

Amendments for Personnel Policy

9. Classification of Employees

D. Call Out Pay:

Insert additional language:

When an employee has multiple call-outs in a single day, the two-hour minimum will apply when there is a defined break in time from the completion of the previous call-out to the initiation of the next call-out that is outside the time frame of the previous 2-hour minimum period.

Example 1: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 11:00 am – pay would be for 3 hours for actual time worked.

Example 1: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 9:30 am with job completion at 9:45 am – pay would be for 1 - 2-hour minimum.

Example 3: Call-out at 8:00 am; job completed at 9:00 am and another call-out at 2:30 pm with job completion at 3:30 pm – pay would be for 2 - 2-hour minimums.

E. Compensatory Time:

Insert new language:

All employees shall have the option to accumulate compensatory time at the applicable overtime calculation for any actual work time beyond their standard work schedule. Compensatory time may be carried over to the next calendar year on January 1 for a total of 120 hours. Employees may elect to have the worked hours paid as overtime hours for the pay period in which the hours were earned.

Any employee that has elected to receive compensatory time shall be allowed to convert said time to a cash pay-out for 80% of the employee's standard hourly rate.

Overtime option:

3 hours overtime (if x1/2) = \$10.00 per hour x 1.5 = \$15.00 x 3 hours = \$45.00

3 hours straight time = \$10.00 per hour x 3 hours = \$45.00

Compensatory time option:

3 hours overtime x 1.5 = 4.5 hours compensatory time

3 hours straight time = 3 hours compensatory time

Cash pay-out option: $\$10.00 \times 80\% = \$8.00 \times \# \text{ of compensatory hours}^*$.

*Compensatory time paid under the cash pay-out is paid at the employee's standard hourly rate.

13. PAID LEAVE POLICY

A. Annual Leave Time:

Insert new language:

5. 20 or more years. Full-time employees who have worked for the City of Bayard for (20) twenty years and one day up or more shall accumulate 9.23 hours of annual leave per pay period. This will be a total of 240 hours or thirty (30) eight hour working days per year. Part-time A employees shall accumulate 6.94 hours annual leave per pay period. This will be a total of 180.44 hours or thirty (30) six hour working days per year. Part-time B employees shall accumulate 4.62 hours annual leave per pay period. This will be a total of 120.12 hours or thirty (30) four hour working days per year.

Insert new language:

I. Paid Sick Leave: All employees shall accumulate paid sick leave at the rate of 1 hour per 30 hours of the normal department work schedule per pay period:

1. Full-time employees 2,080 scheduled hours: $69.33 = 2.66$ hours
2. Part-time A employees 1,560 scheduled hours: $52.00 = 2.00$ hours
3. Part-time B employees: 1,040 scheduled hours: $34.58 = 1.33$ hours

Paid sick leave accrual will be pro-rated for those employees that do not reach the standard work schedule hours. Example: any approved unpaid leave (FMLA) will not accrue paid sick leave or new hires.

Paid sick leave will be implemented using to following the provisions under the Healthy Workplace Act:

PAY

Used sick leave is compensated at the employee's usual hourly rate and benefits. The hourly rate must be at least minimum wage.

There shall be no pay for sick leave upon resignation, lay-off, or involuntary dismissal of the employee.

Sick leave is not granted in advance of accrual.

REASON FOR USE OF LEAVE

Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meetings related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

USE OF SICK LEAVE

Employers must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other paid leave before the employee uses sick leave. The employee should notify the employer in advance when use of sick leave is foreseeable and make a reasonable effort to schedule the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable or within 30 minutes of start of shift.

REASONABLE DOCUMENTATION

An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses three or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave as confidential.

RETALIATION PROHIBITED

Employers may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the policy. Employers may not retaliate because an employee raises concerns about violations of the policy, exercises their rights under the policy, or participates in investigations or legal proceedings related to alleged violations of the policy. Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

COMPLAINT PROCESS

Employees must file a complaint with the Mayor or Mayor Pro-tem identifying the date the alleged violation occurred.

Insert new language:

Q. Leave without pay, when it is practical and reasonable to do so, shall be requested by the employee and may approved by the City Council taking into consideration such factors as length of service, work performance, needs of the department and the needs of the city as determined by management. The City Council shall determine the period of time allowed without pay.

19. Miscellaneous Policies

Insert new language:

G. Examination Fees: The City will pay only for expenses incurred relative to three examinations of any specific certification which is applicable to an employee's position within the City's organizational structure and is requested by city management. Expenses related to unsuccessful subsequent testing to receive the certification, at the employee's request, will be the sole responsibility of the employee. When an employee does not acquire certification within the first three allowances, the employee will be reimbursed for the educational costs relative to the final certification event when certification is received.

H. Law Enforcement Hiring Incentive Policy: A hiring sign-on incentive program may be utilized for the employment of Police Officers meeting the requirements of a Lateral Police Officer. A lateral police officer is an individual that is a certified police officer and currently employed with another agency within the State of New Mexico. A contract shall be completed between the city and the individual police officer which shall at minimum: set the length of service to be provided, payment schedule, and repayment schedule. This contract is solely established for the sign-on incentive program and is not an employment contract. The Hiring Incentive Policy shall be dependent upon availability of funds identified within the fiscal year budget and may not be available each year.

*****]. Employee Retention Program: I am waiting for a determination if the city can participate in an employee retention program. We are looking at a contract based for a particular \$ for 2 years of service-may not be feasible.

Another option is to have a longevity policy but this may need additional financial resources.

Employee payments as bonuses are not allowed. The payments must be tied to a program of some sort and can't be paid for retroactive services.