

Chapter A140

EMPLOYEE MANUAL

ARTICLE 1 Employment

- § 101. Nature of employment.
- § 102. Employee relations.
- § 103. Equal employment opportunity.
- § 104. Business ethics and conduct.
- § 105. Personal relationships in the workplace.
- § 107. Immigration law compliance.
- § 108. Conflicts of interest.
- § 110. Outside employment.
- § 114. Disability accommodation.
- § 116. Job posting and employee referrals.

ARTICLE 2 Employment Status and Records

- § 201. Employment categories.
- § 202. Access to personnel files.
- § 204. Personnel data changes.
- § 205. Introductory period.
- § 208. Employment applications.
- § 209. Performance evaluation.
- § 210. Job descriptions.
- § 214. Medical information privacy.
- § 216. Social security number policy.

ARTICLE 3 Employee Benefit Programs

- § 301. Employee benefits.
- § 303. Vacation benefits.
- § 305. Holidays.
- § 306. Workers' compensation insurance.

- § 307. Sick leave benefits.
- § 309. Bereavement leave.
- § 311. Jury duty.
- § 313. Benefits continuation (COBRA).
- § 316. Health insurance.

ARTICLE 4 Timekeeping/Payroll

- § 401. Timekeeping.
- § 403. Paydays.
- § 405. Employment termination.
- § 409. Administrative pay corrections.
- § 410. Pay deductions and setoffs.

ARTICLE 5 Work Conditions and Hours

- § 501. Safety.
- § 502. Work schedules.
- § 504. Use of phone and mail systems.
- § 505. Smoking.
- § 506. Rest and meal periods.
- § 507. Overtime.
- § 508. Use of equipment and vehicles.
- § 510. Emergency closings.
- § 512. Business travel expenses.
- § 516. Computer and e-mail usage.
- § 517. Internet usage.
- § 518. Workplace monitoring.
- § 522. Workplace violence prevention.
- § 526. Cell phone usage.

ARTICLE 6
Leaves of Absence

§ 601. Medical leave.

§ 602. Family leave.

§ 607. Pregnancy-related absences.

ARTICLE 7
Employee Conduct and Disciplinary
Action

§ 701. Employee conduct and work rules.

§ 702. Drug and alcohol use.

§ 703. Sexual and other unlawful harassment.

§ 704. Attendance and punctuality.

§ 705. Personal appearance.

§ 706. Return of property.

§ 708. Resignation.

§ 722. Workplace etiquette.

§ 723. through § 724. (Reserved)

§ 725. Grievance process.

Employee Manual
Acknowledgement Form

[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs effective 4-21-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Administration of government — See Ch. 7.

Personnel policies — See Ch. 76.

ARTICLE 1
Employment

§ 101. Nature of employment.

- A. You became an employee at Village of Jemez Springs voluntarily and your employment is at will. "At will" means that you are free to resign at any time, with or without cause. Likewise, "at will" means that Village of Jemez Springs may terminate your employment at any time, with or without cause or advance notice, as long as we do not violate any applicable federal or state law.
- B. The decision to terminate an employee is made jointly by the relevant supervisor and the Human Resource Department. All terminations are subject to review and approval by the Human Resource Department and/or Mayor.
- C. The policies in this Employee Manual are not intended to create a contract. The policies should not be construed to constitute contractual obligations of any kind or a contract of employment between Village of Jemez Springs and any employee. The provisions in the Employee Manual have been developed at the discretion of management and, except for the policy of employment-at-will, may be amended or cancelled at any time, at the sole discretion of Village of Jemez Springs.
- D. These provisions replace all other existing policies and practices and may not be changed or added to without the express written approval of the chief executive officer of Village of Jemez Springs.

§ 102. Employee relations.

- A. We believe that the work conditions, wages, and benefits we offer to Village of Jemez Springs employees are competitive with those offered by other employers in this area and in this industry. If you have concerns about work conditions or compensation, we strongly encourage you to express these concerns openly and directly to your supervisor.
- B. Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Village of Jemez Springs fully demonstrates its commitment to employees by responding effectively to employee concerns.

§ 103. Equal employment opportunity.

- A. To give equal employment and advancement opportunities to all people, we make employment decisions at Village of Jemez Springs based on each person's performance, qualifications, and abilities. Village of Jemez Springs does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.
- B. We will make reasonable accommodations for qualified individuals with known disabilities unless making the reasonable accommodation would result in an undue hardship to Village of Jemez Springs.
- C. Our equal employment opportunity policy covers all employment practices, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
- D. We also have an affirmative action program. The affirmative action program will promote opportunities for people in certain protected classes throughout Village of Jemez Springs.
- E. If you have a question about any type of discrimination at work, talk with your immediate supervisor or the Clerk/Treasurer. You will not be punished for asking questions about this. Also, if we find out that anyone was illegally discriminating, that person will be subject to disciplinary action, up to and including termination of employment.

§ 104. Business ethics and conduct.

- A. We expect Village of Jemez Springs employees to be ethical in their conduct. It affects our reputation and success. Village of Jemez Springs requires employees to carefully follow all laws and regulations, and have the highest standards of conduct and personal integrity.
- B. Our continued success depends on our customers' trust. Employees owe a duty to Village of Jemez Springs, our customers, and community members to act in ways that will earn the continued trust and confidence of the public.

- C. As a municipality, Village of Jemez Springs will comply with all applicable laws and regulations. We expect the Mayor and all Trustees and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to not do anything that is illegal, dishonest, or unethical.¹
- D. If you use good judgment and follow high ethical principles, you will make the right decisions. However, if you are not sure if an action is ethical or proper, you should discuss the matter openly with your supervisor. If necessary, you may also contact the Clerk/Treasurer for advice and consultation.
- E. It is the responsibility of every Village of Jemez Springs employee to comply with our policy of business ethics and conduct. Employees who ignore or do not comply with this standard of business ethics and conduct may be subject to disciplinary action, up to and including possible termination of employment.

§ 105. Personal relationships in the workplace.

- A. When relatives or persons involved in a dating relationship work in the same area of an organization, it may cause problems at work. In addition to claims of favoritism and morale issues, personal conflicts from outside can sometimes carry over to work.
- B. For this policy, we define a "relative" as any person who is related to you by blood or marriage, or whose relationship with you is similar to that of a relative. We define a "dating relationship" as a relationship that might reasonably be expected to lead to a consensual romantic or sexual relationship. This policy applies to all employees regardless of their gender or sexual orientation.
- C. Our policy is that an employee may not directly work for a relative or supervise a relative. We also do not allow a person in a dating relationship to work for the other person in that relationship or to supervise the other person. Village of Jemez Springs also reserves the right to take quick action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship who are in positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.
- D. If two employees become relatives, or start a dating relationship and one of them supervises the other, the one who is the supervisor is required to tell management about the relationship. We will then ask the two employees to decide which one of them is to be transferred to another available position. If they do not make that decision within 30 calendar days, Village of Jemez Springs will decide which one will be transferred or, if necessary, terminated from employment.
- E. There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, we may separate the employees by reassignment or termination of employment. If you are in a close personal relationship with another

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

employee, we ask that you avoid displays of affection or excessive personal conversation at work.

§ 107. Immigration law compliance.

- A. Village of Jemez Springs is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not illegally discriminate because of a person's citizenship or national origin.
- B. Because we comply with the Immigration Reform and Control Act of 1986, every new employee at Village of Jemez Springs is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.
- C. If you leave Village of Jemez Springs and are rehired, you must complete another Form I-9 if the previous I-9 with Village of Jemez Springs is more than three years old, or if the original I-9 is not accurate anymore, or if we no longer have the original I-9.
- D. If you ask questions or want to complain about the immigration law, you will not be punished in any way.

§ 108. Conflicts of interest.

- A. Village of Jemez Springs has guidelines to avoid real or potential conflicts of interest. It is your duty as an employee of Village of Jemez Springs to follow the following guidelines about conflicts of interest. If this is not clear to you or if you have questions about conflicts of interest, contact the department manager.
- B. What is a conflict of interest? An actual or potential conflict of interest is when you are in a position to influence a decision or have business dealings on behalf of Village of Jemez Springs that might result in a personal gain for you or for one of your relatives. For conflicts of interest, a "relative" is any person who is related to you by blood or marriage, or whose relationship with you is similar to being a relative even though they are not related by blood or marriage.
- C. We do not automatically assume that there is a conflict of interest if you have a relationship with another company. However, if you have any influence on transactions involving purchases, contracts, or leases, you must tell the Village Clerk/Treasurer or Mayor of the Village of Jemez Springs as soon as possible. By telling us that there is the possibility of an actual or potential conflict of interest, we can set up safeguards to protect everyone involved.²
- D. The possibility for personal gain is not limited to situations where you or your relative has a significant ownership in a firm with which Village of Jemez Springs does business. Personal gains can also result from situations where you or your relative receives a kickback, bribe, substantial gift, or special consideration as a result of a transaction or business dealing involving Village of Jemez Springs.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 110. Outside employment.

- A. You may hold an outside job as long as you can satisfactorily perform your Village of Jemez Springs job and the job does not interfere with our scheduling demands.
- B. We hold all employees to the same performance standards and scheduling expectations regardless if they have other jobs. In order to remain employed at Village of Jemez Springs, we will ask you to terminate an outside job if we determine that it is impacting your performance or your ability to meet our requirements, which may change over time.
- C. You may not have an outside job that is a conflict of interest with Village of Jemez Springs. Also, you may not get paid or get anything in return from a person outside Village of Jemez Springs in exchange for something you produce or a service you provide as part of your Village of Jemez Springs job.

§ 114. Disability accommodation.

- A. Village of Jemez Springs is committed to complying fully with the Americans with Disabilities Act (ADA). We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities. We conduct all our employment practices and activities on a nondiscriminatory basis.
- B. Our hiring procedures have been reviewed and they provide meaningful employment opportunities for persons with disabilities. We only make preemployment inquiries regarding an applicant's ability to perform the duties of the job being applied for.³
- C. Reasonable accommodation is available to an employee with a disability when the disability affects the performance of job functions. We make our employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual.
- D. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. We make all types of leaves of absence available to all employees on an equal basis.
- E. Village of Jemez Springs is also committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability. Village of Jemez Springs will follow any state or local law that gives more protection to a person with a disability than the ADA gives.
- F. Village of Jemez Springs is committed to taking all other actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and any other applicable federal, state, and local laws.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 116. Job posting and employee referrals.

- A. Our job posting program gives you the opportunity to show your interest in open jobs and to advance within the Village according to your skills and experience. In general, we post all regular, full-time job openings, although Village of Jemez Springs reserves its right to not post a particular opening.
- B. Job openings will be posted on the employee bulletin board and normally remain open for a minimum of 10 business days. Each job posting notice will include the dates of the posting period, job title, department, location, job summary, essential duties, and qualifications (required skills and abilities).
- C. To be eligible to apply for a posted job, you must have performed competently for at least 60 calendar days in your current position. You are not eligible to apply for a posted job if you have a written warning on file, or are on probation or suspension. You may only apply for posted jobs for which you possess the required skills, competencies, and qualifications.
- D. To apply for an open position, submit a job posting application to the department manager or Clerk/Treasurer. List your job-related skills and accomplishments on the application. Also tell how your education and your work experience here or elsewhere make you qualified for the new job.
- E. We encourage you to talk with your supervisor about your career plans. We also encourage supervisors to support your efforts to gain experience and advance within Village of Jemez Springs.
- F. After you apply for a job, your supervisor may be contacted for information about your performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a possible transfer may also be discussed.
- G. Job posting is a way to inform you of open jobs. It is also a way for the hiring manager to find out about qualified and interested applicants. In addition to posting, Village of Jemez Springs may use other recruiting sources to fill open jobs.
- H. We encourage you to refer friends who may be interested in working at Village of Jemez Springs if they are qualified for an open position. You should first get your friend's permission to make the referral. You can give information about working at Village of Jemez Springs but be sure to not make any commitments or promises about employment.
- I. You should submit your friend's resume or a completed application form to the department manager or Clerk/Treasurer for a posted job. If we interview your friend, we will tell you and we will also tell you if your friend is hired or not hired.

ARTICLE 2
Employment Status and Records

§ 201. Employment categories.

- A. It is important that you understand the definitions of the employment classifications at Village of Jemez Springs and know your classification. The reason is because your employment classification helps determine your employment status and what benefits you are eligible for. If you have questions or are not sure what your employment classification is, see your supervisor.
- B. These employment classifications do not guarantee employment with Village of Jemez Springs for any specific period of time. You became an employee at Village of Jemez Springs voluntarily and your employment is at will. "At will" means that you may terminate your employment at any time, with or without cause or advance notice. Likewise, "at will" means that Village of Jemez Springs may terminate your employment at any time, with or without cause or advance notice, as long as we do not violate federal or state laws.
- C. Depending on your job, you are either nonexempt or exempt from federal and state wage and hour laws. If you are a nonexempt employee, you are entitled to overtime pay under the specific provisions of federal and state laws. If you are an exempt employee, you are excluded from specific provisions of federal and state wage and hour laws. Your exempt or nonexempt classification may be changed only with written notification by Village of Jemez Springs management.
- D. In addition being a nonexempt or exempt employee, you also belong to one of the following employment categories:
 - (1) Regular full-time employees are employees who are not in a temporary or introductory status and who are regularly scheduled to work the full-time schedule at Village of Jemez Springs. In most cases, regular full-time employees are eligible for all Village of Jemez Springs benefit programs, subject to the terms, conditions, and limitations of each benefit program.⁴
 - (2) You are a regular part-time employee if you are not in a temporary or introductory status and you are regularly scheduled to work less than the full-time work schedule, but work at least 20 hours per week. Regular part-time employees are eligible for some Village of Jemez Springs benefit programs, subject to the terms, conditions, and limitations of each benefit program.
 - (3) You are a part-time employee if you are not in a temporary or introductory status and you are regularly scheduled to work less than 20 hours per week. Part-time employees receive all legally mandated benefits, such as social security and workers' compensation insurance. Part-time employees are not eligible for the other Village of Jemez Springs benefit programs.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (4) You are an introductory employee if your performance is being evaluated to determine whether further employment in a specific position or with Village of Jemez Springs is appropriate. When you satisfactorily complete the introductory period, you will be told about your new employment classification.

§ 202. Access to personnel files.

- A. Village of Jemez Springs keeps personnel files on all employees. The personnel files include the job applications and related hiring documents, training records, performance documentation, salary history, and other employment records.
- B. Personnel files are the property of Village of Jemez Springs. Because personnel files contain confidential information, the only people who can see them are people with a legitimate business reason. If you wish to review your own file, contact the Clerk/Treasurer. You will need to give advance notice if you wish to see your file. You may review your file only when a representative of Village of Jemez Springs is also present.

§ 204. Personnel data changes.

It is important that Village of Jemez Springs have certain personal information about you in our records. You need to tell us as soon as there is a change to your mailing address, telephone numbers, marital status, dependents' information, educational accomplishments, and other possibly related information. We also need to have information about who to contact in case of an emergency. To change your personal information or if you have questions about what information is required, contact the department manager.

§ 205. Introductory period.

- A. Village of Jemez Springs has an introductory period for new employees. During the introductory period, we will evaluate your work habits and abilities to make sure that you can perform your job satisfactorily. The introductory period also gives you time to decide if the new job meets your expectations.
- B. Since your employment with Village of Jemez Springs is voluntary and at will, you may terminate your employment at any time during or after the introductory period, with or without cause or advance notice. Likewise, Village of Jemez Springs also may terminate your employment at any time during or after the introductory period, with or without cause or advance notice.
- C. The introductory period for all new and rehired employees is the first 180 calendar days after their hire date.
- D. If you are absent for a significant amount of time during your introductory period, the length of the absence will automatically extend the introductory period. We may also extend the introductory period if we decide it was not long enough to evaluate your performance. This could happen either during or at the end of the introductory period.

- E. When employees satisfactorily complete the introductory period, they are assigned to the regular employment classification.
- F. During the introductory period, new employees are eligible for those benefits that are required by law, such as social security and workers' compensation insurance. After becoming regular employees, they may also be eligible for other Village of Jemez Springs benefit programs, subject to the terms and conditions of each benefit program. Be sure to review the information for each benefits program to see the exact requirements.

§ 208. Employment applications.

- A. We rely on the accuracy of the information you put on your employment application. We also expect that you and your references give accurate and true information during the hiring process and employment. If we find that any information is misleading, false, or was left out on purpose, we may reject an applicant from further consideration. If the person was already hired, it could result in termination of employment.
- B. Background checks may be required for certain positions.

§ 209. Performance evaluation.

- A. We encourage you and your supervisor to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be done at the end of the introductory period after you are first hired at Village of Jemez Springs. In addition, you and your supervisor will have formal performance evaluations to discuss your work and goals, to identify and correct weaknesses, and to encourage and recognize your strengths.
- B. Performance evaluations are usually done every 12 months around May of every year.
- C. We may give merit-based pay adjustments to some employees to recognize truly superior employee performance. These adjustments are based on a number of factors, including the information documented by the formal performance evaluations.

§ 210. Job descriptions.

- A. We try to have accurate job descriptions for all jobs at Village of Jemez Springs. A job description includes the following sections: job information; job summary (gives a general overview of the job's purpose); essential duties and responsibilities; supervisory responsibilities; qualifications (includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required); physical demands; and work environment.
- B. We use the job descriptions to help new employees understand their jobs and their responsibilities. We also use job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

- C. The Clerk/Treasurer and the department manager prepare a job description when a new job is created. We review existing job descriptions and change them when a job changes. You can help by making sure that your job description is accurate and describes your job duties.
- D. Your job description does not necessarily cover every task or duty that you might be assigned. You may be assigned additional responsibilities as necessary. If you have questions or concerns about your job description, contact the Clerk/Treasurer.

§ 214. Medical information privacy.

- A. This policy describes how health information about you may be used and disclosed and how you can get access to this information. If you have any questions, ask your supervisor or the Clerk/Treasurer.
- B. Village of Jemez Springs is committed to keeping our employees' personal information private. This policy of privacy applies to our health plans that are covered by state or federal law, for example, health benefit plans, dental plans, employee assistance plans, and pharmacy benefit programs. We will refer to all of these plans in this policy as the "benefit plans."
- C. The benefit plans are required by federal and state law to protect the privacy of your health information and other personal information, and to provide you with notice about our policies and protections. When the benefit plans use or disclose your protected health information, the benefit plans promise to respect the privacy of that information.
- D. The benefit plans will not use your protected health information or disclose it to others without your permission, except for the following reasons:
 - (1) Treatment.
 - (2) Payment.
 - (3) Health care operations.
 - (4) Disclosure to employer or operating company.
 - (5) Disclosure to health care vendors and accreditation organizations.
 - (6) Public health activities.
 - (7) Health oversight activities.
 - (8) Research.
 - (9) To comply with the law.
 - (10) Judicial and administrative proceedings.
 - (11) When required by law enforcement officials.
 - (12) Health or safety.

- (13) Government functions.
 - (14) Workers' compensation.
- E. The benefit plans may also disclose your protected health information when necessary to file claims with other insurance carriers.
- F. The benefit plans will not use or disclose your protected health information for any purpose other than the purposes described in this policy without your written okay and agreement. You may take back an authorization that you gave before by sending a written request to the Clerk/Treasurer, but not about any actions the benefit plans have already taken.
- G. The benefit plans may disclose protected health information about you to a relative, a friend or any other person you identify, provided the information is directly relevant to that person's involvement with your health care or payment for your care. For example, if a family member or a caregiver calls us with knowledge of your protected health information, we may confirm it or answer questions about it. You have the right to stop or limit this type of disclosure by contacting the Clerk/Treasurer. If you are a minor, you also may have the right to block your parents' access to your protected health information, if permitted by state law.
- H. Privacy rights.
- (1) You have the right to additional restrictions on who can see your protected health information. While the benefit plans will consider all requests for restrictions carefully, they are not required to agree to a requested restriction.
 - (2) You have the right to keep confidential communications about your protected health information confidential. While the benefit plans will consider reasonable requests carefully, the benefit plans are not required to agree to all requests.⁵
 - (3) You have the right to see and copy your protected health information. If you ask for copies, the benefit plans may charge you copying and mailing costs.
 - (4) You have the right to make corrections to your protected health information. If your doctor or another person created the information that you want to change, you should ask that person to change the information.
 - (5) You have the right to know who your protected health information is disclosed to. If you request an accounting more than once during any twelve-month period, the benefit plans will charge you a reasonable fee for each accounting statement after the first one.
 - (6) You have the right to a paper copy of this policy. You may contact the Clerk/Treasurer to obtain a paper copy of this policy, even if you agreed to receive this policy electronically.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (7) If you want to make any of the requests listed above, you must contact the Clerk/Treasurer.
- I. If you want more information about your privacy rights, do not understand your privacy rights, are concerned that the benefit plans have not respected your privacy rights, or disagree with a decision that the plans made about who can see your protected health information, you may contact the Clerk/Treasurer. You may also file written complaints with the Secretary of the United States Department of Health and Human Services. We will not take any action against you if you file a complaint with the Secretary of Health and Human Services or the Clerk/Treasurer.
- J. Finally, the benefit plans may change this policy at any time. If the policy is changed, the benefit plans may make the new policy effective for all of your protected health information that the benefit plans maintain, including any information created or received before the new policy. If the benefit plans change this policy, you will be notified of the change.

§ 216. Social security number policy.

- A. To protect your personal information, Village of Jemez Springs will not use your social security number to identify you. That means we will not:
- (1) Publicly post or publicly display your social security number.
 - (2) Print your social security number on any card you need to access our products or services.
 - (3) Require you to send your social security number over the Internet, unless the connection is secure or the social security number is encrypted.
 - (4) Require you to use your social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the Internet website.
 - (5) Print your social security number on any materials that are mailed to you, unless state or federal law requires the social security number to be on the document that is mailed.
- B. However, social security numbers may be included in job applications and forms sent by mail.
- C. If Village of Jemez Springs used your social security number in the past in a way that this policy now prohibits, we will continue using your social security number in that way, if:
- (1) The use of the social security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
 - (2) You get a yearly memo that tells you that you have the right to stop the use of your social security number in a way that is prohibited by this policy.

- D. A written request by you to stop the use of your social security number in a prohibited way will be taken care of within 30 days of our receiving the request. You will not be charged for stopping the use of your social security number. Village of Jemez Springs will not deny you services because you make a written request to stop the use of your social security number.
- E. Village of Jemez Springs will continue to collect, use, or release social security numbers as required by state or federal law, and may use social security numbers for our own identification or authorization purposes.
- F. If you have questions about this policy or feel your social security number has been misused by Village of Jemez Springs, contact the Clerk/Treasurer.

ARTICLE 3

Employee Benefit Programs

§ 301. Employee benefits.

- A. Village of Jemez Springs gives eligible employees many benefits. Some benefits are required by law and cover all employees. The legally required benefits include social security, workers' compensation, state disability, and unemployment insurance.
- B. There are several factors that decide if you are eligible for a benefit. One important factor is your employment classification. See your supervisor to find out which benefit programs you are eligible for.
- C. This Employee Manual contains policies describing many of the benefit programs. Sometimes a policy will tell you that there is more information in another place such as the summary plan document.
- D. The following benefit programs are available to eligible employees:
 - (1) Bereavement leave.
 - (2) Dental insurance.
 - (3) Family leave.
 - (4) Health insurance.
 - (5) Holidays.
 - (6) Pension plan.
 - (7) Personal leave.
 - (8) Sick leave benefits.
 - (9) Vacation benefits.
 - (10) Vision care insurance.

- E. You may have to pay part or all of the cost for some benefits.

§ 303. Vacation benefits.

- A. Village of Jemez Springs offers vacation time off with pay to eligible employees. Employees in the following employment classifications are eligible for paid vacation time:
- (1) Regular part-time employees will accrue vacation on a pro-rata hourly basis.
 - (2) Regular full-time employees will accrue as follows:
- B. The amount of paid vacation time you receive each year depends on how long you have been working. This is the schedule for accruing vacation:
- (1) Upon initial eligibility the employee is entitled to 10 vacation days each year, accrued biweekly at the rate of 0.385 days.
 - (2) After five years of eligible service the employee is entitled to 12 vacation days each year, accrued biweekly at the rate of 0.462 days.
 - (3) After 10 years of eligible service the employee is entitled to 15 vacation days each year, accrued biweekly at the rate of 0.577 days.
 - (4) After 15 years of eligible service the employee is entitled to 18 vacation days each year, accrued biweekly at the rate of 0.692 days.
 - (5) After 20 years of eligible service the employee is entitled to 20 vacation days each year, accrued biweekly at the rate of 0.769 days.
- C. We calculate the length of your eligible service on the basis of a benefit year. A "benefit year" is the twelve-month period that begins when you start earning vacation time. Your benefit year may be extended for any significant leave of absence except military leave of absence. (Military leaves do not affect the benefit year calculation.) See the leave of absence policies in this Employee Manual for information on how each type of leave affects vacation accruals.
- D. Once you enter an eligible employment classification, you begin to earn paid vacation time according to the schedule in this policy. However, before you can use vacation time, you must complete a waiting period of 180 calendar days. After the waiting period, you can request to use your earned vacation time, including the vacation time that accrued during the waiting period.
- E. You may not take less than 1/2 hour vacation at a time. To schedule your vacation time, you should first ask for advance approval from your supervisor. Each request will be reviewed based on a number of factors, including our business needs and staffing requirements.
- F. You will be paid for vacation time off at your base pay rate as of the time of the vacation. Vacation pay does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

- G. We encourage you to use your available paid vacation time for rest and relaxation. If you do not use your available vacation by the end of a benefit year, you may carry over the unused time to the next benefit year. If the total amount of your unused vacation time reaches the cap amount, you temporarily stop accruing vacation. The cap amount is two times the annual vacation amount that you are eligible to accrue. When you take vacation again and your total accrued amount falls below the cap, you will start accruing vacation again.
- H. If your employment terminates, you will be paid for any unused vacation time that has been earned through your last day of work.

§ 305. Holidays.

- A. Village of Jemez Springs gives time off to all employees on the following holidays:
- (1) New Year's Day (January 1).
 - (2) Martin Luther King, Jr. Day (third Monday in January).
 - (3) Presidents' Day (third Monday in February).
 - (4) Good Friday (Friday before Easter).
 - (5) Memorial Day (last Monday in May).
 - (6) Independence Day (July 4).
 - (7) Labor Day (first Monday in September).
 - (8) Columbus Day (second Monday in October).
 - (9) Veterans' Day (November 11).
 - (10) Thanksgiving (fourth Thursday in November).
 - (11) Day after Thanksgiving.
 - (12) Christmas Eve (December 24).
 - (13) Christmas (December 25).
 - (14) New Year's Eve (December 31).
- B. Eligible employees will be paid for holiday time off. If you are eligible, your holiday pay will be calculated at your straight-time pay rate as of that holiday multiplied by the number of hours you would normally have worked that day.
- C. Employees in the following employment classifications are eligible for holiday time off with pay once they have completed 180 calendar days of service in one of these classifications:

- (1) Regular full-time employees.
 - (2) Regular part-time employees.
- D. If you are eligible for paid holidays, you must also work both the last scheduled work day immediately before the holiday and the first scheduled day immediately after the holiday unless you have scheduled vacation with supervisors permission.
- E. If a holiday falls on your normal day off, you must schedule that holiday off with your supervisor during the pay period that the holiday occurred in.
- F. If you are eligible for paid holidays and on the holiday you are on a paid absence, such as vacation or sick leave, you will get holiday pay instead of the paid time off pay you would have received.
- G. If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay at 1 1/2 times their straight-time rate for the hours they worked on the holiday.
- H. We do not count holiday paid time off as hours worked when calculating overtime.

§ 306. Workers' compensation insurance.

- A. Village of Jemez Springs provides a comprehensive workers' compensation insurance program to our employees. This program does not cost you anything.
- B. The workers' compensation program covers injuries or illnesses that might happen during the course of your employment that require medical, surgical, or hospital treatment. Subject to legal requirements, workers' compensation insurance begins after a short waiting period, or if you are hospitalized, the benefits begin immediately.
- C. It is very important that you tell your supervisor immediately about any work-related injury or illness, regardless of how minor it might seem at the time. Prompt reporting helps to make sure that you qualify for coverage as quickly as possible and lets us investigate the matter promptly.
- D. Workers' compensation covers only work-related injuries and illnesses. Neither Village of Jemez Springs nor its insurance carrier will pay workers' compensation benefits for injuries that might happen if you voluntarily participate in an off-duty recreational, social, or athletic activity that we might sponsor.

§ 307. Sick leave benefits.

- A. Village of Jemez Springs provides paid sick leave benefits to eligible employees who are temporarily absent due to illness or injury. Employees in the following employment classifications are eligible for sick leave:
- (1) Regular full-time employees.
 - (2) Regular part-time employees will accrue on a pro-rata hourly basis.

- B. If you are eligible, you will accrue sick leave benefits at the rate of 12 days per year (one day for every full month of service). Sick leave benefits are calculated on the basis of a benefit year. A "benefit year" is the twelve-month period that begins when you start earning sick leave. You can request to use paid sick leave after you complete a one-hundred-eighty-day waiting period from the date you become eligible to accrue sick leave benefits.
- C. You may not take less than 1/2 hour sick leave. You may use sick leave benefits to be absent because you are ill or injured. You can also use sick leave to be absent because of the illness or injury of your child, parent, or spouse.
- D. If you cannot report to work because of an illness or injury, you should notify your supervisor before the scheduled start of your workday, if possible. Your supervisor must also be contacted on each additional day of absence.
- E. If you are absent for three or more consecutive days due to illness or injury, you must give us a doctor's statement that states you are ill or injured, when it began, and when you should be able to return to work. We may also request a similar statement for other sick leave absences of less than three days.
- F. Your sick leave benefits will be calculated based on your base pay rate at the time of your absence. Sick leave benefits do not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.
- G. If you are on sick leave for an extended absence because of an illness or injury, you also must apply for any other available compensation and benefits, such as workers' compensation. Your sick leave benefits will be used to supplement any payments that you are eligible for from state disability insurance, workers' compensation, or Village of Jemez Springs-provided disability insurance programs. The combination of these disability payments and your sick leave may not be more than your normal weekly pay.
- H. Unused sick leave benefits will be allowed to accumulate until you have accrued 30 calendar days of sick leave. If your unused sick leave reaches this maximum, you will temporarily stop accruing sick leave. When you start using sick leave again and the total accrued sick leave falls below 30 days, you will start accruing sick leave again.
- I. Sick leave benefits are meant to provide income protection in the case you are ill or injured. They may not be used for any other absence. You will not be paid for unused sick leave benefits while you are employed and you will also not be paid for unused sick leave benefits when your employment terminates.

§ 309. Bereavement leave. [Effective 4-25-2011]

- A. Village of Jemez Springs provides bereavement leave to employees who need to take time off because an immediate family member died. To ask for bereavement leave, see your supervisor.
- B. Employees in the following employment classifications are eligible for up to three days of bereavement leave with pay:

- (1) Regular full-time employees.
- (2) Regular part-time employees.
- C. While you are on a paid bereavement leave, you will get your base pay rate but you will not get any special forms of pay, such as incentives, commissions, bonuses, or shift differentials.
- D. We normally will give you bereavement leave unless there are business reasons that require you be at work. With your supervisor's approval, you can use any available paid leave benefits you have, such as vacation, if you need more time off.
- E. For bereavement leave, "immediate family" means your spouse, parent, child, brother, or sister; your spouse's parent, child, brother, or sister; your child's spouse.

§ 311. Jury duty. [Effective 4-25-2011]

- A. Village of Jemez Springs encourages you to fulfill your civic responsibilities by serving jury duty if you get a summons. You may request unpaid jury duty leave for the absence. You may also use any available paid time off benefits you have, such as vacation, to be paid for an unpaid jury duty leave.
- B. If you get a jury duty summons, show it to your supervisor as soon as possible. This will help us plan for your possible absence from work. We expect you to come to work whenever the court schedule permits.
- C. Either you or Village of Jemez Springs may ask the court to excuse you from jury duty if necessary. We may ask that you be relieved from going on jury duty if we think that your absence would cause serious operational problems for Village of Jemez Springs.
- D. Subject to the terms, conditions, and limitations of the applicable plans, Village of Jemez Springs will continue to provide health insurance benefits for the full period of unpaid jury duty leave.
- E. Your vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

§ 313. Benefits continuation (COBRA). [Effective 4-27-2011]

- A. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) helps employees and their dependents to continue their health insurance even if they are no longer eligible under our health plan.
- B. There are strict rules about when you can use COBRA. COBRA lets an eligible employee and dependents choose to continue their health insurance when a qualifying event happens. "Qualifying events" include the employee's resignation, termination, leave of absence, shorter work hours, divorce, legal separation, or death. Another qualifying event is when a dependent child stops being eligible for coverage under your health insurance.

- C. If you continue your insurance under COBRA, you will pay the full cost of the insurance at Village of Jemez Springs' group rates plus an administration fee. When you become eligible for our health insurance plan, we will give you a written notice describing your COBRA rights. Because the notice contains important information about your rights and what to do if you need COBRA, be sure to read it carefully.

§ 316. Health insurance. [Effective 4-27-2011]

- A. Our health insurance plan offers medical, dental, and vision care benefits to eligible employees and their dependents. Employees in the following employment classifications are eligible to enroll in the health insurance plan:
 - (1) Regular full-time employees.
 - (2) Regular part-time employees.
- B. The eligible employees can enroll in the health insurance plan subject to the terms and conditions of the agreement between Village of Jemez Springs and its insurance carrier.
- C. If you are enrolled in the health insurance plan and change to an employment classification that would make you no longer eligible, you may be able to continue your health care benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA). See the benefits continuation (COBRA) policy in this Employee Manual for more information.
- D. There are more details about our health insurance plan in the summary plan description (SPD). When you become eligible for health insurance, you will receive an SPD and rate information. If you have questions about our health insurance plan, contact the Clerk/Treasurer for more information.

**ARTICLE 4
Timekeeping/Payroll**

§ 401. Timekeeping.

- A. Nonexempt employees are responsible for accurately recording the hours they work. The law requires Village of Jemez Springs to keep accurate records of time worked in order to correctly calculate employee pay and benefits. "Time worked" means all the time that nonexempt employees spend performing their assigned work.
- B. If you are a nonexempt employee, you must accurately record the time you start and stop work, when you start and end any meal periods or split shifts, and when you leave the workplace for personal reasons. Before you work any overtime, you must always get advance approval.
- C. Falsifying time records is a serious matter. You may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. If you do any of these actions, you may be subject to disciplinary action, up to and including termination.

- D. If you are a nonexempt employee, you should not start working more than 10 minutes before your scheduled start time. You should also not continue working more than 10 minutes after your schedule end time. You can only you can start earlier or work later when your supervisor approves it in advance.
- E. Each supervisor will review and initial the time record before submitting it for payroll processing. In addition, if corrections or changes are made to the time record, your supervisor must initial the changes on the time record.

§ 403. Paydays.

- A. All employees are paid biweekly on every other Friday. Each paycheck includes pay for all work performed through the end of the previous payroll period.
- B. If a payday falls on a weekend or holiday, you will be paid on the last work day before that payday.
- C. If you are on vacation on payday, you will get your paycheck when you return or with prior notification designate a person to pick up your paycheck.

§ 405. Employment termination.

- A. There can be many reasons why employment may terminate. The following are some of the most common reasons for termination of employment:
 - (1) Resignation: voluntary employment termination initiated by an employee.
 - (2) Discharge: involuntary employment termination initiated by the organization.
 - (3) Layoff: involuntary employment termination initiated by the organization for nondisciplinary reasons.
 - (4) Retirement: voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.
- B. We will usually schedule an exit interview if you terminate. At the exit interview, we can go over such topics as your benefits, benefits conversion rights, repayment of any outstanding debt to Village of Jemez Springs, or return of Village of Jemez Springs owned property. You may also make suggestions or complaints and ask questions at the exit interview.
- C. Since your employment with Village of Jemez Springs is voluntary and at will, you may terminate your employment at any time, with or without cause or advance notice. Likewise, Village of Jemez Springs may terminate your employment at any time, with or without cause or advance notice.
- D. The decision to terminate an employee is made jointly by the relevant supervisor and the Human Resource Department. All terminations are subject to review and approval by the Human Resource Department and/or Mayor.

- E. When you terminate, you will receive your final pay in accordance with applicable state law.
- F. Your benefits are affected by termination in several ways. All accrued, vested benefits that are due and payable at termination will be paid out. You may be allowed to continue some benefits by paying for them yourself. You will be notified, in writing, about which benefits you can continue and the limitations and details of how to continue them.

§ 409. Administrative pay corrections.

Village of Jemez Springs tries to make sure that you are paid correctly and on scheduled paydays. In case you find a mistake in your pay, tell the department manager immediately so that the error can be corrected as quickly as possible.

§ 410. Pay deductions and setoffs.

- A. Laws require Village of Jemez Springs to take deductions from your pay. Deductions are money taken from your pay for certain things such as federal, state, and local taxes. The law also requires us to deduct social security taxes from your pay. We must deduct up to a certain amount called the social security "wage base." We also contribute to your social security. We pay the same amount of social security tax to the government as we deduct from your pay.
- B. Village of Jemez Springs also offers programs and benefits to eligible employees that are not required by law. You may ask us to deduct money from your pay to cover your payment for these programs.
- C. We may have to take a pay setoff from your paycheck. "Pay setoffs" mean that Village of Jemez Springs must deduct money from your paycheck to pay off a debt you owe us or someone else.
- D. If you want to know why money was deducted from your paycheck or how your pay is calculated, see the Clerk/Treasurer.

ARTICLE 5

Work Conditions and Hours

[Effective 4-27-2011]

§ 501. Safety.

- A. Our workplace safety program is a top priority at Village of Jemez Springs. We want Village of Jemez Springs to be a safe and healthy place for employees, customers, and visitors. The Safety Manager is responsible for implementing, administering, monitoring, and evaluating the safety program. A successful safety program depends on everyone being alert and committed to safety.

- B. We regularly communicate in different ways with employees about workplace safety and health issues. These communications may include supervisor-employee meetings, bulletin board posting, memos, or other written communications.
- C. Employees and supervisors receive workplace safety training these meetings are mandatory and are scheduled every third Tuesday of every month unless otherwise notified. The training covers possible safety and health hazards as well as safe work practices and procedures to eliminate or reduce hazards. If you are unable to attend a meeting notify your supervisor 24 hours prior to the scheduled meeting.
- D. Some of the best safety improvement ideas come from employees. If you have an idea, concern, or suggestion on how to improve safety in the workplace, tell your supervisor, another supervisor, or the Safety Manager. We want you to know that you can report any concerns about workplace safety anonymously and without fear of reprisal.
- E. You are expected to obey all safety rules and be careful at work. You must immediately report any unsafe condition to the appropriate supervisor. If you violate Village of Jemez Springs safety standards, you may be subject to disciplinary action, up to and including termination of employment. Violations include causing a hazardous or dangerous situation, not reporting a hazardous or dangerous situation, and not correcting a problem even though you could have corrected it.
- F. It is very important that you tell the Safety Manager or the appropriate supervisor immediately about any accident that causes an injury, no matter how minor it might seem at the time. When you report it quickly, we can investigate the accident promptly, follow the laws, and start insurance and worker's compensation processing.

§ 502. Work schedules.

- A. There are different work schedules at Village of Jemez Springs. Your supervisor will tell about your work schedule.
- B. Our staffing needs and work demands may require that we change the starting and ending times of work schedules. We may also need to change the number of work hours that are scheduled each day and week.

§ 504. Use of phone and mail systems.

- A. Village of Jemez Springs telephones are intended for business calls. You are not permitted to make long-distance or toll calls from our phones. If you make personal calls on Village of Jemez Springs business phones, you must get supervisors permission and we may require that you pay us for any charges.
- B. Our mail system is intended for business purposes only so you should not send or receive personal mail at work.
- C. Our telephone communications are an important reflection of our image to customers and the community. Always use proper telephone etiquette. The following are some examples of good telephone etiquette: use the approved greeting, speak courteously and

professionally, repeat information back to the caller, and only hang up after the caller hangs up.

§ 505. Smoking.

- A. Village of Jemez Springs prohibits smoking throughout the workplace.
- B. This policy applies equally to all employees as well as to our customers and visitors.
- C. Chapter 86 of the Code of the Village of Jemez Springs (Ordinance No. 161), enacting the Village of Jemez Springs clean indoor air ordinance; providing for smoke-free areas.

Ordinance #161

Section 6. Prohibition of Smoking Near Entrances, Windows and Ventilation Systems.

Smoking is prohibited near entrances, windows and ventilation systems of all workplaces and public places where smoking is prohibited by this ordinance. An individual who owns, manages, operates or otherwise controls the use of any premises subject to the provisions of this ordinance shall establish a smoke-free area that extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited. The reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.

- D. If you would like to get a copy of Chapter 86, you can ask your supervisor or the Clerk/Treasurer.

§ 506. Rest and meal periods.

- A. If you are a nonexempt employee, your supervisor will tell you how long your rest period and when you can take it. When possible, rest periods will be scheduled in the middle of work periods. Because rest time is counted and paid as time you worked, you must not be absent from your workstation longer than the rest period allows.
- B. All exempt employees will have one meal period each workday. Schedule your meal period to accommodate operating requirements. During meal periods, you are not subject to any work responsibilities or restrictions. You will not be paid for meal period time.

§ 507. Overtime.

- A. There may be times when Village of Jemez Springs cannot meet its operating requirements or other needs during regular working hours. If this happens, we may give employees the opportunity to work overtime.

- B. It is our policy that no overtime can be worked without the approval and authorization of the supervisor. We try to distribute overtime assignments fairly among all employees who are qualified to perform the required work.
- C. Nonexempt employees will receive overtime pay in accordance with the federal and state wage and hour laws. Overtime pay is based on the actual hours worked. For this reason, time off for sick leave, vacation, and other paid or unpaid leaves of absence is not counted as hours worked when calculating overtime pay.
- D. If you work overtime without first getting your supervisor's approval, you may be subject to disciplinary action up to and including possible termination of employment.

§ 508. Use of equipment and vehicles.

- A. Equipment and vehicles essential in accomplishing your job duties are expensive and may be difficult to replace. When you use Village of Jemez Springs property, you should be careful, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.
- B. Tell your supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. When you promptly report damages, defects, and the need for repairs, you can prevent deterioration of equipment and possible injury to employees or other people.
- C. See your supervisor if you have questions about your responsibility for maintenance and care of equipment or vehicles you use on the job.
- D. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

§ 510. Emergency closings.

- A. There may be times when emergencies, such as severe weather, fires, power failures, or earthquakes, disrupt normal business operations at Village of Jemez Springs. We may even have to close a work facility.
- B. When we are officially closed due to emergency conditions, you will not be paid for the time off. However, you may request to use any available paid time off you have, such as vacation.
- C. If an emergency closing is not authorized and you do not report for work, you will not be paid for the time off. You may request to use any available paid time off you have, such as vacation.
- D. There may also be some times when we ask employees in essential operations to work on a day when we are officially closed due to an emergency. If we ask you to work on a day when we are officially closed, we will pay you your regular pay.

§ 512. Business travel expenses.

- A. We will reimburse you for reasonable business travel expenses if the immediate supervisor approves the travel in advance. After a trip is approved, you are responsible for making your own travel arrangements.
- B. We reimburse approved travel expenses such as travel, meals, lodging, and other expenses as long as they were necessary to meet the objectives of the trip. You are expected to keep expenses within reasonable limits.
- C. We will generally reimburse you for the following expenses:
 - (1) Mileage costs for use of personal cars, only when less expensive transportation is not available.
 - (2) Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
 - (3) Cost of meals, no more lavish than would be eaten at the employee's own expense.
- D. If you are involved in an accident while on business travel, immediately report the accident to your supervisor. If you use a vehicle owned, leased, or rented by Village of Jemez Springs, you may not use that vehicle for personal reasons unless you got advance approval.
- E. When a business trip is over, submit your completed travel expense report within seven days. With your expense report, you must also submit receipts for every expense item.
- F. See your supervisor for help and questions about business travel, expense reports, or any other travel issues.
- G. It is a very serious matter if you record false or misleading information on your expense report. You may not request reimbursement for expenses that you did not have or that were not business-related. Employees who do not follow this business travel policy could be subject to disciplinary action, up to and including termination of employment.

§ 516. Computer and e-mail usage.

- A. To help you do your job, Village of Jemez Springs may give you access to computers, computer files, the e-mail system, and software. You should not use a password, access a file, or retrieve any stored communication without authorization. To make sure that all employees follow this policy, we may monitor computer and e-mail usage.
- B. We try hard to have a workplace that is free of harassment and sensitive to the diversity of our employees. Therefore, we do not allow employees to use computers and e-mail in ways that are disruptive, offensive to others, or harmful to morale.
- C. At Village of Jemez Springs you may not display, download, or e-mail sexually explicit images, messages, and cartoons. You also may not use computers and e-mail for ethnic slurs, racial comments, off-color jokes, or anything that another person might take as harassment or disrespect.

- D. Village of Jemez Springs buys and licenses computer software for business purposes. We do not own the copyright to this software or its documentation. Unless the software developer authorizes us, we do not have the right to use the software on more than one computer.
- E. You may only use software on local area networks or on multiple machines according to the software license agreement. Village of Jemez Springs prohibits the illegal duplication of software and its documentation.
- F. If you know about any violations to this policy, notify your supervisor, the department manager or any member of management. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

§ 517. Internet usage.

- A. Village of Jemez Springs may provide you with Internet access to help you do your job. This policy explains our guidelines for using the Internet. Internet usage is intended for job-related activities but short, occasional personal use is allowed as long as you keep it within reasonable limits.
- B. All Internet data that is written, sent, or received through our computer systems is part of official Village of Jemez Springs records. That means that we can be legally required to show that information to law enforcement or other parties. Therefore, you should always make sure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and legal.
- C. The equipment, services, and technology that you use to access the Internet are the property of Village of Jemez Springs. Therefore, we reserve the right to monitor how you use the Internet. We also reserve the right to find and read any data that you write, send, or receive through our online connections or is stored in our computer systems.
- D. You may not write, send, read, or receive data through the Internet that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.
- E. Examples of unacceptable content include (but are not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.
- F. Village of Jemez Springs does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet. As a general rule, if you did not create the material, do not own the rights to it, or have not received authorization for its use, you may not put the material on the Internet. You are also responsible for making sure that anyone who sends you material over the Internet has the appropriate distribution rights.
- G. Before you download or copy a file from the Internet, it must be checked for viruses. All compressed files must be checked for viruses both before and after decompression.

- H. If you use the Internet in a way that violates the law or Village of Jemez Springs policies, you will be subject to disciplinary action, up to and including termination of employment. You may also be held personally liable for violating this policy.
- I. The following are some examples of prohibited activities that violate this Internet policy:
- (1) Sending or posting discriminatory, harassing, or threatening messages or images.
 - (2) Using the organization's time and resources for personal gain.
 - (3) Stealing, using, or disclosing someone else's code or password without authorization.
 - (4) Copying, pirating, or downloading software and electronic files without permission.
 - (5) Sending or posting confidential material, trade secrets, or proprietary information outside of the organization.
 - (6) Violating copyright law.
 - (7) Failing to observe licensing agreements.
 - (8) Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions.
 - (9) Sending or posting messages or material that could damage the organization's image or reputation.
 - (10) Participating in the viewing or exchange of pornography or obscene materials.
 - (11) Sending or posting messages that defame or slander other individuals.
 - (12) Attempting to break into the computer system of another organization or person.
 - (13) Refusing to cooperate with a security investigation.
 - (14) Using the Internet for political causes or activities, religious activities, or any sort of gambling.
 - (15) Jeopardizing the security of the organization's electronic communications systems.
 - (16) Sending or posting messages that disparage another organization's products or services.
 - (17) Passing off personal views as representing those of the organization.
 - (18) Sending anonymous e-mail messages.
 - (19) Engaging in any other illegal activities.

§ 518. Workplace monitoring.

- A. Village of Jemez Springs may conduct workplace monitoring to help ensure quality control, employee safety, security, and customer satisfaction.
- B. Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring helps us to identify training needs and performance problems.
- C. All computer equipment, services, or technology that we furnish you are the property of Village of Jemez Springs. We reserve the right to monitor computer activities and data that is stored in our computer system. We also reserve the right to find and read any data that you write, send, or receive by computer.
- D. Because we are sensitive to employees' legitimate privacy rights, we will make every effort to guarantee that workplace monitoring is always done ethically and with respect.

§ 522. Workplace violence prevention.

- A. We are committed to preventing workplace violence and making Village of Jemez Springs a safe place to work. This policy explains our guidelines for dealing with intimidation, harassment, violent acts, or threats of violence that might occur during business hours or on our premises at anytime.
- B. You are expected to treat your coworkers, including supervisors and temporary employees, with courtesy and respect at all times. You should not fight, play tricks on others, or behave in any way that might be dangerous to other people. We do not allow firearms, weapons, and other dangerous or hazardous devices and substances on the premises of Village of Jemez Springs without proper authorization.
- C. Village of Jemez Springs does not allow behavior at any time that threatens, intimidates, bullies, or coerces another employee, a customer, or a member of the public. This includes off-duty periods. We do not permit any act of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
- D. You should immediately report a threat of violence or an act of violence by anyone to your supervisor or another member of management. If you report a threat of violence, give every detail you can.
- E. Be sure to immediately report any suspicious person or activities to a supervisor. Do not place yourself in danger. If you see or hear trouble or a disturbance near your work area, do not try to see what is happening or try to stop it.
- F. We will promptly and completely investigate all reports of violent acts or threats of violence. We will also promptly and completely investigate all suspicious people and activities. We will protect the identity of a person who makes a report when practical. Until we have investigated a report, we may suspend an employee, either with or without pay, if we think it is necessary for safety reasons or to do the investigation.

- G. If you commit a violent act, threaten violence, or violate these guidelines in another way, you will be subject to disciplinary action, up to and including termination of employment.
- H. If you are having a dispute with another employee, we encourage you to talk it over with your supervisor or the department manager. Village of Jemez Springs wants to help you work out problems before they become more serious and possibly violent. We will not discipline you for bringing these types of problems to our attention.

§ 526. Cell phone usage.

- A. We provide cell phones to some employees for business use. Employees with cell phones are allowed to use them for short personal calls within reasonable limits. Sometimes we may check cell phone bills to make sure this policy is being followed.
- B. And when using a cell phone, please remember to keep your conversations private and quiet.

ARTICLE 6
Leaves of Absence
[Effective 4-27-2011]

§ 601. Medical leave.

- A. Village of Jemez Springs provides unpaid medical leaves of absence to eligible employees who become temporarily unable to work due to a serious health condition or disability. For medical leave purposes, a serious health condition or disability includes inpatient care in a hospital, hospice, or residential medical care facility. It also includes continuing treatment by a health care provider. It also includes temporary disabilities associated with pregnancy, childbirth, and related medical conditions.
- B. Employees in the following employment classifications are eligible to request medical leave:
 - (1) Regular full-time employees.
 - (2) Regular part-time employees.
- C. Eligible employees may request medical leave only after they have completed 180 calendar days of service. To accommodate disabilities, we may make exceptions to the 180 days rule. If you think you will need a medical leave, give your request to your supervisor at least 30 days before the leave would start. This will help us plan for your possible absence. If it is an unexpected situation, make your request as soon as possible.
- D. We require a health care provider's statement verifying that you need a medical leave, when the leave would start and the expected end dates. You are responsible for telling us if that information changes later. Before you can return to work, we will require verification from a health care provider that says you are fit to return.

- E. Unpaid medical leaves are normally for the period of the disability, up to a maximum of 12 weeks within any twelve-month period. The twelve-week maximum applies to any combination of both medical leave and family leave during any twelve-month period. If you need more time, we will also consider a request for extension. Before beginning an unpaid medical leave, you must first use any available paid leave you may have, such as vacation or sick benefits.
- F. If you sustain a work-related injury, you are eligible for a medical leave for the period of disability in accordance with the laws covering occupational disabilities.
- G. Subject to the terms, conditions, and limitations of the applicable plans, Village of Jemez Springs will continue to provide your health insurance benefits for the full period of an approved medical leave.
- H. Your benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a medical leave. When you return from leave, the benefits will start accruing again.
- I. Please give us at least two weeks' advance notice before you plan to return. When you return from medical leave, you will go back to the same job if it is still available. If that job is no longer available, we will place you in an equivalent job that you are qualified for.
- J. If you do not come back to work promptly at the end of a medical leave, we will assume that you have resigned.

§ 602. Family leave.

- A. Village of Jemez Springs provides unpaid family leaves of absence to eligible employees who need to take time off from work duties to meet family obligations that are directly related to childbirth, adoption, or placement of a foster child. Family leave may also be requested to care for a child, spouse, or parent with a serious health condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility. A serious health condition can also include continuing treatment by a health care provider.
- B. Employees in the following employment classifications are eligible to request family leave:
 - (1) Regular full-time employees.
 - (2) Regular part-time employees.
- C. Eligible employees may request family leave only after they have completed 180 calendar days of service. If you think you will need a family leave, give your request to your supervisor at least 30 days in advance of the date the leave would start. This will help us plan for your possible absence. If it is an unexpected situation, make your request as soon as possible.

- D. If you request family leave due to the serious health condition of a child, spouse, or parent, you may be required to submit a health care provider's statement verifying the need for a family leave, the start and expected end dates, and the estimated time required.
- E. An eligible employee may request up to a maximum of 12 weeks of family leave within any twelve-month period. The twelve-week maximum applies to any combination of both family leave and medical leave during any twelve-month period. If this initial period of leave is not enough, we will consider your written request for one extension of no more than five calendar days. Before beginning an unpaid family leave, you must first use any available paid leave you may have, such as vacation or sick benefits.
- F. If your spouse is also employed by Village of Jemez Springs, as a couple you may be restricted to a combined total of 12 weeks leave within any twelve-month period for childbirth, adoption or placement of a foster child, or to care for a parent with a serious health condition.
- G. Subject to the terms, conditions, and limitations of the applicable plans, Village of Jemez Springs will continue to provide health insurance benefits for the full period of an approved family leave.
- H. Your benefit accruals, such as vacation, sick leave, and holiday benefits, will continue during a family leave.
- I. Please give us at least two weeks' advance notice before you plan to return. When you return from family leave, you will go back to the same job if it is still available. If that job is no longer available, we will place you in an equivalent job that you are qualified for.
- J. If you do not come back to work promptly at the end of a family leave, we will assume that you have resigned.

§ 607. Pregnancy-related absences.

- A. Village of Jemez Springs will not discriminate against an employee who asks for an excused absence for medical disabilities associated with pregnancy. If you ask for leave because of a pregnancy-related condition, we will treat your request the same as a medical leave request and follow the applicable federal and state laws. Read the medical leave policy in this Employee Manual for more information.
- B. If you ask for time off for pregnancy and/or childbirth reasons such as bonding or child care, we will treat your request the same as an unpaid family or personal leave request. This is because bonding and child care are not considered medical disabilities.

ARTICLE 7
Employee Conduct and Disciplinary Action
[Effective 4-27-2011]

§ 701. Employee conduct and work rules.

- A. We expect you to follow certain work rules and conduct yourself in ways that protect the interests and safety of all employees and Village of Jemez Springs.
- B. While it is impossible to list every action that is unacceptable conduct, the following lists some examples. Employees who break work rules such as these may be subject to disciplinary action, up to and including termination of employment:
- (1) Theft or inappropriate removal or possession of property.
 - (2) Falsification of timekeeping records.
 - (3) Working under the influence of alcohol or illegal drugs.
 - (4) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
 - (5) Fighting or threatening violence in the workplace.
 - (6) Boisterous or disruptive activity in the workplace.
 - (7) Negligence or improper conduct leading to damage of employer-owned or customer-owned property.
 - (8) Insubordination or other disrespectful conduct.
 - (9) Violation of safety or health rules.
 - (10) Smoking in prohibited areas.
 - (11) Sexual or other unlawful or unwelcome harassment.
 - (12) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
 - (13) Excessive absenteeism or any absence without notice.
 - (14) Unauthorized use of telephones, mail system, or other employer-owned equipment.
 - (15) Violation of personnel policies.
 - (16) Unsatisfactory performance or conduct.
- C. Since your employment with Village of Jemez Springs is voluntary and at will, you may terminate your employment at any time you want, with or without cause or advance notice. Likewise, Village of Jemez Springs may terminate your employment at any time, with or without cause or advance notice.

§ 702. Drug and alcohol use.

- A. Village of Jemez Springs is committed to being a drug-free, healthful, and safe workplace. You are required to come to work in a mental and physical condition that will allow you to perform your job satisfactorily.
- B. Village of Jemez Springs employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on Village of Jemez Springs premises or while conducting any business-related activity away from Village of Jemez Springs premises. You may use legally prescribed drugs on the job only if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering yourself or others.
- C. If you violate this policy, it may lead to disciplinary action, up to and including immediate termination of your employment. We may also require that you participate in a substance abuse rehabilitation or treatment program. If you violate this policy, there could also be legal consequences.
- D. We have a drug-free awareness program to explain this policy to employees. The program gives information about the dangers and effects of substance abuse at work. It also explains the resources available to employees and what can happen if you violate this policy.
- E. If you have questions about this policy or issues related to drug or alcohol use at work, you can raise your concerns with your supervisor or the Office Manager without fear of reprisal.

§ 703. Sexual and other unlawful harassment.

- A. Village of Jemez Springs is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Village of Jemez Springs will not tolerate any actions, words, jokes, or comments based on a person's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic. Village of Jemez Springs provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.
- B. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:
 - (1) Unwanted sexual advances.
 - (2) Offering employment benefits in exchange for sexual favors.
 - (3) Making or threatening reprisals after a negative response to sexual advances.
 - (4) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.

- (5) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
 - (6) Verbal sexual advances or propositions.
 - (7) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
 - (8) Physical conduct that includes touching, assaulting, or impeding or blocking movements.
- C. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - (2) Submission or rejection of the conduct is used as a basis for making employment decisions; or
 - (3) The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment
- D. If you experience or witness sexual or other unlawful harassment at work, report it immediately to your supervisor. If your supervisor is unavailable or you believe it would be inappropriate to discuss it with your supervisor, you should immediately contact the department manager or any other member of management. There will not be punishment or reprisal if you report sexual harassment or ask questions or raise concerns about it.
- E. All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and the confidentiality of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.
- F. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the department manager or any member of management so it can be investigated in a timely and confidential manner. Any employee who engages in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

§ 704. Attendance and punctuality.

- A. We expect Village of Jemez Springs employees to be reliable and punctual. You should report for work on time and as scheduled. If you cannot come to work or you will be late for any reason, you must notify your supervisor as soon as possible.
- B. Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If you have a poor attendance record or excessive lateness, you may be subject to disciplinary action, up to and including termination of employment.

§ 705. Personal appearance.

- A. Personal appearance means how you dress, how neat you are, and your personal cleanliness standards. Your personal appearance can influence what customers and visitors think about Village of Jemez Springs. Personal appearance can also impact the morale of your coworkers.
- B. During business hours or whenever you represent Village of Jemez Springs, you should be clean, well groomed, and wear appropriate clothes. This is particularly important if your job involves dealing with customers or visitors in person.
- C. If your supervisor finds that your personal appearance is inappropriate, you will be asked to leave work and return properly dressed and groomed. If you are asked to leave, you will not be paid for the time you are away from work. See your supervisor if you are not sure about the correct clothing standards for your job.
- D. Where necessary, Village of Jemez Springs may make a reasonable accommodation to this policy for a person with a disability.

§ 706. Return of property.

- A. Village of Jemez Springs may loan you property, materials or written information to help you do your job. You are responsible for protecting and controlling any property we loan you.
- B. If you stop working at Village of Jemez Springs, you must return all Village of Jemez Springs property immediately.
- C. If you do not return our property and if the law allows, we may take money from your regular or final paycheck to cover the cost. We may also take legal action to get back our property.

§ 708. Resignation.

- A. Resignation means that you voluntarily terminate your employment at Village of Jemez Springs. If you decide to resign, we would like you to tell us in writing at least two weeks before the date you will leave. Although advance notice is not required, you will be helping your coworkers because there will be more time to reassign work and replace you if necessary.
- B. Before an employee leaves, we schedule an exit interview. The exit interview helps us to understand why the employee is resigning. We can also talk about the changes to your benefits.
- C. If you do not give enough advance notice before leaving, we may not rehire you if you want to return.

§ 722. Workplace etiquette.

- A Village of Jemez Springs can be a better place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. If this happens to you, you should first try to solve the problem by politely telling your coworker what is bothering you.
- B. In most cases, if you use common sense, the problem can be fixed. We encourage you to keep an open mind. If another employee tells you about something that you are doing that makes it hard for that person to work, try to understand the other person's point of view.
- C. The following are some guidelines and suggestions for how to be considerate of others at work. You will not necessarily be disciplined if you do not follow these suggestions, but the guidelines will help you get along with others. If you have comments or suggestions about workplace etiquette, contact the Office Manager.
 - (1) Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or your supervisor.
 - (2) Be conscious of how your voice travels, and try to lower the volume of your voice when talking on the phone or to others in open areas.
 - (3) Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
 - (4) Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
 - (5) Clean up after yourself and do not leave behind waste or discarded papers.

§ 723. through § 724. (Reserved)**§ 725. Grievance process. [Added 4-22-2015 by Ord. No. 185⁶]**

- A. It is the policy of the Village to afford all employees a means of obtaining further consideration of problems when they remain unresolved at the supervisory level, and to establish policies and procedures that provide for timely resolution of grievances.
- B. The Village encourages the resolution of legal claims, including employment claims, through innovative methods of alternative dispute resolutions ("ADR"), and has pledged to explore the possible use of ADR in disputes. Included below is a preliminary step which encourages, whenever possible, the use of mediation to resolve conflict. This step is intended to urge the consideration of the option of mediation, but in no way limits or preempts other remedies to which employees and the Village are entitled by law.

6. Editor's Note: This ordinance provided an effective date of 5-6-2015.

- C. Whenever possible and appropriate, the employee considering filing a grievance may file a request for mediation with the Personnel Department prior to initiating the grievance process outlined below. When mediation is pursued, participation in such session will be limited to the two parties involved and the mediator. (Other parties may be included, exclusive of any representative or attorney, at the discretion of the mediator.) Further, when mediation is pursued, all time limitations will be tolled as of the filing of the request for mediation with the personnel office and until such time as the mediation is completed. If a resolution is reached through mediation, the procedures outlined below may ensue.
- D. A "grievance" shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of Village's policies and procedures, management actions complained of or supposed circumstances regarded as just cause, excluding lay-offs, changes in policies and procedures, performance evaluation, transfers or promotions and all corrective actions. If a question arises with regard to whether an issue is a grievable matter, the Mayor reserves the right to make that determination in all cases.
- E. Strict adherence to the procedures outlined below is mandatory for all concerned, except that time limits may be extended upon mutual agreement or good cause shown.
- F. Reasonable attempts will be made to resolve the grievance to the mutual satisfaction of the employee and the Village.
- G. Procedure.
- (1) Step 1. An employee must present a grievance in writing within 10 calendar days of its alleged occurrence or within 10 calendar days of when the employee should have reasonably known of the occurrence to the employee's immediate supervisor and Department Manager, who shall attempt to resolve it within 10 calendar days after it is presented to them.
 - (2) Step 2. If the employee is not satisfied with the decision of the Department Supervisor/Manager, the employee must submit the grievance, in writing, to the Village Mayor's office within seven working days of receipt of the Department Supervisor/Manager's decision. This written notice shall include the following:
 - (a) Statement of the grievance and relevant facts. (Note: Issues not presented to the Department Supervisor/Manager will not be considered an appeal to the Village governing body.)
 - (b) Specific remedy sought.
 - (c) Reasons for dissatisfaction with the Department Supervisor/Manager's decision.
 - (3) Step 3. Within 10 calendar days of receipt of the employee's written grievance, the Mayor shall schedule a hearing. The employee may be accompanied by another employee. The purpose of the hearing is for the employee to present any information pertinent to the grievance. The hearing will be recorded. The Employee and Department Supervisor/Manager may call witnesses to testify about

information relevant to the grievance. Within seven calendar days of the hearing, the Mayor will provide the employee a written decision. The decision of the Mayor will be final and binding.

- H. Protection against retaliation. The Village and its employees will not retaliate against any person who, in good faith, uses the grievance procedure.

EMPLOYEE MANUAL

A140 Attachment 1

Village of Jemez Springs

Employee Manual

EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Manual describes important information about Village of Jemez Springs. I understand that I should consult the Clerk/Treasurer if I have any questions that are not answered in the Employee Manual.

I became an employee at Village of Jemez Springs voluntarily. I understand and acknowledge that there is no specified length to my employment at Village of Jemez Springs and that my employment is at will. I understand and acknowledge that "at will" means that I may terminate my employment at any time, with or without cause or advance notice. I also understand and acknowledge that "at will" means that Village of Jemez Springs may terminate my employment at any time, with or without cause or advance notice, as long as they do not violate federal or state laws.

I understand and acknowledge that there may be changes to the information, policies, and benefits in the Employee Manual. The only exception is that Village of Jemez Springs will not change or cancel its employment-at-will policy. I understand that Village of Jemez Springs may add new policies to the Employee Manual as well as replace, change, or cancel existing policies. I understand that I will be told about any Employee Manual changes and I understand that Employee Manual changes can only be authorized by the chief executive officer of Village of Jemez Springs.

I understand and acknowledge that this Employee Manual is not a contract of employment or a legal document. I have received the Employee Manual and I understand that it is my responsibility to read and follow the policies contained in this Employee Manual and any changes made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____