

**Recommended Human Resources Policy and Procedure Revisions 11/12/2019**

Cite and Title Revised PM	Description of Revision and Purpose	Notes/Comments
Section I - General Provisions		
Section A.	<p><b><u>A. Purpose. The purpose of the Human Resource policies and procedures is to establish consistent, basic policies and practices concerning relations between Doña Ana County and its employees.</u></b></p>	For clarification
Section B.	<p><b><u>B. Scope. As rules and regulations cannot be reality formulated for every possible situation, these policies and procedures serve as a general basis and guide for the proper, efficient and effective administration of Doña Ana County.</u></b></p>	For clarification

Section C.	<b><u>C. Supplementation of Policy. The County Manager may issue rules, regulations and procedures to provide further clarification and guidance so long as they are consistent with the Human Resources policies approved by the Board of County Commissioners.</u></b>	For clarification
1-3. Management Rights & Responsibilities	A. 1. To control, <b><u>monitor</u></b> , and inspect all facilities, their furnishings and <b><u>equipment</u></b> ....	For clarification and consistent with current practice.
	A. 4. To determine the necessity, nature, quantity and quality of services to be offered to the public along with the means of operations, <b><u>oversight</u></b> , the materials and personnel to be used.	For clarification and consistent with current practice.
	A. 11. 11. To review the County's policies and procedures periodically <b><u>and recommend policy updates to improve the quality of our workplace for all employees and</u></b> discontinue them at any time in accordance with Doña Ana County Code, Section 45, Human Resources; to establish and implement policies and procedures consistent with applicable law and which support the mission and goals of the County.	Best practice to update periodically.
<b>Section II - Employment Rights and Responsibilities</b>		
2-1. Equal Employment Opportunity	A. The County shall provide equal employment opportunities to all individuals and shall not discriminate against any individual on the basis of <b><u>any</u></b> protected class as defined by Federal and State law...	For clarification.
	B. All people with disabilities shall be free from unlawful discrimination and provided equal opportunity in accordance with the Americans with Disabilities Act (ADA) <b><u>and the Americans with Disabilities Act Amendment Act (ADAAA).</u></b>	Consistent with Federal law.

<p>2-2. Discrimination and Harassment</p>	<p>A. 1. <b><u>a. Prohibited harassment also includes unwelcome conduct that is because of gender even if it is not sexual in nature (e.g., degrading or offensive comments about women).</u></b></p> <p><b><u>i. Prohibited harassment also includes unwelcome conduct that is because of gender even if it is not sexual in nature (e.g., degrading or offensive comments about women, inappropriate comments about sexual-orientation, displaying sexual materials, etc.).</u></b>  <b><u>The County harassment policy is more expansive than the protections required by Federal and State law regarding harassment. County policy prohibits conduct of a harassing nature that does not rise to the level of harassment under the law.</u></b></p>	<p>Consistent with Federal and State law.</p>
<p>2-3. Discrimination &amp; Harassment Procedures</p>	<p>Consultants recommended a rewrite of sections A, B, C, D. Expand definition of discrimination to include <b><u>harassment and retaliation</u></b> throughout this section.</p>	<p>Revises and clarifies language to more clearly articulate discriminatory conduct; expands definition to include harassment and retaliation throughout the policy.</p>

	<p><b><u>A. Employees are expected to treat each other with courtesy, respect and professionalism during work time and in work areas. The County will not tolerate verbal or physical conduct that has the purpose or effect of creating an objectively hostile, intimidating or offensive work environment or unreasonably interfering with or disrupting another employee's work performance. The County prohibits conduct that is based on or motivated by a person's race, color, religion, sex, sexual orientation, national origin, disability, age, genetic information or any other characteristic protected by applicable federal, state or local law. Unwelcome conduct that is based on or motivated by factors that are not protected by law (such as hair style, choice of transportation, political opinions, etc.) also is prohibited. The County does not prohibit lawful conduct that is protected under the National Labor Relations Act (such as discussing terms and conditions of employment).</u></b></p>	<p>Clarification consistent with Federal and State law.</p>
	<p><b><u>D. This policy is not intended to prohibit occasional, appropriate compliments and other normal, courteous, respectful conduct of a socially acceptable nature.</u></b></p>	<p>Clarification of the type of interaction that does not constitute discrimination, harassment or retaliation.</p>

	<p>G. An employee or volunteer, who feels they have been subjected to any unlawful harassment or believes that they have been treated in an unlawful, discriminatory manner, should report the incident promptly to the supervisor, Department Head, the Human Resources Department or the Assistant County Manager; <b><u>unless the complaint is against the County Manager, in which case the complaint should go directly to the BOCC Chairperson who will then inform the remaining County Commissioners.</u></b> The complaint will be kept confidential to the extent permitted by law and that is consistent with the need for a complete investigation.</p>	<p>Develop and clarify a process for addressing complaints of this nature involving the County Manager position.</p>
	<p>H. <b><u>All Elected Officials, Department Heads,</u></b> Supervisors, Managers or Directors who become aware of possible discrimination, harassment or retaliation against any employee, either as a result of having received a complaint directly from the employee or volunteer, from personal observations, or being given notice of a complaint on behalf of another, shall immediately report the situation to a Department Head, the Human Resources Director or the Assistant County Manager; <b><u>unless the complaint is against the County Manager, in which case the complaint should go directly to the BOCC Chairperson who will then inform the remaining County Commissioners and Human Resources Director.</u></b> Supervisors are required to report a complaint or action if <b><u>the supervisor</u></b> knew or should have known that conduct may constitute unlawful discrimination, harassment and/or retaliation. All non-supervisory employees and volunteers are strongly encouraged to report possible discrimination, <b><u>harassment or retaliation</u></b> of which they become aware to a Department Head, the Human Resources Director or the Assistant County Manager. <b><u>It is important to not only report this information, but to do so in a timely manner, to minimize exposure to all employees and attempt to provide a safe working environment for everyone.</u></b></p>	<p>Develop and clarify a process for addressing complaints of this nature involving the County Manager position. Also emphasizes the importance of timely reporting.</p>

	<p>L. Within <b>48 business</b> hours of being notified of a complaint of unlawful discrimination, <b><u>harassment or retaliation</u></b> the Human Resources Director, or designee, will notify the County Manager and County Attorney, who will assign an Internal Affairs Investigator ("investigator") or retain an external investigator to investigate the complaint which has been made. When a complaint involves an employee at the Director level or above, an external investigator shall be retained. <b><u>If the complaint involves the County Manager, the Chairperson of the Board of County Commissioners shall be notified. If in consultation between the Human Resources Director, Assistant County Manager (if the County Manager is the alleged offender, the BOCC Chairperson)</u></b> and County Attorney <b><u>or their respective designee</u></b>, it is determined that the complaint is not a complaint of unlawful discrimination, harassment or retaliation the matter will be referred to Human Resources, <b><u>or the BOCC Chairperson if the matter involves the County Manager</u></b>, for appropriate follow up and resolution.</p>	<p>To clarify language and timeframes and include process if the County Manager position is involved.</p>
	<p>P. Adds harassment and retaliation; extends time to complete the investigation to <b><u>45 days</u></b></p>	<p>To allow adequate time to conduct a thorough investigation; this is a maximum timeframe, not the recommended amount of timeframe. All complaints will continue to be investigated as expeditiously as possible while still conducting a thorough investigation.</p>

	<p>T. Defines <u>the determination panel to include the Asst. County Manager, County Attorney and HR Director</u></p>	<p>Consistent with current practice and policy.</p>
	<p>U. Revised current policy to have the determination panel make recommendations for appropriate disciplinary action where warranted</p>	<p>Consistent with current practice and policy.</p>
<p>2-4. Nepotism</p>	<p>2. Extends time for employees to notify County when they become immediate family members from 10 days to <u>30 days.</u></p>	
<p>2-5. Conflict of Interest &amp; Code of Ethics</p>	<p>A. 17. <u>The County Manager</u>, Department Head, Elected Official, political appointee or supervisor shall not hire, nor give preferential treatment to, nor direct the hiring or giving of preferential treatment to, any relative, friend or other person.</p>	<p>For clarification.</p>

	<p>B. Changes the department responsible for maintenance of the annual financial disclosure form from the Internal Auditor's Office to <b><u>HR Department.</u></b></p>	<p>Consistent with current practice.</p>
<p>2-8. External Communication</p>	<p>D. 1. <b><u>Social networks are online communities comprised of people with similar interests and/or activities that provide a means of communication through email, instant messaging, video, etc. Social network sites include, but are not limited to: Facebook, Google+, Twitter, LinkedIn, YouTube, Flickr, Pinterest, Instagram, Snapchat, Vine, Vimeo, Periscope and many more.</u></b></p>	<p>Adds clarification.</p>
	<p>E. <b><u>Employee Owned Social Media.</u></b> - New Section</p>	<p>Provides policy guidance regarding use of personal social media. Provides expectation and clarification and includes notice that corrective action may be taken for violations of this policy.</p>
<p>2-9. Outside Employment</p>	<p>D. County employees shall be prohibited from engaging in outside employment as independent contractors of Doña Ana County. This prohibition shall not apply to a contract for employment as a Doña Ana County employee. <del>Former employees and County retirees may not be hired as independent contractors for at least one (1) full year after separation from employment. .</del></p>	<p>Remove last sentence. No longer applicable due to change in PERA retiree rules.</p>

2-11. Fraud	G. No individual will be retaliated against for reporting fraud, or for cooperating, giving testimony, or participating in a fraud investigation, proceeding or hearing <b><u>as long as the individual can show they are doing so in good faith.</u></b>	For clarification purposes.
2-13. Use of Public Property	J. 1. Users of County vehicles: a. Shall maintain a valid <b><u>New Mexico or Texas</u></b> driver's license, <b><u>a military ID or a student license</u></b> and show the license to supervisors upon request;	Consistent with State law regarding having a license from your state of residency and current practice.
	J. 1. g. clarify that <b><u>illegal drugs</u></b> are not allowed in County Vehicles	Consistent with current practice.
	J. 3. Use of cell phones while driving a county vehicle is prohibited except in the event of an emergency <b><u>or for hands free GPS driving directions.</u></b> See 6-20 Cell Phone Usage	For clarification purposes.
	K. 1. Upon any accident or incident involving a county vehicle, personal vehicle, <b><u>or a rented vehicle</u></b> on county business, public servants shall:	For clarification of process; consistent with current practice.
	M. 5. Violations -5. Department Directors shall at all times maintain records pertaining to equipment being taken by employees. Such records must document purpose, duration of use and Department Director's approval <b><u>and be made available upon request.</u></b>	
2-14. Reasonable Accommodation Policy	A. <b><u>“Undue hardship” is defined as an “action requiring significant difficulty or expense” when considered in light of a number of factors. Undue Hardship is evaluated based upon the factors set out in 29.C.F.R. § 1630.2(P(2)).</u></b>	For clarification purposes and consistent with current practice.

	<p>B. 2. <b><u>When appropriate</u></b>, the supervisor <b><u>may</u></b> engage in an interactive discussion with the employee or volunteer requesting a reasonable accommodation <b><u>or refer the individual directly to the EEO Specialist/ADA Coordinator. If the supervisor and employee have engaged in the interactive process, that process and any agreement will be formalized and documented on the Reasonable Accommodation Request Form.</u></b></p>	For clarification of process; consistent with current practice.
<b>Section III - Employment</b>		
3-4. Placements Within the Department	<p>A. When a vacancy occurs, the Department Head, with the approval of the Human Resources Director, may choose to fill the position by an internal promotion, transfer, or implement a professional development plan. When the Department Head chooses to fill the position by an internal promotion, the Department Head <b><u>shall post the position and follow the exact process that all other applicants would be required to adhere to in the external recruiting process.</u></b></p>	For clarification of process; consistent with current practice.
3-5. Posting Procedures for Positions Filled Through Placements Within The Department	<p>D. <b><u>External</u></b> recruiting efforts are directed at local residents and include area newspapers, job centers and the County website. Specialized and more senior jobs may require a broader recruiting market to identify qualified candidates.</p>	For clarification of process; consistent with current practice.
3-7. Application Forms	<p>A. A. The Human Resources Department shall develop and maintain an application form which requests relevant employment information in accordance with Federal and State laws, regulations and guidelines, <b><u>and resolutions adopted by the BOCC.</u></b> The form may be amended or updated, as needed, with the approval of the Human Resources Director.</p>	For clarification.
3-9. Substitutions	<p>A.3. Only related professional-level experience will be credited for professional positions. Professional level experience involves work that is intellectual and varied in nature, requires advanced knowledge and education, and the exercise of discretion and judgment. <b><u>Professional-level experience may include professional-level experience obtained during military service.</u></b></p>	Clarification that applicable/related military experience may be considered in the substitution policy.

3-10. Disqualification of Applicants	A. 4. The applicant directly or indirectly obtains information regarding any recruitment examination to which he/she is not entitled, <b><u>regardless of the source.</u></b>	For clarification.
	A. 8. & A. 9. Remove language about considering criminal record during the application phase	In accordance with state law. The New Mexico Criminal Offender Employment Act, NMSA 1978 § 28-2-3(A) does not permit inquiry about an applicant's criminal history unless the applicant has been selected as a finalist. This statute does not apply to law enforcement agencies. The County may emphasize in the job posting and application that certain types of criminal history will disqualify an applicant, but applicants cannot be disqualified (or asked about) their criminal history at the initial application stage.
	A. 10. The applicant fails to appear for a scheduled interview or any other step of the selection process, <b><u>without extenuating circumstances at the discretion of the department head.</u></b>	Clarify that it should be the discretion of the department head.
3-12. Applicant Tests	D. Human Resources will <b><u>provide guidance</u></b> to the <b><u>hiring</u></b> Department in developing the interview questions and selecting proposed interview panelists. Human Resources will also provide a summary of EEOC guidance for interviews, an applicant-rating form and telephone reference-check forms.	For clarification of process; consistent with current practice.
3-13. Applicant Interviews	E. Additional interviews may be conducted with the top rated applicant(s) prior to making the final recommendation for hire. <b><u>The Department Directors, with the approval of Human Resources, decides the need and nature of any additional interviews, if any.</u></b>	For clarification.

3-19 Background checks	A. All final candidates for temporary, fixed-term, classified and grant-funded positions must have a background check completed prior to starting employment, <b><u>or a new position to include a promotion or transfer</u></b> , with the County	Consistent with current practice
<b>Section IV. - Employment</b>		
4-1. Employment Eligibility Verification	C. <b><u>All new hires will have their identity verified through the federal E-Verify system, and appropriate action will be taken based on the verification received and in compliance with the law.</u></b>	Consistent with current practice
4-3. Employment Classifications	C. Department Directors. Department Directors may have individually negotiated employment <b><u>agreements</u></b> that define specific aspects of their employment relationship with the County. The terms of these <b><u>agreements</u></b> may vary.	For clarification; consistent with County Ordinance.
	D. <b><u>Regular/Classified Employees.</u></b> Regular employees are employed in a classified position that has no defined ending date. A regular employee may be full-time or part-time. <b><u>Probationary employees are considered unclassified employees until the successful completion of the probationary period.</u></b>	Consistent with current practice and policy; for clarification purposes.

4-6. Probationary Status	<p><b><u>B. An employee who previously completed probation and accepts a position as a Sheriff's Office Cadet, Trainee, or Certified Law Enforcement Officer or Detention Center Cadet, Trainee or Officer will serve a one (1) year probationary period from the date of certification or hire into the law enforcement position, whichever is greater. These employees will continue to be eligible for the benefits in which they are enrolled.</u></b></p>	For clarification; consistent with current practice and policy 5-8. 6. b.
4-7. License/Occupational Certification	<p>A. Any employee filling a position that requires a license, certificate, permit or other occupational certification will notify his/her supervisor in writing <b><u>the first business day</u></b> after the employee receives notice of <b><u>suspension,</u></b> revocation or non-renewal before commencing <b><u>any</u></b> work following receipt of notice. <b><u>If the employee fails to notify his/her supervisor as stated or</u></b> an employee's license is no longer valid, the employee may be subject to termination of employment.</p>	For clarification of process.
<b>Section V. Classification and Compensation</b>		
5-8. Compensation Administration	<p>A. 7. c. Once an employee is selected for the professional development plan, the Department will work with the Human Resources Department to have a development plan initiated. The objectives and timeline for proposed pay adjustments will be determined by the Department Director <b><u>or Elected Official,</u></b> with the assistance of the Human Resources Department. The plan shall not exceed two years in duration <b><u>and include measurable goals and objectives to determine progress on the plan and whether it should continue.</u></b></p>	For clarification and consistent with current practice.

5-9. Overtime/ <u>Compensatory</u> Time	D. Actual time worked in excess of forty (40) hours during a designated workweek shall be compensated in accordance with the FLSA for non-exempt employees. Only actual hours worked shall be considered in the overtime calculation. Holiday, vacation, sick and other leave shall not be considered. All overtime for designated <del>DASO, Detention Center, and Fire and Emergency Service</del> public-safety employees will be paid based on 86 hours per 14 day period for designated <del>Detention and Sheriff Department</del> employees in accordance with the applicable 207K provisions of the Fair Labor Standards Act.	Each of the public safety bargaining units has negotiated this as a part of the union contract.
	E. A non-exempt employee who works overtime during a scheduled workweek shall record the actual hours worked on his/her timesheet <u>the County approved timekeeping system.</u>	Consistent with current practice and technology utilized by the County.
<b>Section VI- Work Rules</b>		
6-6. Time Reporting	B. All non-exempt employees will accurately record all hours worked and all leave time taken in hours and minutes, and the type of leave to be charged, <del>in the manner prescribed within the Department. Where available time clocks shall be used to establish time worked.</del> <u>utilizing the County approved timekeeping system.</u>	Consistent with current practice and technology utilized by the County.
	<u><b>B. 1. Non-exempt employees will record meal breaks on the approved timekeeping system.</b></u> <u><b>2. Non-exempt employees may not perform any work off-the-clock. All work time must be recorded and paid for non-exempt employees.</b></u> <u><b>3. A rest break of 20 minutes or less is considered work time and must be paid. See policy 6-3. Meal and Rest Periods.</b></u> <u><b>1.4. Travel time for non-exempt employees will be paid in accordance with the Fair Labor Standards Act.</b></u>	Consistent with Fair Labor Standards Act and current practices.

	C. Reference timekeeping system instead of time card.	Consistent with policy and practice.
	E. Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records. <u>Non-exempt</u> employees shall not clock-in in advance of their scheduled starting time unless prior approval of their supervisor has been granted.	Consistent with policy and practice.
6-15. Personal Appearance	K. Any employee who does not meet the standards of this policy will be required to <u>adhere to</u> corrective action, which may include leaving the premises <u>to change clothing or address hygiene concerns before returning back to work that day</u> . Nonexempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy will result in disciplinary action up to and including termination.	For clarification of process.
6-16. Electronic Mail, Computer, and On-Line Services Usage	A. 2. These systems are to be used for job-related purposes and not for personal purposes, unless expressly authorized in advance by the employee's supervisor. <u>If authorization is given, it shall be limited to non-working time and there is no expectation of privacy;</u>	For clarification and in accordance with current policy and practice.
	A. 4. The County may monitor <u>and review</u> an employee's use of this <u>and other similar</u> equipment at any time at its discretion, which may include printing and reading all e-mail entering, leaving or stored in these systems as well as listening to any voice-mail messages;	For clarification and consistent with current practice
6-22. County Driver's Training	A. County employees and volunteers who drive vehicles as part of their duties for the County are to attend <u>Risk Management's Defensive Driving Course (DDC)</u> <del>a County-sponsored-</del> <del>National Safety Council Defensive Driving course (NSCDD)</del> or equivalent course approved by Risk Management. Eligibility to drive operate county vehicles or other equipment requiring a driver's license or operators permit requires completion of the <u>DDC</u> . <del>course and passing the examination at the end of the course.</del>	In accordance with Risk Management recommendation

	<p>B. Newly hired employees <u>and</u> volunteers, <u>and current employees being reassigned to operate vehicles for County business</u> are to attend or be scheduled to attend <u>a DDC, or equivalent</u> , course within the first three (3) months of employment <u>or reassignment</u>.</p>	<p>Reduces time to take defensive driving course from 6 months to 3 months.</p>
	<p>C. Risk Management shall provide notice to the Department Head and Human Resources Department if an employee or volunteer does not successfully complete the required course <u>within the first three (3) months of employment or reassignment</u>.</p>	<p>Reduces time to take defensive driving course from 6 months to 3 months. In accordance with Risk Management recommendation.</p>
	<p>D. Revises schedule for taking initial certification course. DASO will take course every 2 years; ACO &amp; Codes every two years; all other personnel who drive every 3 years.</p>	<p>In accordance with Risk Management recommendation.</p>
	<p>E. <u>Anyone who does not complete the re-certification process is not permitted to operate any County owned equipment or drive for business purposes until such time that they successfully recertify. Anyone that violates this policy by operating County-owned equipment when not authorized to do so is subject to disciplinary action up to and including termination.</u> Risk Management will notify the employee's supervisor of employee-driver training needs.</p>	<p>Makes it clear that employees are not permitted to operate County equipment for any purpose until they re-certify appropriately.</p>
	<p><u>G. Employees and volunteers assigned to operate towing vehicles and tow trailers should successfully complete additional training hours through Risk Management or the Fleet Services Department.</u></p>	<p>In accordance with Risk Management recommendations.</p>

6-23. Motor-Vehicle Records Check	Adds language about accidents or driving incidents that are " <b>known to the County</b> " as determining factors in whether an employee has a satisfactory driving record for purposes of operating County vehicles.	In accordance with Risk Management recommendations.
6-28. Workplace Violence	A. The County shall not tolerate any threat or act of violence within its work environment. The County shall enforce the level of discipline appropriate for any action or threat of workplace violence, or intimidation. Every reported incident <b>determined to allege</b> workplace violence will be investigated and the County will take corrective action, up to and including termination, against employees who engage in workplace violence or are in possession of unauthorized firearms or lethal weapons on County property. <b><u>If in consultation between the Human Resources Director, County Attorney, and Assistant County Manager, it is determined that the complaint is not a complaint of workplace violence, the matter will be referred to Human Resources for appropriate follow up and resolution.</u></b>	Consistent with best practices.
6-30. Alcohol and Drug Testing	D. 1. 1. If an employee tests positive for drugs or alcohol, <b>regardless of the level</b> , the employee will be placed on administrative leave pending disciplinary action and/or rehabilitation alternatives. <b><u>Adulterating, diluting or otherwise tampering with a test specimen will be considered a positive test.</u></b>	In accordance with DOT regulations and NMC best practice to clarify.
6-31. Controlled Substance Abuse and Misuse	3. At the time of reasonable suspicion observation, the employee will be escorted <b>immediately</b> by the supervisor or other member of management to an approved testing facility. For the name of the closest facility, contact the Human Resources Department or the Legal/Risk Management Department	For clarification purposes.

	<p>3. c. i - iii. i. <b><u>If an employee tests positive for drugs or alcohol, regardless of the level, the employee will be placed on administrative leave pending disciplinary action and/or rehabilitation alternatives.</u></b></p> <p>ii. Refusal to be tested or failure to comply with the time requirements will be regarded the same as a positive test result .</p> <p>iii. <b><u>Adulterating, diluting or otherwise tampering with a test specimen will be considered a positive test.</u></b></p>	Consistent with DOT regulations and best practice per NMC
	<p>E. <b><u>A positive drug or alcohol test will result in disciplinary action up to and including termination.</u></b></p>	Consistent with current practice.
6-32. Recording of Conversation	<p>A. Video and/or audio recording of conversations or other activities in the workplace is prohibited unless express written permission has been given by the County Manager, where required by law <b><u>or contractual agreement with a collective bargaining unit.</u></b></p>	For clarification purposes.
<b>Section VII -Employee Benefits</b>		
7-1. Worker's Compensation Insurance	<p>B. 5. Waiting Period. There is a seven (7) day waiting period before an employee becomes eligible to receive payment for lost wages. <b><u>Employees will use sick leave, vacation leave, or accumulated compensatory time during this seven (7) day waiting period. Employees will not be reimbursed for this time regardless of whether their workers compensation claim is approved or denied.</u></b></p>	Clarifies current practice.
7-2. Modified Duty	<p>F. Work-Related Injury/Illness Return to Work - Correct the name of the department handling work-related modified duty process</p>	Clarifies current process.

7-3. Group Insurance Coverage	A. Amend language to add " <b>voluntary</b> " plans administered by a third party.	Consistent with benefits offered by County.
7-11. Educational Assistance Program	C. An employee who voluntarily resigns or is dismissed shall reimburse the County for any education/training assistance provided within the immediate preceding twelve (12) months from the date of separation from County employment. Before distribution and acceptance of these funds, the employee must authorize the offset against his/her final paycheck, in the event repayment may be necessary, <b><u>to the extent permitted by law.</u></b>	Clarifies that there are limitations on pay reductions based upon the Fair Labor Standards Act.
<b>Section VIII - Leave</b>		
8-1. Leave Accrual and Usage	A. 3. County management reserves the right to approve or cancel leave at any time based on the operational needs of the County, <b><u>and must document the reason for the disapproval or cancellation of leave in the approved timekeeping system.</u></b>	Best practice to document reason for disapproval.
8-6. Family Medical Leave Act	A. The County will provide up to combined total of twelve (12) weeks of job-protected leave during a rolling calendar year for family and medical reasons consistent with the Family and Medical Leave Act (FMLA) and relevant State law. A combined total of twenty-six (26) weeks of FMLA is provided for caregiver leave as defined in Section 8-7. <b><u>Accordingly, when the County determines that leave is for an FMLA qualifying reason, the qualifying leave is FMLA protected and counts toward the employee's FMLA entitlement leave.</u></b>	Based upon current case law and employer obligations with regard to designating FMLA.
	E. 1. In cases where a married couple is employed by the County, the two spouses together may take a combined total of twelve (12) weeks' leave during any 12-month rolling calendar year for reasons 1 and 2 <b><u>in section D immediately above.</u></b> or to care for the employee's parent or child's serious health condition.	For clarification purposes .

	I. 1. The County requires an employee to substitute paid leave, <b><u>unless stated otherwise in this policy</u></b> , for FMLA leave.	For clarification purposes .
8-7. Family Military Leave	B. 6. Certification Requirements If military caregiver leave <b><u>is requested, the County</u></b> may require that <b><u>certification is</u></b> provided certification to support the leave request that includes:	For clarification purposes .
8-13. Emergency Volunteer Service Leave	B. Clarify that the emergency leave is for " <b><u>any officially declared</u></b> emergencies or disasters."	For clarification purposes; consistent with current practice.
8-15. Holidays and Personal Day	A. 8. An FLSA exempt employee <b><u>who normally works Monday through Friday and is</u></b> required to work on the holiday shall receive another day off with pay in lieu of the holiday within the same pay period, if feasible.	For clarification purposes; consistent with current practice.
	<b><u>A. 9. In order to ensure that FLSA exempt employees working shift receive equivalent benefits to all other employees, the exempt employee working shifts will receive an additional 8 hours of pay or the department will give that employee a different day off when the BOCC approved holiday falls on that employee's regular day off. The determination of whether to give additional pay or a different day off is at the discretion of the department head based upon which option best meets the operational needs and budgetary constraints for that unit.</u></b>	Consistent with current practice.
8-16. Leave of Absence	A. 5. Adds clarification that leave is without pay, benefits will cease " <b><u>as permitted by law.</u></b> "	Consistent with practice and complies with FMLA.
<b>Section IX - Performance Management</b>		
9-2. Performance Management	F. Revises the evaluation period from 3 times per year to an annual evaluation and a mid-year review of performance goals and any area of performance that needs improvement	Best practice. Current policy is overly burdensome.
<b>Section X - Discipline, Grievances and Complaints</b>		

10-1. Discipline System	C. For <b>written reprimands and</b> notice of intent to suspend, demote or terminate an employee, concurrence from the Human Resources Director is required prior to commencing the corrective action.	Consistent with consultant recommendation in policy 10-3. B. 2.
10-3. Types of Discipline	A. The material below describes types of discipline that may be taken to correct and discipline employees. The intent is neither to limit the range nor prescribe the sequence of possible disciplinary actions. <b><u>The County retains the right to determine the level of discipline based upon the specific circumstances of the situation requiring corrective action.</u></b>	Best practice to clarify that each step of progressive discipline need not be taken.
	B. 2. <b><u>All</u></b> written reprimands must be reviewed <b><u>and approved</u></b> by a Human Resources Administrator prior to administering the action. <b><u>No written reprimands are to be delivered to any employee prior to approval by a Human Resources Administrator as this will provide Human Resources a chance to review all facts as someone outside of the Department and to ensure discipline is being administered consistently throughout the Department and/or County.</u></b>	Recommended in the HR audit as a best practice.
	E. & F. Adds language " <b><u>and continue with the procedure in Section 10-5</u></b> " for both demotion and suspension without pay.	For clarification purposes .
10-5. Pre-Determination Process	C. Within three (3) work days of receipt of the Notice of Intent to Suspend, Demote or Terminate, the employee shall deliver a written memorandum to the Human Resources Director to indicate the employee is requesting a pre-determination hearing, <b><u>and the list of witnesses to be called to testify in the hearing.</u></b> with receipt acknowledging <b><u>receipt of the hearing request</u></b> by the Human Resources department.	For clarification purposes .
<b>Section XI - Separation</b>		

11-4. Exit Processing	D. If an exiting employee is deemed to pose a security or other risk by a member of executive management, the employee may be asked to leave immediately and/or be provided an escort from the premises by a law enforcement officer. <b><u>If the exiting employee is being separated for cause and is not deemed to pose a security or other risk, the department head or supervisor shall ensure that the employee exits the premises. Consultation with Human Resources is recommended in making this determination and for assistance in the exit process.</u></b>	Consistent with current practice.
<b>Section XII - Definitions</b>		
	<b><u>Elected Official –an elected official department head; does not include County Commissioners</u></b>	If the term elected official is to be used in the policies, it needs to distinguish the BOCC from other elected official department heads.
	<u>Unclassified Employees</u> - An employee employed in any position other than a classified position <b><u>or an employee who has not completed the probationary period.</u></b> Unclassified employees are at will and may be terminated for any nondiscriminatory reason and have no layoff rights or recourse to the grievance procedure.	Clarifies current policy and practice.
<b>Other Changes</b>		
	Removed term "he/she" throughout manual and used proper name or title of the individual or position referenced.	