferrable.
- 10.2.7 ABUSE OF SICK LEAVE** Employees may use sick leave only for the reasons set forth in the applicable section of this policy. Use of sick leave for other reasons is not permitted. In the event the Authority has reason to believe that an employee is using sick leave for other reasons, the employee may be required to provide a statement from a physician for each day sick leave is claimed. Abuse of sick leave may be grounds for disciplinary action up to and including termination.
- 10.3 HOLIDAYS**
- 10.3.1 ELIGIBILITY** Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee is entitled to time off from work with pay during holidays. Holidays are approved annually by the Board of Directors
- 10.3.2 COMPENSATION DURING THE HOLIDAY** During a holiday, each employee who works the holiday will receive pay at time and one half of their base rate for all hours actually worked. Employees who do not work the day of the holiday will receive pay at straight time at the employee's regular hourly rate of pay for normal regular scheduled hours. An employee on holiday pay shall not be compensated for overtime which might have accrued had he or she worked. An employee must be in a work or paid leave status on their scheduled work day immediately preceding and following the holiday. Annually the Board of Directors will adopt a holiday schedule identifying the holidays observed by NCSWA. This provision shall apply only to the adopted holiday schedule and may be modified by the Authority Manager subject to operational needs.
- 10.4 PERSONAL LEAVE** Each full-time and part-time classified employee, term employee and unclassified at will employee shall receive one personal leave day with pay each calendar year. An employee shall accrue one personal leave day on their one (1) year anniversary date. Each year after that, each employee will accrue a personal day in January. A personal leave day must be scheduled in the same manner as annual leave. Personal leave must be taken by the last full

pay period in December of the year of accrual and may not be carried over into the following calendar year. Personal leave cannot be taken in separate blocks of time.

- 10.5 BEREAVEMENT LEAVE** Each full-time and part-time classified employee, probationary employee, term employee and unclassified at-will employee shall be eligible to use up to three (3) days of bereavement leave with pay in the event of the death of an immediate family member. For purposes of this section, an “immediate family member” is defined as a spouse, child, parent, sibling, grandparent, grandchild, step-parent, step-child, step-sibling, foster child, father-in-law, mother-in-law, son and daughter-in-law, and brother and sister-in-law, domestic partner, domestic partner’s child and domestic partner’s parent.
- 10.6 MILITARY LEAVE** Each full-time and part-time classified employee, probationary employee, term and unclassified at-will employee who is a member or reserve member of the U.S. Armed Forces or state military group may obtain military leave with pay when ordered to duty with the armed forces. An employee shall provide the Authority with the orders. The duration of the paid leave is limited to that required by federal law, but the Authority Manager may approve additional leave. If the period of duty exceeds that required by federal law, the employee may use accrued annual leave, accrued compensation time, and the employee’s personal leave day or leave without pay for the duration of the employee’s duty period. Upon return from military leave, an eligible employee is entitled to rights under the federal Uniformed Services Employment and Reemployment rights Act 1994.
- 10.7 COURT DUTY** Each full-time and part-time classified employee, probationary employee, and unclassified at-will employee may take court leave with pay when required to serve as a juror or as a witness in any state or federal court at a time when the employee would be normally be working, except in a matter unrelated to the performance of the employee’s duties in which the employee is litigant. An employee may not take court leave to litigate against the Authority. If excused from duty by the court when work hours remain in the employee’s work day, the employee shall return to work. If an employee elects to receive compensation for jury service from a court together with their ordinary pay, any compensation paid by the court to the employee less any mileage paid to them must be paid to the Authority. Employee’s shall be entitled to administrative leave when appearing during regularly scheduled work hours in obedience to a subpoena as a witness before a grand jury or court or before a federal or state agency. Fees received as a witness, excluding reimbursement for travel, shall be paid to the Authority.
- 10.8 ADMINISTRATIVE LEAVE** Any employee may be placed on administrative leave with pay when it is in the best interests of the Authority to do so. The Authority Manager or designee must authorize administrative leave for all employees prior to the leave being taken.
- 10.9 LEAVE WITHOUT PAY** Any employee may be placed on leave without pay when the circumstances and best interests of the Authority dictate that unpaid leave is appropriate. Leave without pay greater than one full pay period may only be authorized by the Authority Manager upon approval of the Human Resources Director. During unpaid leave, an employee shall not accrue any of the benefits described in the Personnel Policies and Procedures. An employee shall not accrue leave while on leave without pay. To the extent permissible by law, the Authority will not make any of its normal contributions to the employee’s retirement, insurance or benefit program during the period of leave without pay. Failure of an employee to

report to work as required following the expiration of his or her approved leave without pay shall be considered a voluntary resignation.

- 10.10 LEAVE FOR INCLEMENT WEATHER/EMERGENCY SITUATIONS** The Authority expects to remain open and in full operation regardless of weather conditions, transportation disruptions or other emergencies. Therefore, all employees are expected to report to work during such conditions. In cases of severe inclement weather, the Authority will generally follow the Rio Arriba County Policy regarding closing or delays. However, the Authority Manager has the final decision regarding delays and closures and may close offices, send non-essential employees home, and grant administrative leave with pay provided an employee was originally scheduled to work or did not call in sick during the closing due to inclement weather or an emergency situation. Essential employees are employees who have responsibility for public health, safety, and welfare. Essential employees are required to remain at or report to work as scheduled unless otherwise notified by their immediate supervisor. Failure of essential employees to remain at or to report to work may result in disciplinary action up to and including termination.

SECTION 11 EMPLOYEE BENEFITS

- 11.1 MEDICAL, DENTAL, VISION, LIFE, DISABILITY** Each eligible classified employee, probationary employee, term employee, unclassified at-will employee, term employee, and eligible dependents may obtain group medical, dental and vision benefits, life and short and long-term disability insurance benefits through the Authority's plans, most of which are plans offered to the Authority employees through arrangement with the State of New Mexico. The employee's contribution to the cost of coverage shall be made by payroll deduction. The specific details of the plans are set out in pamphlets available from the Human Resources Department. Coverage, if elected, will remain in effect under rules promulgated by the State of New Mexico Risk Management Division, or if the Authority makes any changes or as otherwise provided in the Personnel Policies and Procedures.
- 11.2 EMPLOYEE ASSISTANCE PROGRAM** Any employee of NCSWA may contact the Employee Assistance Program (EAP) to receive counseling for various reasons including but not limited to marriage problems, parenting skills, addictions, drug and alcohol problems, relationship issues and depression. The service is confidential, unless the employee is referred by a supervisor, in which case the supervisor will be informed only as to the employee's participation and completion of the counseling. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to disciplinary action.
- 11.3 WORKERS' COMPENSATION PROGRAM** Each employee is covered by NCSWA's Workers' Compensation Program pursuant to the New Mexico Workers' Compensation Act. The workers' compensation program provides benefits to an eligible employee who suffers a job-related injury. Any employee placed on workers' compensation as a result of work-related injury shall receive his or her regular pay or salary during the first full week of disability. Compensation for work-related injuries beyond the first week of disability is strictly limited by the Workers' Compensation Act, and nothing herein shall be construed as extending benefits under the Authority program not explicitly required by the Act. Any employee placed on workers'

compensation who cannot return to work within six months of the date of the accident or injury which results in the disability shall be terminated, but shall be eligible to re-apply for a position with the Authority pursuant to the terms of the Workers' Compensation Act.

- 11.4 RETIREMENT BENEFITS** Each eligible employee must participate in the Authority's mandatory retirement program, administered by the Public Employees Retirement Association ("P.E.R.A."), unless otherwise specified by P.E.R.A. Mandatory employee contributions to the plan are made by payroll deduction and forwarded to P.E.R.A. Details concerning eligibility and other details of the retirement program are set forth in New Mexico Statutes and the publications of the P.E.R.A., which are provided to the employee directly by the P.E.R.A.

SECTION 12 PERFORMANCE EVALUATIONS

- 12.1 ANNUAL EVALUATION** A performance evaluation of each employee may be conducted at least annually to provide the supervisor and the employee an opportunity to discuss job performance, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Upon hire, each new employee should be provided a copy of the evaluation criteria. This section may not apply to at-will employees.
- 12.1.1 EVALUATION FORM** When a performance evaluation is initiated, the supervisor shall complete the form provided by the Human Resources Department for that purpose. The *Performance Evaluation Form* is used to record performance criteria, dates of periodic reviews and results of the performance evaluations. Each completed *Performance Evaluation Form* is part of the employee's Human Resources file.
- 12.1.2 CONDUCT OF THE PERFORMANCE EVALUATION** The performance evaluation shall be conducted in person by the employee's immediate supervisor, at which time the completed evaluation form shall be presented to the employee. Before the evaluation becomes final, it shall be reviewed and approved by the Authority Manager and the Human Resources Department.
- 12.1.3 OBJECTING TO A PERFORMANCE EVALUATION** If an employee wishes to object to the performance evaluation, the employee may complete a rebuttal statement and attach the statement to the evaluation form. An employee who does not agree with the performance evaluation may also request a review of the performance reevaluation by the Authority Manager or further review by the Human Resources Director. Neither the Authority Manager nor the Human Resources Director is obligated to take any action when asked to undertake such a review. An employee's objection to a performance evaluation is not subject to the grievance process in Section 8 of this policy or appeal process.

SECTION 13 COMPENSATION

- 13.1 CLASSIFICATION AND COMPENSATION SYSTEM** NCSWA utilizes a classification and compensation system that classifies each position and establishes a range of compensation for each position. The range establishes a minimum and maximum amount of compensation for each position.

- 13.1.1 MAINTENANCE OF THE CLASSIFICATION AND COMPESATION SYSTEM** The Human Resources Director shall be responsible for the continuous maintenance and administration of the Classification and Compensation System and has the authority to make changes to job classifications, job titles, and ranges in the best interest of the Authority. To accomplish this, the Human Resources Director will analyze rates of pay in comparable labor markets, collect information on the prevailing cost of living, and analyze the Authority's budget. Changes may be recommended based on budget availability in coordination with the Finance Director.
- 13.2 NEW POSITIONS** The creation of any new position, other than a temporary position or casual position must be approved by the Board of Directors.
- 13.3 COST-OF-LIVING ADJUSTMENTS** Upon approval of the Board of Directors, compensation may be periodically adjusted to account for changes in the cost of living.
- 13.4 NEW HIRE COMPENSATION** The new compensation of a new employee should reflect the employee's qualifications for the position. The compensation of a new employee should typically be the minimum compensation for the range of the employee's position. A higher compensation may be established if it is documented that the employee's qualifications or other considerations warrant a higher compensation. Human Resources Director approval is required for any entrance compensation more than five percent (5%) above the minimum compensation of the range.
- 13.5 COMPENSATION UPON RANGE CHANGE** The Human Resources Director may recommend changes to the compensation range for a classification. The Authority Manager must approve the recommended changes. As a result of such a change, no employee's compensation shall be reduced, even if the employee's compensation is above the maximum compensation of the new range. Unless otherwise approved by the Authority Manager, an employee whose range is adjusted upward shall retain his or her same compensation after the range change or his or her compensation shall be increased if the existing compensation is lower than the minimum compensation of the new range.
- 13.6 COMPENSATION FOR TEMPORARY EMPLOYEES** Compensation for temporary employees may fall below the minimum of the range for the job classification but must comply with federal and state laws.
- 13.7 MERIT INCREASES** A merit increase is an increase to an employee's base salary. It is based on sustained superior performance which supports an expectation of future exemplary performance related to assigned duties and the current job classification. A merit increase shall be recommended by the supervisor and must be approved by the Human Resources Director, the Finance Director and the Authority Manager. Eligibility will be determined by the Human Resources Department. A denial of a request for a merit increase is not subject to the grievance or appeal process.
- 13.8 SALARY ADJUSTMENTS** The Authority Manager may approve an increase in compensation for a classification, other than a cost-of-living increase or a merit increase if in the best interests of the Authority. However, the resulting compensation shall not exceed the compensation for the range for the classification.

13.9 TEMPORARY COMPENSATION FOR PERFORMANCE OF ADDITIONAL DUTIES Occasionally, an employee will be asked to temporarily assume additional duties. In such cases, the employee's compensation may be temporarily adjusted to reflect the added responsibility. After the employee assumes the additional responsibilities of the higher position for a full pay period, the employee's compensation may be increased up to fifteen percent (15%) above the employee's present compensation. When the temporary assignment is completed, the employee's compensation will be readjusted to its previous level. A temporary compensation increase pursuant to this section shall not exceed nine (9) months.

13.10 OVERTIME All overtime work must be approved before it is performed. Employees are expected to report to duty for mandatory overtime. Failure to report for mandatory overtime may result in disciplinary action. All overtime, for both Fair Labor Standards Act ("FLSA") covered employees shall be paid through compensatory time unless otherwise determined in advance by the Authority Manager or designee.

13.10.1 FLSA-COVERED EMPLOYEES Approved overtime pay for employees covered by the FLSA shall be at the rate of one and one-half times the employee's regular hourly rate, applied to the actual hours worked in excess of forty (40) hours per week. Annual leave, sick leave and all other leave excluding holiday leave shall not be considered as actual time worked.

13.10.2 COMPENSATORY TIME Compensatory time refers to compensation, taken as time off with pay, for hours an employee works in addition to his or her normal work schedule. Supervisors may allow nonexempt employees to take compensatory time off in lieu of overtime pay in accordance with the provisions of this policy and the Fair Labor Standards Act (FLSA). The provisions for compensatory time for nonexempt employees are mandated by the FLSA.

Supervisors are responsible for ensuring compliance with mandated provisions of the FLSA and should ensure an employee is compensated for overtime hours. Supervisors must document compensatory time earned and taken. Compensatory time is time off granted in lieu of overtime pay for authorized overtime worked. Nonexempt employees earn compensatory time at the same rate as overtime, normally 1-1/2 times the number of overtime hours worked. However, if the additional hours worked would not qualify as overtime (i.e. leave was taken during the work week), but the employee wants time off in lieu of payment such compensatory time would be accrued at the straight time rate.

Nonexempt employees may accrue a maximum of 120 hours of compensatory time per year. (80 hours of overtime worked x 1-1/2 = 120 hours of compensatory time.) Employee may carry over up to 240 hours of comp time, from year to year, with the exception of employees working in an emergency response activity as determined by the North Central Solid Waste Authority management, who may accrue up to 480 hours

Compensatory time must be used within a reasonable period after accruing the compensatory time. Compensatory time may not be taken until the pay period following the date in which the compensatory time was earned. Non-exempt employees separating from North Central Solid Waste Authority will be paid for any unused compensatory time.

Each department will maintain supporting documentation for compensatory time earned and used by its non-exempt employees.

13.10.3 FLSA EXEMPT EMPLOYEEES Compensatory time for FLSA exempt employees is compensated at the rate of one hour of time off from work for each hour actually worked in excess of forty (40) hours per week. Compensatory time off may be accrued, but only to a maximum of eighty (80) hours and is not paid to the employee upon separation. FLSA exempt employees who work over forty (40) hours per week and have eighty (80) hours of accrued compensatory time will not be compensated unless approved by the Authority Manager. FLSA exempt employees are not eligible for overtime pay unless approved by the Authority Manager at straight time. Questions concerning compensatory time should be directed to the Human Resources Department.

13.11 PER DIEM AND MILEAGE All payments of per diem and mileage allowance to Authority employees will be made pursuant to policies established by the State of New Mexico.

13.12 ON-CALL PAY On-call pay is compensation for certain employees who are specifically designated and required by the Authority Manager or designee to be available and ready to report for duty or to respond to a work-related call during their time off for a minimum of twenty-four (24) consecutive hours to perform emergency or needed duties occurring outside of standard working hours.

13.12.1 ON-CALL COMPENSATION On-call compensation will be one (1) hour of compensatory time for each twenty-four (24) hours on-call, and two (2) hours of compensatory time for each twenty-four hours on-call during approved Authority holidays. Employees will be considered on duty for the Authority from the time they leave home or when they receive a call until the work is complete. The time is considered actual work time.

13.12.2 REQUIREMENTS FOR ON-CALL PAY An employee who is on-call is not required to remain at any particular location, and is free to engage in his or her own chosen activities so long as the following criteria are met:

- The employee on-call shall ensure the pager, cell phone or other means of communication between the Authority and the employee is working properly.
- Must call back within ten (10) minutes of receiving a call, and report to work in thirty (30) minutes if needed.
- Arrive in "fit for duty" condition.

On-call pay cannot be paid when an employee is on any type of leave. Employees shall be considered to be on-call only when designated in writing and in advance by the employee's supervisor or designee.

13.12.3 FLSA EXEMPT INELIGIBLE FOR ON CALL PAY Each job classification that is FLSA exempt will not be eligible to receive on-call pay unless otherwise approved in advance by the Authority Manager and the Human Resources Director.

SECTION 14 PAY PERIODS, PAYCHECKS AND TIMEKEEPING

- 14.1 PAY PERIOD** A “pay period” is a two-week period beginning Saturday at 12:01 a.m. and ending Friday at midnight. This method of payment of payment results in twenty-six (26) pay periods per year in most years; in some years, twenty-seven (27) pay periods will result.
- 14.2 PAYROLL** will be processed every other Friday. If a holiday falls on Friday, payroll will be issued on Thursday.
- 14.3 TIME RECORDS** Time records shall be completed by the employee. The Authority may use a smart card, cell phone app, computer sign in or other form of electronic time keeping system. At the completion of each pay period, after approvals the time record will be forwarded to the Finance Department. Failure to comply with payroll deadlines may result in a delay of the issuance of payroll.
- 14.3.1 ACCURACY OF TIME RECORDS** It is the responsibility of each employee to accurately record the time spent on the job performing assigned duties. Each employee must certify the accuracy of all time recorded. If the employee makes any corrections or modifications to the time worked, the supervisor must verify the accuracy of the changes. Any adjustments required because of an employee error shall be made in the next full pay period. Supervisors are prohibited from knowingly approving falsified time records. Failure to provide accurate time records may be grounds for disciplinary action up to and including termination.

SECTION 15 EMPLOYEE HEALTH, SAFETY, AND ACCIDENT PREVENTION

- 15.1 WORKING SAFELY** Each employee must be informed of and observe established safety practices as determined by the supervisor and Authority Manager. Each employee is to take all possible precautions to avoid exposure to injury or illness. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner or working alone. Employees are prohibited from engaging in “horseplay”.
- 15.1.1 COVID-19 POLICY** COVID-19 is an illness caused by a coronavirus that can spread from person to person. This virus was identified in 2019 and spread throughout the world in 2020. At the time of adoption of these Personnel Policies and Procedures COVID-19 remains an active threat. NCSWA places the highest priority on the health, safety, and wellbeing of its employees, their families, customers and the wider community. NCSWA will actively take measures to mitigate the spread of COVID-19. These measures may require workplace modifications affecting but not limited to: working hours; employee health screening; social distancing requirements; mandatory use of face coverings; use of annual and sick leave; and increased hygiene and cleaning.

Due to changing public health orders and guidance from health agencies such as the Centers for Disease Control and Prevention, these Policies and Procedures will not include a comprehensive policy regarding COVID-19. Individual policies will be adopted as needed, will be communicated

to employees and will be considered an addendum to this section of the Personnel Policies and Procedures.

- 15.2 DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS** Each employee has the duty to report each unsafe working practice or hazardous condition that he or she observes to the supervisor or Authority Manager so that the problem can be immediately corrected.
- 15.3 SUPERVISION** Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to immediately complete and forward to the Authority Manager and/or the Human Resources a *Notice of Claim Form*.
- 15.4 SAFETY TRAINING** Each employee shall attend safety training sessions as required by the Authority.
- 15.5 INJURIES ON THE JOB** Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately and assist in any resulting investigation. The supervisor shall report all job-related injuries or illnesses to the Authority Manager and/or the Human Resources Department immediately.
- 15.6 ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT** When an accident occurs that raises the possibility of defective equipment, the employee should immediately attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the Authority Manager who will consult with others as necessary.
- 15.7 SAFETY COMMITTEE** The Authority may maintain a Safety Committee composed of NCSWA employees appointed by the Authority Manager. The Safety Committee meets at least quarterly to identify safety hazards, review accidents that have occurred, discuss recommendations for improved safety and formulate safety rules and procedures. Each NCSWA employee is required to cooperate with inquiries made by the Safety Committee.
- 15.8 DRUG AND ALCOHOL-FREE WORKPLACE** NCSWA is committed to protecting the safety, health, and well-being of all employees and other individuals in our workplace. NCSWA is a drug and alcohol-free workplace as a condition of employment, NCSWA requires that employees adhere to policy regarding the use and possession of drugs and alcohol. Failure to comply may result in disciplinary action up to and including termination. Such violations may also have legal consequences.
- 15.9 APPLICABILITY** This section is applicable to each employee, including but not limited to, classified, probationary, at-will, exempt, term, temp and casual employees and volunteers. This section applied during working hours, while on-call, while on paid standby, while on break during the work day, while on Authority property, while attending training, while occupying an Authority vehicle, and while utilizing Authority equipment.
- 15.10 PROHIBITED BEHAVIOR** It is a violation of our drug and alcohol-free workplace policy to use, possess, sell, buy, trade, be under the influence of, be impaired by, or offer for sale, alcohol, drugs or intoxicants as set forth herein.

15.11 PERScription AND OVER-THE-COUNTER MEDICATION Prescription and over the counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over the counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may impair job performance or interfere with safe performance of his/her job. A physician's note may be required that verifies that use of the medication as prescribed will not impair or affect the employee's performance. Appropriate discipline may be taken if job performance deterioration or accidents occur. It is the employee's responsibility to report to his or her supervisor the use of prescription medication or over-the-counter medication that may impair job performance or compromise the safety of the employee, fellow employees or the public. If the employee cannot perform his or her duties while taking a prescription medication or over- the- counter medication, the employee may be required to perform other duties or take sick leave until the course of treatment is concluded. If leave is unavailable, the leave will be without pay. Employees are not required to disclose confidential health information as part of this process. The illegal or unauthorized possession or use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Any illegal or unauthorized use or possession of prescription drugs may result in disciplinary action up to and including termination. The use of over the counter drugs contrary to the directions on the package may result in discipline up to and including termination.

15.12 DRUG AND ALCOHOL TESTING

15.12.1 RANDOM TESTING Each holder of a Commercial Drivers' License (CDL) and each employee in a safety or security related position is subject to random drug and alcohol testing. A safety or security related position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens or the Authority, one in which an employee has access to or dispenses drugs, one in which an employee works in a facility that requires the care of individuals, one in which an employee has access to or carries a firearm, or one in which an employee operates or maintains heavy equipment or coordinates, relays, or controls radio communication for law enforcement, fire or emergency medical services personal.

15.12.2 TESTING ON REASONABLE CAUSE If there is reasonable suspicion to believe that an employee may be impaired by drugs or alcohol on the job, or if the employee is found with drugs or alcohol in the workplace, immediate drug or alcohol testing may be ordered. Reasonable suspicion exists when one's experience and training tend to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to, odor of alcoholic beverage on breath, slurred or incoherent speech, staggering walk, loss of physical coordination, bloodshot eyes, inability to successfully complete a field sobriety test, erratic behavior, unexplained or uncharacteristic irritability, excessive tardiness, poor work performance, arrest for drug/alcohol charges, or excessive unexplained absences from work.

15.12.3 PROCEDURE FOR TESTING ON REASONABLE CAUSE

15.12.3.1 STEP 1 In the event any NCSWA employee has reasonable suspicion to believe an employee

may be impaired by drugs or alcohol while on the job, the suspected employee's supervisor must be notified. The supervisor shall notify the Authority Manager and the Human Resources Director. A trained supervisor or Human Resources personnel shall then directly observe the employee's behavior and document any irregularities. If a test is ordered, the observer must document the specific indicators observed within forty-eight (48) hours and submit to the Human Resources Director.

15.12.3.2 STEP 2 If reasonable suspicion exists, the employee shall be asked to execute a written consent for immediate alcohol or drug testing. Failure to consent to testing may be grounds for discipline, up to and including termination.

15.12.3.3 STEP 3 If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer or blood or urine testing. The employee shall be transported by a trained supervisor, Authority Personnel or Human Resources Personnel to the testing location. Analysis of any samples collected will be performed by a laboratory selected by the Authority.

15.12.3.4 STEP 4 Following completion of testing, the employee will be placed on administrative leave with pay until the test results are available. The Authority shall transport the employee home.

15.12.3.5 STEP 5 If the testing discloses that the employee was not impaired by alcohol or drugs at the time of the test, the employee shall return to work. If the test discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, or test discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave until a decision on continued employment is made by the Authority Manager and the Human Resources Director.

15.12.3.6 PARTICIPATION IN A TREATMENT PROGRAM An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or another program and comply with other conditions specified by the Authority as a condition of continued employment. Any employee who participates in such a program may, in addition to disciplinary action, be subject to other conditions of continued employment and shall be placed on leave without pay while participating in the program. However, an employee may be permitted to use accrued sick leave, annual leave, or compensatory time in lieu of unpaid leave while participating in the program. Upon successful completion of an agreed-upon treatment program, the employee shall be permitted to return to his or her position.

15.12.3.7 LOSS OF DRIVING PRIVILEGES If the results of a drug or alcohol test is positive, indicates that the employee was impaired, or that the employee was under the influence while at work, the employee shall not be permitted to operate any Authority vehicle (or operate any personal vehicle on Authority business), for a period of three (3) years, subject only to the exception below. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

15.12.3.8 RESTORATION OF DRIVING PRIVILEGES An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee: (1) has not been convicted of any traffic violations since the date of the positive test; (2) has a valid

driver's license; (3) has performed satisfactory in his or her position; (4) has completed a drug/alcohol use assessment by an agency of the Authority's choice; (5) has followed each recommendation made as a result of the drug use assessment; and (6) otherwise satisfies the Authority of the employee's sobriety and responsibility. The decision whether to permit the restoration of driving privileges is discretionary on the part of the Authority and is not subject to the grievance or appeal process.

15.12.3.9 RANDOM TESTING If an employee has had a positive drug test and has not been terminated, the employee will be subject to random testing for subsequent period of two (2) years from the date of the positive test.

15.13 DRUG AND ALCOHOL RELATED CONVICTIONS Any employee who is convicted of a drug or alcohol related criminal offense may be subject to severe disciplinary action up to and including termination. If not terminated, the employee may be required to undergo periodic random drug or alcohol testing, may be required to complete drug and alcohol abuse counseling through the Employee Assistance Program. Employees convicted of the unlawful sale or distribution of drugs in the workplace or while working will be immediately terminated under the federal Drug-Free Workplace Act. Any employee must notify the NCSWA Authority Manager of a criminal conviction for drug related activity occurring in the workplace within (5) days of the conviction. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.

15.14 SELF-IDENTIFICATION BY EMPLOYEE Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Human Resources Director. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action. An employee who requests referral to a drug or alcohol rehabilitation program prior to being randomly selected for drug or alcohol testing shall be referred to such a program without reprisal or disciplinary action, provided that the self-identification is not made to avoid disciplinary action. The employee shall be randomly tested during the rehabilitation period. A positive test shall be grounds for dismissal.

15.15 MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S Employees who have been charged with DWI or DUI and who are required to drive to perform their job will be terminated if their driving privileges are suspended or revoked and if not accommodations for other duties may be made.

15.15.1 PERSONS CONVICTED OF DUI/DWI MAY NOT DRIVE If an employee is convicted of a DUI, the employee may be placed on unpaid leave until a decision on continued employment is made by the Authority Manager and Human Resources Director. It is the policy of NCSWA that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any Authority vehicle (or operate any personal vehicle on Authority business), for a period of three (3) years, subject only to the exception set forth in Section 15.12.3.8. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

15.15.2 REQUIRED REPORTING If an employee's driving privileges are suspended or revoked, or if the employee is required to use an interlock device, the employee shall be prohibited from driving any Authority vehicle and shall immediately notify his or her supervisor. Any employee who fails to report a suspension, revocation, or mandatory usage of an interlock device may be subject to disciplinary action, up to and including termination. The Authority will not approve installation of an interlock device in any Authority vehicle.

15.15.3 DEFINITION For purposes of this policy, the word "conviction" includes a guilty plea, a no-contest plea, or an Alford plea.

SECTION 16 HUMAN RESOURCES ACTIONS

16.1 ACTIONS All Human Resources Actions, excluding disciplinary action, affecting current employees shall have an effective date starting at the beginning of a pay period. The Authority Manager or designee shall submit requests for Human Resources Actions upon becoming aware of the recommended change and before the effective date of proposed action.

16.2 PROMOTIONS A promotion is the upward mobility to a position in a higher range with a salary increase. An employee must meet the minimum qualifications for the posted vacant position in order to be considered for the position.

16.2.1 COMPENSATION ON PROMOTION Upon promotion, an employee's compensation shall increase not to exceed fifteen percent (15%) unless otherwise approved by the Authority Manager. No compensation upon promotion shall exceed the maximum compensation of the new position range nor fall below the minimum compensation of the new position.

16.2.2 TEMPORARY PROMOTION An employee may be temporarily promoted for a period not to exceed six (6) months to a vacant position for which he or she meets the minimum qualifications. The Human Resources Director may grant a temporary salary increase to the temporarily promoted employee pursuant to the applicable section of this policy.

16.3 DEMOTIONS A demotion is the move to a classification with a lower range, which may be voluntary or involuntary and may be tied to a disciplinary action.

16.3.1 COMPENSATION ON DEMOTION Upon demotion, an employee's compensation shall decrease to an amount within the lower compensation range that is not more than a fifteen percent (15%) decrease from the employee's previous compensation, unless the maximum compensation of the new range is greater than a fifteen percent (15%) decrease. No compensation upon demotion shall exceed the maximum compensation of the new range nor fall below the minimum compensation of the new range.

16.4 TRANSFER A transfer occurs when an employee or an employee's position is transferred from one division or department/office to another. An employee or an employee's position may be transferred either voluntarily or involuntarily, in the best interest of the Authority. An involuntary transfer is not subject to the grievance or appeal process.

16.4.1 COMPENSATION UPON TRANSFER Compensation of an employee who is transferred shall remain the same unless otherwise approved by the Authority Manager the Human Resources Director and the Finance Director.

16.5 RECLASSIFICATION A reclassification occurs when an employee's position is changed and there is no reduction in salary. An employee may be reclassified either voluntarily or involuntarily, if in the best interest of the Authority. A reclassification is not subject to the grievance or appeal process.

SECTION 17 SEPARATIONS

17.1 VOLUNTARY SEPARATIONS

17.1.1 RESIGNATION An employee may resign from the Authority by submitting a written letter of resignation to his or her immediate supervisor at least two weeks prior to the effective date of resignation. The letter of resignation should include the reason for leaving as well as he proposed effective date.

17.1.2 RETIREMENT An employee may retire from NCSWA employment through the Authority's retirement program so long as the employee meets the requirements of the P.E.R.A. An employee desiring to retire should contact the P.E.R.A. and give his or her supervisor as much notice as possible.

17.2 INVOLUNTARY SEPARATION

17.2.1 ABOLISHMENT OF POSITION The Board of Directors may abolish a position which is no longer needed within the Authority work force. If a position is available for which work and funds are available, an employee whose position is abolished may accept a demotion or transfer, but only if the employee is otherwise qualified for the new position and a position exists. If a position is re-established within six months of its abolishment, the person who was the incumbent when the position was abolished shall be given first consideration for reappointment. The grievance or appeal process is not available regarding the abolishment of a position.

17.2.2 FURLOUGH In the event of the need for a furlough, the Authority Manager shall submit a plan to the Board of Directors that identifies organizational units to be affected by the furlough. The Authority Manager may order a furlough without submitting a plan to the Board only if a financial emergency exists and there is insufficient time for the Board of Director's to consider a plan. A furlough is the temporary placement of an employee in a reduced work hour schedule, which can either be partial or full-time, due to lack of work or funds. The furlough plan shall affect all employees within the organizational unit to the same extent. No furlough may exceed twelve (12) months in duration. A furloughed employee shall be given at least fourteen (14) calendar day's written notice of furlough, unless the time limit is waived by the Authority Manager. Employees shall be returned from furlough when the reasons for the furlough cease to exist. Wherever possible, all affected employees shall be returned at the same time, to the same extent. The grievance or appeal process is not available regarding a furlough.

17.2.3 LAYOFF The Authority may layoff an employee as a result of a shortage of work or funds, or for other reasons unrelated to the performance of an employee. The Authority Manager may identify organizational units for purposes of a layoff and shall submit a written layoff plan to the Board of Directors. Such organizational units may be recognized on the basis of geographic area, function, funding source, or other factors. The Authority Manager's written plan must define the classification affected within the organizational unit. Upon approval by the Board of Directors of a layoff plan, the Human Resources Director shall initiate the right of first refusal within the affected organizational unit. All employees affected by the layoff shall be provided the following rights: employees to be affected by the layoff shall be provided the right of first refusal to any position to be filled within the Authority for which they meet the established requirements, at the same or lower midpoint than the midpoint of the position the employee currently holds, unless multiple candidates exercise a right of first refusal for the same position in which case the most senior employee may exercise the right of first refusal; employees shall have eleven calendar days from the date of an offer to accept the position unless otherwise agreed; employees who do not accept an offer shall not lose the right to exercise a right of first refusal on other vacant positions; and the right of first refusal shall continue until the first effective date of layoff as defined in the plan. The order of layoff due to reduction in force shall be by service date which is determined based upon the hire date. In the event of a tie, the Human Resources Director shall determine an appropriate mechanism for breaking the tie. No employee shall be laid off while they are on term, probationary, or temporary employees in the same organizational unit. A laid off employee shall be given at least fourteen (14) calendar days written notice of layoff. Notice of layoff shall be delivered by a method that provides proof of service of attempted service. The grievance or appeal process is not available regarding a layoff.

17.2.4 RETURN TO WORK FROM A LAYOFF Employees at the time of separation by a layoff shall have reemployment rights for twelve months after the date served with notice of the layoff, under the following provisions: employees shall be returned to work in order of highest service date to any position to be filled for which the employee is qualified. The position must contain the same or lower midpoint salary range as that held at the time of the employee's separation; offers of reemployment shall be made in writing. An employee who is offered and accepts employment after layoff shall occupy the position within fourteen (14) calendar days of accepting the offer of employment, or forfeit the right to reemployment; and an employee who refuses an offer of employment or fails to respond to an offer of employment within fourteen (14) calendar days shall not be eligible to receive subsequent offers of reemployment, although the employee will be eligible to apply for any position for which the employee is eligible. Employees returned to work shall have that period of time they were laid off counted as time served in the employment of the Authority, shall hold the status of the position in accordance with Section 2, and shall not be required to serve a new probationary period.

17.2.5 REEMPLOYMENT AFTER MILITARY SERVICE Any employee who separates from classified service to enter the United States armed forces, National Guard, or an organized reserve unit may be reemployed in accordance with the provisions of 38 U.S.C. Section 2021 and NMSA 1978, Sections 28-15-1 to 28-15-3.

17.3 POST-EMPLOYMENT MATTERS

17.3.1 EXIT INTERVIEW When an employee leaves Authority employment, the employee may be scheduled for an exit interview prior to the last day of work. The exit interview will be arranged

by the Human Resources Department. At the exit interview, the employee may comment on his or her employment and may make suggestions and comments. The employee will have an opportunity to discuss benefits and benefit conversion privileges.

- 17.3.2 FINAL PAYCHECK** Employees leaving NCSWA employment must return all Authority property in their possession by their final day of employment. If the Authority discharges an employee, the employee shall receive his or her final paycheck in accordance with NMSA 1978, Section 50-4-4 (1975). If an employee voluntarily leaves NCSWA employment, he or she shall receive a final paycheck on the payday following the pay period of the effective separation date. Accrued annual leave and compensatory time shall be paid out in the pay period following the pay period that the final paycheck is issued. Any unpaid obligations of the employee to the Authority may be deducted from the final paycheck.
- 17.3.3 CONTINUANCE OF MEDICAL COVERAGE (COBRA)** Under the Federal Comprehensive Budget Act (COBRA), eligible employees or dependents may elect to continue employee or dependent medical insurance coverage subject to the conditions and limitations set forth in the Act. Consult the Human Resources Department for details on eligibility and benefits.
- 17.3.4 COMPENSATION FOR ACCRUED ANNUAL LEAVE UPON SEPARATION** Upon separation of employment, each classified and unclassified at-will employee will be compensated for accrued annual leave and compensatory time earned through the last day of work, subject to the limitations on annual and compensatory time maximum accrual rates.

(END)