

**TOWN OF EDGEWOOD
ORDINANCE NO. 2003-10**

AN ORDINANCE GRANTING THE PETITION BY THE OWNERS OF A MAJORITY OF 61 ACRES OF TERRITORY CONTIGUOUS TO THE NORTH BOUNDARY OF THE TOWN OF EDGEWOOD TO ANNEX THE TERRITORY. (Located East of SR344 on Hill Ranch Road).

WHEREAS; THE TOWN OF EDGEWOOD owners of a majority of 61.0 acres of territory contiguous to the current east boundaries of the Town of Edgewood petition the Town to annex the territory;.

WHEREAS, the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 (Repl. Pamp 1987) and was, prior to signature by petitioners, duly approved by the Town Clerk, pursuant to NMSA 1978, S3-1-5 (Repl. Pamp. 1987) and

WHEREAS, in particular, the annexation petition is accompanied by two maps labeled Exhibits "A" and "B" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

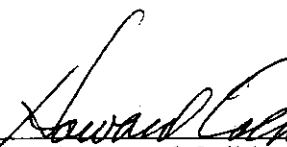
WHEREAS, the Governing Body of the Town of Edgewood has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

The territory described and defined in the maps attached hereto as Exhibits "A" and "B" is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the map of the annexed territory in the office of the Clerk of Santa Fe County and of any other County in the event the annexed territory extends into another County and to send copies of the ordinance and of the maps of the territory so annexed to the Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

APPROVED, PASSED AND ADOPTED this 3rd day of December, 2003 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

ATTEST:



Mayor / Howard Calkins





Clerk-Treasurer / Karen Alarid



PETITION
FOR
ANNEXATION

Pursuant to NMSA 1978, 3-7-17, the undersigned petitioner(s) requests that the Town of Edgewood, by ordinance, grant this petition for annexation of land(s) contiguous to the municipal limits.

Petitioner(s): Cheryl A. Huppertz Telephone: 286-3287
(Attach proof of ownership. If not owner, must also provide notarized statement of authorization from owner.)
Mailing Address: PO Box 1807
Edgewood, NM 87015

Signature: Cheryl Huppertz Date: 11/10/03

Signature: Frederick Huppertz Date: 11/10/03

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)

Parcel A-1 and A-2 as designated on the Plat
titled "Family Transfer Land Division Plat of Parcel 'A'
for Cheryl Huppertz" filed in the office of the County Clerk
of Santa Fe County, New Mex. on 9/10/03, Plat Book 541, Page 30.
TOTAL ACREAGE OF PROPERTY: 61 acres

REQUESTED ZONING DESIGNATION FOR PROPERTY: residential
(Please note that the final zoning designation by City Council may differ from the requested designation.)

INSTRUCTIONS: Type or print clearly on this form and **attach a map** showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation **must** be contiguous to the existing limits of the TOWN.

NOTE: Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.

EXHIBIT A

To Cheryl Huppertz: All of that certain parcel of land lying and being situate in the Southeast Quarter (SE ¼) of Section 3, Township 10 North, Range 7 East, New Mexico Principal Meridian and Baseline, and being more particularly described using New Mexico State Plane Grid Bearings and ground distances as follows: Commencing at Santa Fe County Control Station SF-84 (a 3 inch aluminum cap stamped "SF-84 1992) thence S 84° 36' 54" E, 185.64 feet to a #5 rebar found in place at the southeast corner of said Section 3, thence S 89° 52' 51" W, 2636.88 feet to the south quarter (S ¼) corner of said Section 3, being the southwest corner and True Point of Beginning of the Parcel herein described; thence, N 00° 01' 12" W, 2636.65 feet along the centerline of said Section 3 to a #4 rebar in concrete found in place at the center quarter (C1/4) of said Section 3, being the northwest corner of the Parcel herein described: thence, N 89° 55' 12"E, 1007.91 feet along the centerline of said Section 3 to a #5 rebar with cap stamped "NMPS 7248" set at the northeast corner of the Parcel herein described: thence, S 00° 01' 12" E, 2635.96 feet to the southeast corner of the Parcel herein described, being a point on the line common to Sections 3 and 10; thence, S 89° 52' 51" W, 1007.91 feet to the Point of Beginning of the Parcel herein described and containing 61.00 acres, more or less.

10 acres of this property to be mortgaged.

WARRANTY DEED

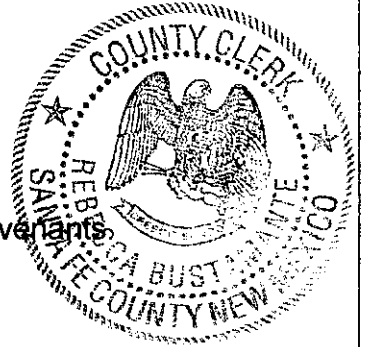
2652305

I, CHERYL ANN HUPPERTZ, for consideration paid, grant to FREDERICK THEODORE HUPPERTZ, whose address is P.O. Box 1867, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

All of Parcel A-2, as the same is shown as so designated on the Plat titled "Family Transfer Land Division Plat of Parcel 'A' for Cheryl Huppertz" filed in the office of the County Clerk of Santa Fe County, New Mexico on September 10, 2003, in Plat Book 541, Page 30.

containing 10.00 acres, more or less.

Subject to easements and patent reservations, if any, with warranty coverments



Witness our hands and seals this 10 day of September, 2003.

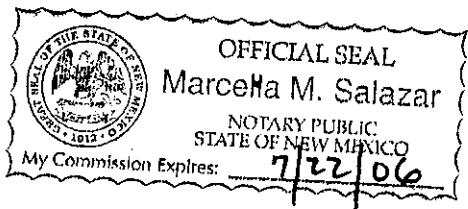
Cheryl Huppertz
Cheryl Huppertz

COUNTY OF SANTA FE 12891 299
STATE OF NEW MEXICO
PROPERTY DEPARTMENT DISTRICT CLERK AS FILED
PUBLIC RECORD ON THE 10th DAY OF SEP
2003 AT 10:29 O'CLOCK
AND WAS FILED BY CLERK 2652
PAGE 305 OF THE RECORDS OF
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Rebecca Bustamante
DEPUTY

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 10 day of September, 2003, by Cheryl Huppertz.



Marcella J. Salazar
Notary Public

My commission expires:
7/22/06

WARRANTY DEED

2652306

I, FREDERICK THEODORE HUPPERTZ, for consideration paid, grant to, FREDERICK THEODORE HUPPERTZ and CHERYL ANN HUPPERTZ, husband and wife, whose address is P.O. Box 1867, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

All of Parcel A-2, as the same is shown as so designated on the Plat titled "Family Transfer Land Division Plat of Parcel 'A' for Cheryl Huppertz" filed in the office of the County Clerk of Santa Fe County, New Mexico on September 10, 2003, in Plat Book 541, Page 30.

containing 10.00 acres, more or less.

Subject to easements and patent reservations, if any, with warranty covenants

Witness our hands and seals this 10 day of September, 2003.



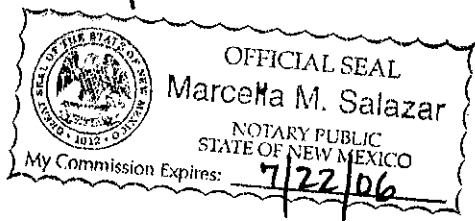
Frederick T. Huppertz
Frederick T. Huppertz

COUNTY OF SANTA FE 1289 1300
STATE OF NEW MEXICO SS
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 10 DAY OF SEP A.D.
2003 AT 10:30 O'CLOCK A M.
AND WAS DULY RECORDED IN BOOK 2052
PAGE 304 OF THE RECORDS OF
SANTA FE COUNTY

STATE OF NEW MEXICO
COUNTY OF SANTA FE

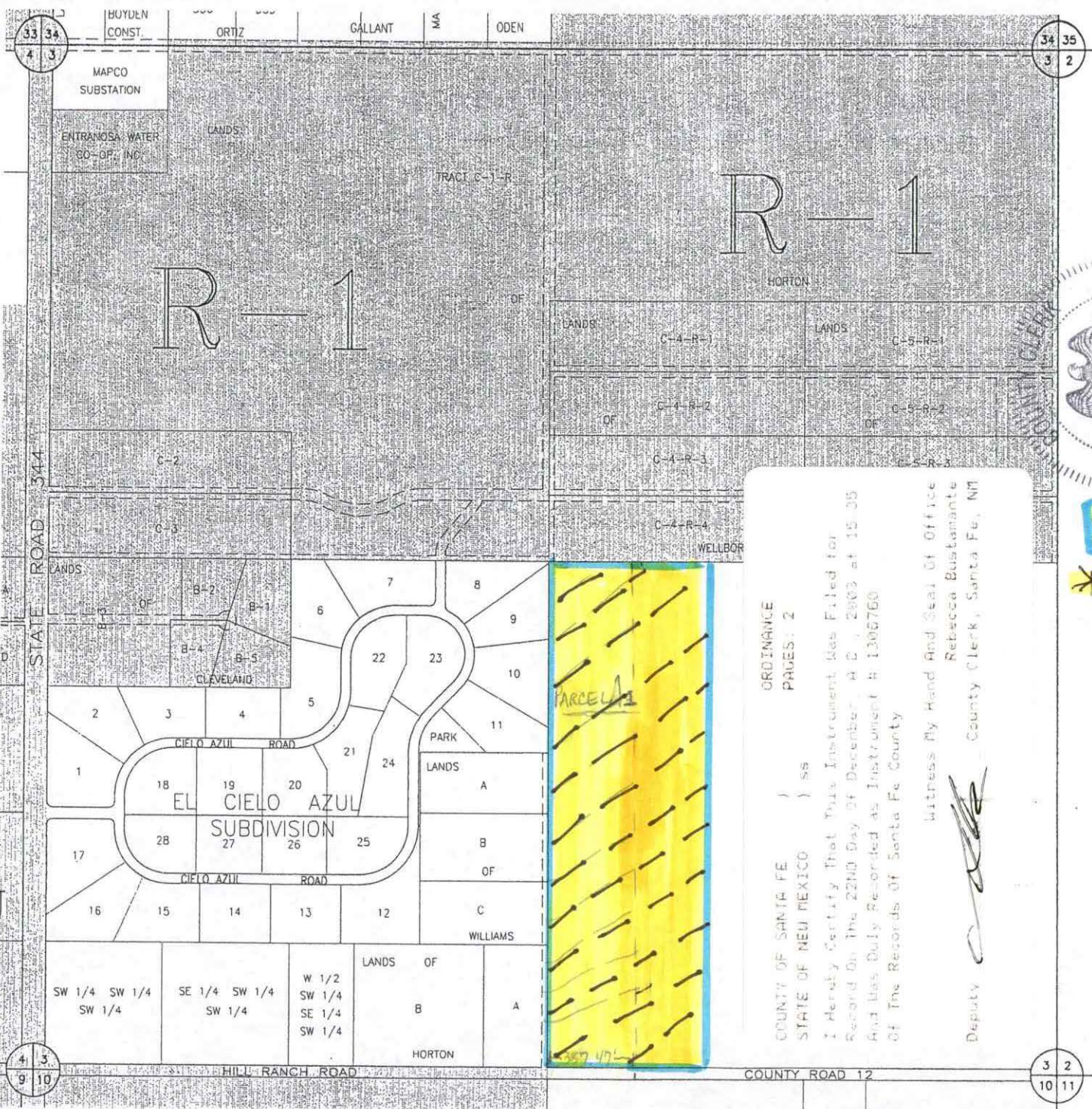
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
) ss. Debra Sumner
DEPUTY

The foregoing instrument was acknowledged before me this 10 day of September, 2003, by Frederick T. Huppertz.



Marcella M. Salazar
Notary Public

My commission expires:
7/22/06



COPYRIGHT
ALL RIGHTS RESERVED
ODEN-MILLER & ASSOCIATES



** --- Area to be amended regarding Ord. No 2003-10*



ORDINANCE
PAGES: 2

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Herely Certify that this Instrument has Filed for Record on the 22ND Day of December, A.D. 2003 at 15:35 and has Duly Recorded as Instrument H 1306760 of the Records of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
Deputy County Clerk, Santa Fe, NM

LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 3

UNIFORM PROPERTY CODE
1040060

MAP AMENDED THROUGH
JANUARY 1, 2002

G 40

**Edgewood Town Council
Regular Meeting-December 3, 2003
Edgewood Community Center at 6:30pm**

Call to Order	Mayor Calkins called the meeting to order at 6:30pm. Councilors Hoffman, Ring, Stearley and Worthington were present. Karen A. and Karen M. were present. Town Attorney David Henderson was not able to attend.
Comments from the Public	Sue West addressed the council about Section 16, she would really like the Town to build a library and use this land. Fred Burger does not like the really long agendas for the meetings. Don DeLoach addressed his concerns about the vending going on in the highway right a way. (Staff will contact the State Highway Dept. concerning this issue). Roger Alink expressed how important off premise signage is to Wild Life West Nature Park. Because of the location of the park, it is not easy to find.
Approve Agenda	Councilor Ring made a motion to approve the agenda. Councilor Worthington seconded the motion; Councilors Hoffman, Worthington, Stearley and Ring voted aye, motion carried.
Approve consent agenda	Councilor Ring made a motion to approve the consent agenda including items A (approving council minutes from 11/17/03 & item C (acknowledging the receipt of P&Z minutes from 12/01/03) and omitting item B (Parks and Recreation minutes). Councilor Hoffman seconded the motion, Councilors Hoffman, Worthington, Stearley and Ring voted aye; motion carried.
Judges Report for November 2003	Judge White presented his November 2003 report to the Mayor and Council. The court collected \$2719. in fines and fees for the month of November. He also stated he would be attending several training conferences in the next 2 weeks.
Gold Mentor Program	Florence Maze and Carol Martinez from the Gold Mentor Program in Moriarty addressed the Mayor and Council. They explained their program and the great need in our community. They provide a way to break down the barriers and provide training and skills to the people in our community so they might be able to find a job.
PUBLIC HEARINGS: A. Annexation of 15.7 acres	A. With reference to an ordinance granting the petition by the owners of a majority of approximately 15.7 acres of territory contiguous to the south boundary of the Town of Edgewood, Karen Mahalick explained to the audience that this

Edgewood Town Council
Regular Meeting-December 3, 2003
Edgewood Community Center at 6:30pm

<p>B. Annexation of 61 acres</p>	<p>annexation request pertains to property that is south of Highway 66 and the 2 residential parcels are on the north side of Walker Road. The P&Z Commission approved the recommended zoning for this area. Designating CB zone for the parcels that are adjacent to Highway 66, which is infill as well as the infill residential on Walker Road. Councilor Stearley asked if the residential parcels had been posted and if the property owners were happy with the zoning. Karen A. explained that the Town received annexation requests from several of the landowners; however the town did not receive annexation requests from the Walker Road properties, those properties were brought in as infill. The statute allows that as long as you have 51% of the property owners signing off on the property to be annexed, you can bring in the extra 49%. The two Walker Road properties are part of the 49% included in the portion that the Town is bringing in. Councilor Stearley asked if the Town had heard from the 2 residents. Karen A. stated they had not. The property was posted. The public was given an opportunity to speak. Carol Lowry from the East Mountain Grill asked if the property owners had been notified. Karen A. explained that, by law, the Town is obligated to advertise in a paper of general circulation within the Town limits and advise that the Town is considering annexing the property. The Town also posts a Public Notice in 6 posting areas. The Public was given an opportunity to speak. Ms. Lowry from the East Mountain Grill stated the Town could go above and beyond and personally notify these residents of the annexation request. Karen M. reported that state law does not require that the land be zoned when it is annexed, therefore it could be zoned at a later date. Councilor Stearley made a motion to grant the petition to annex the properties into the Town, but NOT to designate the Zoning of these properties at this time. Councilor Ring seconded the motion; Councilor's Ring, Hoffman, Worthington and Stearley voted aye, motion carried.</p> <p>B. This item pertains to granting a petition request by the majority owners of 61 acres of land contiguous to the North boundary of the Town of Edgewood. The property owners are requesting an R1 designation for zoning. Karen M. reviewed this annexation request with the Town attorney and</p>
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Edgewood Town Council
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Edgewood Community Center at 6:30pm

<p>C. Amending Zoning map</p>	<p>he did not see any legal problems with the request. The P&Z Commission recommended an R1 zoning. Councilor Stearley stated that he was not interested in expanding the Town's Boundary. The public was given an opportunity to speak. No one came forward. Councilor Ring made a motion to grant the petition request by the owners of a majority of 61 acres of land contiguous to the south boundary of the Town limits. Councilor Hoffman seconded the motion; Councilors Hoffman, Ring and Worthington voted aye; Councilor Stearley voted nay, the motion carried.</p>
<p>D. Amending Sign Ordinance</p>	<p>C. This item pertains to acknowledging any lands, which have been annexed, and then amending the ordinance adopting the Comprehensive Zoning Regulations and the Zoning Map for the Town of Edgewood to reflect any properties that have been annexed and were not previously included in the map. Councilor Stearley made a motion to table this item until staff is able to make contact with the 2 properties on Walker Road that will be effected by the 15.7 acre annexation in Item A. Councilor Worthington seconded the motion; Councilors Hoffman, Worthington, Ring and Stearley voted aye, the motion carried.</p> <p>D. Sign Ordinance: the public was given an opportunity to speak on the amendments considered for the sign ordinance. Pauline Freeman from the Mail & Copy Business Center stated that the sign ordinance has too many restrictions, is too thick and asked for someone to explain why. Councilor Ring addressed the questions and stated that he felt the reason was because the Town had received so many variance requests under the old ordinance that the Town was trying to take as much of the uncertainty about what a business owner can do away from the ordinance and make it more definitive so people know what is allowed. A lot of the extra papers in the proposed ordinance include illustrations outlining what you can and cannot do. Karen Mahalick explained that approximately 20 pages consist of definitions as requested by the Chamber. Pauline Freeman stated that when she signed a lease for her office space, the landlord made the occupant responsible for their own signage because he stated he was fighting with the Town. Karen M. stated that there are requirements in the ordinance for multi-tenant developments and Pauline's business is in a multi-tenant</p>

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development. Her landlord is required to, by ordinance, under the terms stated herein, to provide the tenants with signage. There are provisions in the proposed amendment for a comprehensive sign program to be drawn up by the landlord. There are provisions in the sign ordinance that call for a comprehensive program to be drawn up and submitted by the landlord. Ralph Hill asked about the balloons attached to every car on the lot of Rich Ford. He wanted to know if the Town was going to fine the owner of the banner at 344/Dinkle and also Pizza Barn for their beer banner. Cindy Biggers from Bowlin Travel Centers inquired as to the Stuckey's gas station signage and switching gasoline brands on the face of the sign. Karen M. explained that Bowlin's had received permitting for their new sign face. Once this is established, that sign face can remain. However, if they change brands again, than they will have to start to come into compliance. Lori Self spoke as a representative from the Chamber of Commerce. She stated that the Chambers position is not only to do what is good for the community, but also what benefits the businesses. She said the Chamber would like to see the first overlay zone include 344/66 corridor on all 4 sides all the way North to Church Rd. They would also like to see the existing signs that originated this community be grand fathered in. She went on to say that a great deal of time was spent on sign heights to give everyone a fair opportunity to have their business seen. In zone 1, they came up with a maximum sign height of 56' this would encompass only the properties facing 344 and the ones on all 4 sides of 344 and 66. She would also like to see the section concerning off premise signage completely removed. Gary Chemistruck came up and stated that he would like to see the overlay district extend up to Walker Rd and include Walgreens and the SE corner of 344/66. He felt that the people coming off the freeway had a right to know where they were going when they get on 344. He also stated that he felt the sign height of pylon signs should be 30' with 70 square feet of face for the signs in the overlay district. For the second district, he felt the monument signs should be no higher than 8 feet. Frank Hetznecker stated the importance of signage at the airpark. He asked that something be added to the sign ordinance that would state that air port signage

Edgewood Town Council
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	<p>falls into a special category requiring compliance by FAA regulations. Mike Turner from Trails West spoke and stated that he was on the sign committee that was put together by the Chamber. He stated he would like more time to get additional input from other businesses that will make our sign ordinance workable now and in the future. Councilor asked for any additional input from the audience. Carol Lowry stated that she is a resident as well as a business owner. She expressed her lack of support for grandfathering in signs. She explained that she felt it would not create a level playing field and that new businesses might not have the same incentive to come into our town. She also wanted to make sure that once the ordinance is drafted and approved, if it will be enforced 24/7. She would like to see what the consequences are for violating the ordinance so everyone will know what to expect. Councilor Worthington made a motion not to take action on this ordinance tonight and ask that staff work with this planning group and give them 30 days to report back to P&Z with their recommendations. Councilor Ring seconded the motion. Councilor Worthington amended his motion to 45 days. Councilor Ring seconded the motion; Councilors Hoffman and Stearley voted nay, Councilors Ring and Worthington voted aye the Mayor voted aye and the motion carried.</p>
<p>Resolution- Membership of the Regional Transit District</p>	<p>Karen M. had put copies of a letter from Lawrence Rael from the Regional Transit System as well as a resolution in the governing bodies' mail boxes. Karen M. stated that the transit system is looking for a resolution of support for the concept of a Regional Transit District. The goal is to try and establish areas where multi-model transportation is made available to people. They are asking for a statement from our governing body stating their interest. Councilor Worthington made a motion to support a resolution for Regional Transit District. Councilor Ring seconded the motion; Councilors Hoffman, Worthington, Stearley and Ring voted aye; motion carried. They mayor recommended Karen M. as the caveat between the Town and the Regional Transit District. Councilor Hoffman seconded; Councilors Worthington, Stearley, Ring and Hoffman voted aye, motion carried.</p>

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<p>Resolution to join PERA</p>	<p>Karen A. explained that the governing body should have 3 resolutions in front of them pertaining to different PERA plans. Two are numbered 2003-14 and the other 2003-15. These resolutions are for two different plans. Councilor Stearley made a motion to adopt the PERA resolution numbered 2003-14Plan 2. Councilor Worthington seconded the motion, Councilors Hoffman, Ring, Stearley and Worthington voted aye, motion carried. Karen A. explained that she needed a motion to adopt Resolution 2003-15 for tax deferral. Councilor Stearley made a motion to adopt Resolution 2003-15. Councilor Worthington seconded, Councilors Hoffman, Stearley, Ring and Worthington voted aye, motion carried.</p>
<p>Discussion of proposed Economic Development Planning ordinance</p>	<p>Karen A. explained that this item was on the agenda at the last meeting and was placed on this agenda for discussion purposes. She has advertised for a Public Hearing on December 17, 2003 to see about passing a proposed Economic Development Planning Ordinance. Councilor Ring wanted staff to ask the Town attorney what real effect passing this ordinance would have on us.</p>
<p>Discuss Grant Writer</p>	<p>Karen A. explained that discussion of a Grant Writer was put back on this agenda. She put it back on the agenda for council to direct staff on what they would like to do. Councilor Hoffman made a motion to go out for an RFP for a Grant Writer specifically for trails. Councilor Ring seconded, Councilors Hoffman, Stearley and Ring voted aye, Councilor Worthington voted nay, the motion carried.</p>
<p>Review information on Town Policy</p>	<p>With reference to the new animal control vehicle, Karen A. presented council with a Town Vehicle Policy. Councilor Stearley made a motion to adopt the Town Vehicle Policy as presented by Karen A. (Please see attached copy). Councilor Ring seconded the motion. Councilors Hoffman, Worthington, Stearley and Ring voted aye, the motion carried. Karen A. asked council to let her talk to the insurance company and report back to them if this motion needs to be amended to reference giving anyone a ride.</p>

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<p>Contract for engineering services</p>	<p>Karen A. provided council with a copy of a proposed contract for engineering services. One of the councilors came forward with some items he was concerned about. Karen A. stated she has spoken with the Town attorney. The contract still needs to be negotiated and Karen A. will report back to the council after the attorney has had a chance to review it. Karen A. also asked council to report back to her before Friday, December 12, 2003 with any additional concerns or questions about the contract. She will place this item back on the agenda for December 17, 2003. Councilor Worthington made a motion to table this item until which time the attorney provides an opinion. Councilor Ring seconded the motion, Councilors Hoffman, Worthington, Stearley and Ring voted aye, the motion carried.</p>
<p>Consider setting compensation for elected officials</p>	<p>With reference to setting compensation for elected officials, Councilor Hoffman made a motion to pay the Mayor \$300 per month and to leave the Judges compensation at its current \$400 per month. Councilor Ring asked if he could amend Councilor Hoffman's motion to allow for \$500 per month for the Mayor. Councilor Hoffman said yes. Councilor Ring seconded the motion, Councilors Worthington and Stearley voted nay, Councilors Ring and Hoffman voted aye, the Mayor voted aye and the motion carried. Karen A. explained that this will be done by Ordinance and will be advertised for Public Hearing.</p>
<p>Appointment of Impact Fee Advisory Committee</p>	<p>The Mayor asked Karen A. to read his list of 6 recommendations to serve on the Impact Fee Advisory Committee. This committee shall be appointed by a majority vote of the governing body. Not less than 40% of the members of the advisory committee shall be representative of the real estate, development or building industry. Dick Pledger, Jim Rathburn, Adele Akerman, Sue West, Tim Oden and Bill Williams were all nominated by the Mayor. Councilor Hoffman made a motion to appoint Dick Pledger, Adele Akerman, Sue West, Tim Oden and Bill Williams to serve on the Impact Fee Advisory Committee. Councilor Ring seconded the motion. Councilors Worthington, Ring, Stearley and Hoffman voted aye. The motion carried.</p>

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<p>Reports: A. Roads B. Finance & Administration</p>	<p>A. Karen M. reported to council that she had checked into recycling asphalt. Karen M. has contacted the NM Dept. of Transportation District 3 regarding the impending bridge project at Highway 217. She has asked that any asphalt they tear up be given to the Town. On January 5th and 6th there will be a paving conference put on by civil engineers at UNM and Karen M. will be attending this seminar and may establish more contacts at that point.</p> <p>As a follow-up to checking with property owners regarding using the right away for trails on the south side of Church Road eastward from Wildlife West. Karen M. stated that she was told this was not possible at this time. On the frontage road eastward from Wildlife West, Phil Gallegos from the highway department, is going to incorporate the frontage road into the JPA with the highway department. The highway's legal department has completed the revisions as per the Town's attorney, Mr. Henderson. Karen M. should receive this in the next few days and will present it at the December 17, 2003 council meeting.</p> <p>Karen M. also reported that Keith H. from Parks and Recreation came in to the office looking thru the road book to see if there was any information regarding the Edgewood 7 right of way. He did not find any solid information. Karen M. suggested that Keith H. go back to P&R and ask about sending out letters to property owners requesting a grant of easement for the purpose of establishing a trail.</p> <p>With regard to the Horton, Venus and Dinkle Road easements, the Town attorney is still working on this issue.</p> <p>With regard to the McCall Road project, Karen M. stated she spoke to Ron Trujillo from Technical Support who is responsible for mailing the grant monies out. He stated the check is in the mail. As soon as the contract is received, Karen M. will start the paperwork and design phase for this portion of the grant.</p> <p>Karen M. stated she has been working with the Santa Fe Assessors office and the E911 services in an attempt to coordinate and clean up some of the road names.</p> <p>Councilor Hoffman inquired if there were any abandoned mobile homes that need to be cited. Karen M. will have the Town's Code Enforcer look into these properties and report back to the council.</p> <p>B. Karen A. reported that a job description for the Parks and</p>
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**Edgewood Town Council
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Edgewood Community Center at 6:30pm**

	Recreation Dept. had been drawn up. Councilor Ring made a motion to have council take home the description and review it and then have Karen A. place it on the 12/17/03 agenda. Councilor Stearley seconded the motion. Councilor's Worthington, Hoffman, Ring and Stearley voted aye, the motion carried.
Approve payment of bills	Karen A. provided council with list of bills. Councilor Stearley made a motion to approve payment of the bills for November 2003. Councilor Ring seconded the motion. Councilor's Ring, Hoffman, Stearley and Washington voted aye, the motion carried.
Calendar Review	<ul style="list-style-type: none"> ❖ Estancia Valley Regional Animal Shelter Board Meeting on December 11, 2003 at 6:30pm at the Moriarty Civic Center. Karen A. requested that councilor's Stearley and Worthington submit their input in writing because they are not able to attend this meeting. ❖ Attorney General's Office will be conducting an Open Meetings and Inspection of Public Records Act seminar on December 11, 2003 from 1:00pm-4:00pm at the Moriarty Civic Center.
Discuss and set agenda items for future council meetings	Councilor Stearley asked that the Parks & Recreation job description be placed on the next agenda.
Adjourn	Councilor Stearley made the motion to adjourn the meeting. Councilor Ring seconded. Councilor's Hoffman, Ring, Worthington and Stearley voted aye. The motion carried.

Approved, adopted and passed this 17th day of Dec. 2003.

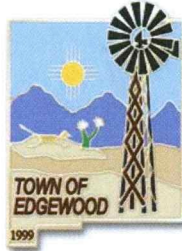
Howard Calkins
Mayor, Howard Calkins

ATTEST:

Karen Alarid
Clerk, Karen Alarid



**TOWN OF EDGEWOOD
PERSONNEL ORDINANCE
NO 2003-5
AS AMENDED
February 6, 2013**



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2.28.010 Title of provisions.

This chapter shall be known as the "Town of Edgewood Personnel Ordinance."

2.28.020 Authority.

The Town of Edgewood operates under a Mayor-Council form of government. As such, The Town council adopts the ordinance in this chapter pursuant to Section 3-13-4 NMSA, 1978 Compilation, *et seq.* The Town council may modify, alter, delete or add to the policies and benefits specified within this ordinance at any time. As the chief Executive of the Town, the Mayor is delegated authority to direct the day-today operations of the Town. The Clerk-Treasurer and Town Department Heads have the responsibility and are delegated specific authority to administer the Personnel policies set forth in this ordinance.

2.28.030 Purpose of provisions.

It is declared that the goals of the personnel policy are:

- A. To recruit, select and promote employees on the basis of knowledge, skills and abilities regarding their jobs, regardless of race, sex, age, creed, national origin or political affiliation;
- B. To train employees to ensure high quality performance;
- C. To retain employees on the basis of adequate job performance, to when possible correct inadequate performance and to terminate employees where inadequate performance is not corrected;
- D. To provide an equitable and adequate compensation program;
- E. To assure equal treatment of all employees and applicants;
- F. To assure that employees are protected against coercion for political reasons and that politics do not play any part in hiring or firing an employee;
- G. To establish conditions of employment;
- H. Determine classified and unclassified status for employees;
- I. To establish due process procedures that will be utilized in cases involving employee discipline.

2.28.040 Applicability.

All positions in the service of the Town are covered under the provisions of this chapter and the rules proclaimed under this chapter, except as follows:

- A. Elected officials or those appointed to fill vacancies in elected offices;
- B. Members of town boards and commissions who are not employees;
- C. Clerk-Treasurer;
- D. Professional consultants;
- E. Independent contractors;
- F. Temporary employees and employees working less than twenty hours per week;
- G. Departments Heads as determined by the Town council at the time of their appointment;
- H. Employees of the Municipal Court.¹

¹ Amended 4/06/2006 to add H. Employees of the Municipal Court.

2.28.050 Recruitment and Hiring.

A. Purpose and Policy. It shall be the policy of the Town to recruit, select and promote employees on the basis of knowledge, skills and abilities regarding their jobs, regardless of race, sex, age, creed, national origin or political affiliation.

B. Procedures.

1. When a position becomes vacant or whenever a new position is to be created, an Employee Requisition form shall be completed by the supervisor and transmitted to the Clerk-Treasurer's office.
2. The Clerk-Treasurer will then be responsible for completing a "Notice of Position" form, which shall include a job description. Before to the posting of the Notice of Position form, the salary shall be determined by the appropriate job description and shall be approved by the Town Council. This form shall be distributed and posted in the Town Offices and on other bulletin boards in local centers and community buildings. This form shall be posted for a minimum period of five working days before filling the vacancy or new position. If appropriate, advertisement of a job vacancy may be made in employment agencies, trade journals or the appropriate news media. Casual labor can temporarily fill any vacancy.

C. Application.

1. Application Procedure. Each applicant for employment with the Town shall obtain the required form and fill it out completely. Any false statement made on the application shall be grounds for rejection or automatic dismissal from employment.
2. Application Retention. Applications shall be accepted only for approved vacant positions or designated standing files. Standing file applications remain in an active file for six months. Persons desiring to extend this active status may do so by requesting extension from the Clerk-Treasurer.
3. General Requirements. Evidence of job performance and capability, experience, education, training, skills and other abilities shall be carefully considered in evaluating the qualifications of applicants.
4. Basic Qualifications. Basic qualifications and other criteria for employment shall be contained in the job description for each position. Qualifications and criteria for employment shall include minimum requirements for training, education, skills and experience relating particularly to that individual position.
5. Testing. Performance or other tests may be required by the Town to ascertain competency for the position. Mastery of standards for operations may be required.
6. Interview. Applicants shall be interviewed to further determine qualifications for the position.
7. Non-Discrimination. The Town makes every effort to see that its policies:
 - a. Do not discriminate on the basis of race, age, handicap, color, sex, religion, political affiliation or marital status;
 - b. Do not grant special favors to any employee or group of employees. Individuals will be considered for appointment on the basis of bona-fide occupational qualifications only.
8. Basis for Final Selection. Approval of the final selection for a position will be made by the Town Council upon recommendation of the Mayor and Department

Head, after consultation with the Clerk Treasurer and the supervisor before making a recommendation and will be based upon the following:

- a. Qualification on skills and/or proficiency tests;
- b. Education, backgrounds and experience;
- c. Personal interview; and
- d. Physical examination when required by the job description.
- e. Other job related selection criteria.

D. Ineligibility. Applicants will be considered ineligible for employment by the Town for any of the following reasons:

1. Proof of fraud or intentional false statements in an application;
2. Failure to complete the testing requirements;
3. Failure to appear for processing or for work after notice of appointment.

2.28.060 Employment Categories and Probationary Periods.

A. Employees shall be assigned under the following categories for the purpose of this chapter:

1. Probationary employees are all newly hired employees, those renewing employment after a fully terminated absence of sixty days who have not served more than one year prior to renewing employment and/or employees promoted, transferred and/or reassigned to a new position. Probationary employees shall be subject to Section 2.28.070, herein below.²
2. Regular Full-Time. Regular full-time employees are employees who have successfully completed their probationary period and who work regularly in excess of thirty-five hours per week.
3. Regular Part-Time. Regular part-time employees are employees who have completed their probationary period and who work less than thirty-five hours per week on a permanent basis.
4. Temporary. Temporary employees may be either full-time or part-time, depending on the nature of employment, but who are considered temporary employees if the work being performed has a specified duration, not to exceed six consecutive months, such as employment during peak periods, summer and students under vocational education programs.
5. Limited-Term. An employee whose employment term is for a continuous fixed period of time normally in excess of six (6) months and generally less than one (1) year and who works a basic work period. The employment term may only be extended upon the approval of the Town Council. The term may be measured by the completion of a specific activity or funding, not necessarily by an ending date. Limited-term employees are not regular employees and do not have recourse to grievance procedures, however may participate in employee benefit plans otherwise afforded regular employees. Limited-term positions must be reviewed annually in the budget process to determine future status.

B. Probationary Period Purpose. The purpose of the probationary period is to provide an adequate period of time to effectively evaluate the employee's ability to function in the position.

² Amended 10/04/06 and reworded, to accommodate 12 month probation period for all employees

C. Probationary Period Considerations and Procedures.

1. The probationary period for police officers shall begin on the date of employment and shall continue for 12 months thereafter.³ All other Town employees shall have a probationary period of 6 months.⁴
2. A new employee can be discharged during this period with or without cause and without regard to disciplinary action procedures.
3. A new employee dismissed during the probationary period is not eligible to utilize appeal procedures.
4. All regular employees will be eligible for fringe benefits such as retirement and life and health insurance. Sick leave shall accrue from date of employment.
5. An Employee Evaluation Report, which shall be approved as to form by the Clerk-Treasurer, shall be completed by the employee's Department Head (15) fifteen days before to the end of the probationary period.
6. In cases where employee performance is marginal, neither clearly unsatisfactory nor clearly satisfactory, the probationary period may be extended for a period of up to one (1) year in three (3) month increments to allow further evaluation of the employee performance.⁵
7. Any time a decision is made to terminate a probationary employee, a notice of discharge shall be given in writing.

D. Promotional Probationary Period

1. An employee promoted to a higher level position or laterally transferred shall serve a six (6) month probationary period from the initial promotion or transfer date.
2. This probationary period shall be an integral part of the evaluation of the employee's performance in the new position. At the end of the probationary period, the employee shall be removed from probation unless certification is made by the Department Head to the Clerk-Treasurer that the employee's performance is unacceptable. An employee on probation who is unable to perform satisfactorily in the new position will be returned to the original title, pay grade, and salary, or if this is not possible, to a position at the original pay grade and salary occupied before the promotion or transfer.

E. Performance Reassignment Probationary Period

1. An employee reassigned to an alternative position due to an inability to satisfactorily or fully perform the duties of a position to which the employee was hired, promoted, or transferred shall serve a one (1) year probationary period from the reassignment date.⁶

³ Amended 12/16/09 from "6 months to 12 months"

⁴ Amended 9/05/2007 from "12 months" to read "6 months"

⁵ Amended 10/04/06 number "6" is new text, reference to police officers has been removed.

⁶ Amended 10/4/06 letter "E" is new text.

2.28.070 Job Classification and Pay Plan

A. Job Classification Purpose: All positions shall be grouped into classes and each class shall include those positions sufficiently similar in character, difficulty, and responsibility considering:

1. The similarity of the worked performed;
2. Comparable level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;
3. Comparable tests of fitness may be required of incumbents;
4. The same general range of compensation will apply with equity under substantially the same employment conditions.

B. Job Descriptions: The Clerk-Treasurer shall maintain and publish a complete set of descriptions for all job classes. Such descriptions shall include title, typical duties and/or task statements, minimum qualifications, and working conditions. Such descriptions shall be reviewed regularly, but not less than once every four (4) years to maintain their accuracy. The establishment of new or revised classes, or the abolishment of existing classes, shall be recommended or action taken as recommended by the Clerk-Treasurer to the Mayor, for approval by the Town Council.

C. Position Classification Studies: The Clerk-Treasurer shall make position-classification studies of individual positions whenever he/she deems it necessary, or whenever requested by the Mayor, Town Council, Department Head, or supervisors.

D. Pay Plan Purpose: The Pay Plan includes the basic salary schedule adopted by the Town Council, together with the assignment of job classes to ranges or rates in the plan as approved by the Town Council.

E. Pay Plan Provisions: The Pay Plan is intended to provide equitable compensation for all job classes in relation to the pay for other job classes, general rates of pay for similar employment, the financial condition of the Town, and other factors. To this end, the Clerk-Treasurer shall regularly, but not less than biannually make comparative studies of all the factors affecting the level of pay and recommend such changes as may be justified. Such adjustments shall be made by increasing or decreasing the pay ranges provided in the basic pay schedule as approved by the Town Council.

F. Pay Ranges: Pay ranges are intended to furnish administrative flexibility in recognizing job content differences among positions allocated to the same class, in providing employee incentive for growth and improved performance, and in rewarding employees for meritorious service.

2.28.080 Performance evaluation.

A. Purpose. The purpose of the performance evaluation is to establish a program of performance appraisal that will encourage objective, systematic review and analysis of each Town employee's performance.

B. Basic Policy. It shall be the responsibility of the supervisor to conduct performance evaluations. The Clerk-Treasurer will provide that the performance of each employee is

reviewed by the employee's supervisor at the end of each fiscal year. Failure to provide a performance evaluation shall be reported to the Mayor and the Town Council. This evaluation shall become part of the employee's permanent personnel record.

C. Performance Evaluation Procedures.

1. Responsibility. It shall be the responsibility of the Clerk-Treasurer's office to see that the performance evaluation program is operated as required by this chapter.
 - b. Supervisors shall conduct a performance evaluation of each employee as provided in this chapter. A complete performance evaluation form will be sent to the Clerk-Treasurer by each supervisor each year. The Clerk-Treasurer shall provide a status report of all Town employees at the first council meeting in July of each year.
 - c. Employees have the right to review their performance evaluation and review the contents of their personnel folder at any time. Employees must sign and may attach comments to the completed performance evaluation. Such signature shall not signify concurrence by the employee as to the contents of the evaluation, but only notice that the employee has read and been made aware of the evaluation's contents. If an employee refuses to sign the completed evaluation, the supervisor shall obtain a management witness to certify the employee has read and been made aware of the evaluation's contents.
 - d. All performance evaluations shall be confidential and the contents shall not be disclosed, except within the employee's chain of command including the Clerk-Treasurer, or prospective supervisor and Department Head, in cases of internal transfers or as provided for under law, without the written consent of the employee.
 - e. Citizen's complaints should not be part of the employee's personnel record unless, after investigation, they have been determined to be founded on fact.

2.28.090 Conditions of Employment.

A. Hours of Work.

1. Regular full-time employees are expected to work forty (40) hours per week. Working hours may fluctuate at the discretion of Department Heads.
2. Breaks. Lunch breaks are normally one (1) hour, except for those departments with established thirty (30) minute lunch breaks. Such meal time shall be unpaid time unless the employee is required to remain at the work site, in which case the Department Head may authorize a meal period as part of time worked.

B. Attendance and Absenteeism. Employees will be expected to report for work promptly and be in attendance as scheduled. Absence for any reason should be reported to the supervisor or Department Head one (1) hour before the time the employee is to report to work or as soon as practical. Unauthorized absence from work for three (3) consecutive work shifts will be considered abandonment of the job and automatic termination will result. Employees will be paid for time actually worked unless absences fall under leave provisions.

C. Dress and Personal Appearance. It is important that Town employees present the best possible image to the public. Employees should be as neatly dressed as work assignments allow.

D. Pay Periods. Each pay period shall be bi-weekly, with checks issued every other Wednesday. Under unusual circumstances checks may be issued early, but only upon the request of the Department Head and with the concurrence of the Clerk-Treasurer.

E. Time Sheets. Time sheets approved to form by the Clerk-Treasurer, for each pay period shall be kept by the Department Head and shall be forwarded to the Clerk-Treasurer on Monday morning before to the pay day.

F. Payroll Deductions. Deductions from an employee's check are mandatory for Federal Withholding, P.E.R.A. and State Income Tax. Employees may choose to have deducted from each check their contribution for medical health care, life insurance, credit union savings, or other benefits available to employees.

G. Transfers. Transfers must be approved by the Clerk-Treasurer and will only be considered upon the approval of the receiving Department Head. Should an employee request a transfer, the employee's salary may be reduced, if necessary, to conform to the pay range appropriate to the new position. Any transfer which results in an over-all increase in salary and wage expenditure must be approved by the Town Council. The employee shall be advised of any changes in pay that will occur as a result of the transfer.

H. Resignations. A Town employee who wishes to resign in good standing must submit a letter to his immediate supervisor at least fourteen calendar days before leaving. All Town equipment and property is to be turned in to the department upon termination. If this is not done, the employee's paycheck may be reduced by the value of the unreturned items.

I. Reductions in Force. It may, at any given time, be necessary and appropriate for the Town to reduce the number of its employees or abolish some positions because of economic conditions, reorganization, and/or lack of work.

When a position is to be discontinued or abolished, the Mayor or a majority of the members of the Town Council shall submit a written proposal shall contain a recommendation of an order of layoff based on:

1. A determination whether the employee whose position is being eliminated is qualified to perform one or more other jobs with the Town; and
2. If the immediate supervisor of the position determines this employee is qualified to perform one or more alternate jobs, the application of the rules used to determine reductions in force.

When the Town wishes to reduce the number of employees without abolishing a position, the Mayor or a majority of the members of the Town Council shall submit a written proposal to the council for final approval containing recommendations for the order of layoff. In determining the order of layoff, the following rules shall apply:

1. Temporary and/or probationary employees will be laid off first from positions for which a regular employee, subject to reduction in force, is at least as equally qualified;
2. Reduction of regular employees will be determined by department, based on ability to perform work, job performance, and seniority;

3. Regular employees to be terminated as a result of a reduction in force shall be provided written notice at least two calendar weeks in advance of the effective date of the termination or shall be granted equivalent severance pay;
4. A regular employee terminated as a result of a reduction in force or the elimination of a position shall received preference in hiring for any position for which they are at least as equally qualified over external employment candidates.
 - a. Terminated Regular employees seeking reemployment must follow the established hiring procedures of the Town.
 - b. This privilege ends after six (6) months of after the employee declines an offer of employment from the Town, whichever comes first.

And

5. A regular employee rehired or reinstated within one (1) year of termination as a result of a reduction in force shall be entitled to service credit accrued prior to termination.⁷

J. Outside Employment. All Town employees who wish to engage in outside employment are required to complete a request for permission to engage in outside employment on an annual basis and have it approved before such employment will be authorized. It shall be the responsibility of the employee's Department Head to assure compliance with this rule.

2.28.100 Vacation—Holidays—Leave.

A. Vacation. All tenured and probationary employees earn and are eligible to use paid vacation from the date of hire as follows:⁸ Eight (8) hours a month are accumulated for employees who have served less than five years in the Town. In no event shall such leave total more than twelve (12) days per year.

1. Ten (10) hours a month are accumulated for employees who have served more than five (5) years in the Town. In no event shall such leave total more than fifteen (15) days per year.
2. Four hours a month are accumulated for part-time regular or limited term employees.
3. Vacations should be scheduled with the Department Head as early as possible. Vacations may be taken all at one time or broken down into one-day intervals and are subject to supervisory approval. Regular employees shall be allowed to accumulate up to two hundred (200) hours of leave, equal to, but not greater than, twenty-five (25) regular working days. Accumulations above this amount shall not be allowed unless specifically approved by the Clerk-Treasurer. Employees terminated before to attaining permanent status shall be paid for accrued vacation time. Paid holidays which occur during vacation time are not counted as a day of vacation. Upon termination, an employee shall be paid for any unused vacation time.

B. Holidays.

1. The holiday schedule shall be designated by the Town Council each year.

⁷ Amended 09/19/2005 and removed "1. Probationary employees will be laid off first.

² Reduction of regular employees will be determined by department based on seniority, ability to perform work, and job performance."

⁸ Amended 11/15/06, inserted first sentence, removed probationary status from vacation exclusion.

2. Regular full and part time, and limited term employees shall be paid for the holiday the same amount the employee would have earned for a regularly scheduled workday, provided the holiday falls on a day that employee would have normally worked.
3. Employees scheduled to work an approved Town Holiday shall receive eight (8) hours of pay at straight time, and shall receive pay at one and one-half (1.5) times their regular hourly rate for actual time worked during the Holiday.⁹

C. Sick Leave. Sick leave benefits are accrued at the rate of eight hours per month. Part-time employees accrue sick leave at the rate of four hours per month. Unused sick leave shall be accumulated from year to year. Employees on probationary status shall be credited with sick leave for each pay period worked.

1. Sick leave should only be used as needed, and abuses of sick leave will be grounds for disciplinary action. If an employee has used all accrued sick leave, the employee may choose to use his accrued vacation as sick leave with approval of his supervisor. The employee must be able to justify the use of vacation leave as sick leave.
2. Employees using sick leave shall notify the Clerk-Treasurer's office before to the start of their scheduled work shift. Sick leave of more than three days duration will require certification by a physician as to the nature of the illness. Persons on sick leave for more than five (5) consecutive work days may be required to have a physical examination but shall be required to be certified fit to return to work by a physician. Physical examinations performed at the insistence of the Town will be paid for by the Town.
3. In extenuating circumstances, an employee may use accrued sick leave to care for members of the employee's immediate family. A doctor's certification may be required stating the family member's condition before to sick leave being granted.
4. In order to receive sick leave donated from another employee, all of the following criteria must be met. The receiving employee must:
 - a. have a continuing disability resulting from personal illness or injury and be unable to perform job duties;
 - b. have used all accumulated sick, annual, and other paid leave and;
 - c. not be receiving any other form of compensation including social security disability benefits, any workers' compensation benefits, or disability compensation through any retirement plan.
5. The maximum amount which an employee may receive is limited to 90 days for which the employee would not otherwise be paid per separate illness or recurring diagnosed illness or accident. Before an employee is eligible to receive donated leave, his or her physician must certify that the employee has a disability resulting from personal illness or injury and is unable to perform job duties. Once medical certification is received, the employee is eligible to receive up to 20 consecutive days (160 hours) of leave for which he or she would otherwise be without pay. From this point forward, the employee will

⁹ Amended 10-19-2011

be authorized to use donated sick leave in up to 20-day increments, with additional medical certification documenting the employee's continued disability required after each 20-day period.

6. If any sick leave is granted but not used by the employee, the unused portion of the amount of sick leave transferred is subsequently returned to the donating employee or employees. This would apply in the case of an employee's death or recovery from the illness or injury.

Criteria for Donating Leave to Another Employee

In order to donate sick leave a full-time employee must have a minimum balance of 160 hours of sick leave and agree to donate a minimum of 20 hours of leave. The maximum amount of sick leave an employee may donate during his or her employment is a total of 320 hours. An employee may donate more than one time to a single individual or to multiple individuals. At any time, the employee may not donate more than one-half of his or her leave balance in effort at the point leave is deducted.

Procedural Guidelines

D. Sick leave transfer between employees requires the following procedures:

- a. An employee donating leave to another employee must complete and sign a **SICK LEAVE TRANSFER REQUEST FORM** providing the name of the employee to whom leave is being donated and the amount of leave the employee is agreeing to donate. The form must state the conditions under which the leave is being donated and that the leave is being donated by the employee of his or her own free will. Once completed, the employee should send this form to the Administrator or designee.
- b. The Administrator or designee must sign the form acknowledging receipt. After verifying that the employee has the leave balance to cover the amount of leave being donated and is not donating more than one-half of that balance, a copy of the agreement should be placed in the donating employee's personnel file.
- c. Donor forms will be date and time stamped in the order received. This will determine the order in which sick leave will be deducted from donating employee's leave balances in situations where there are multiple employees agreeing to donate to a single individual.
- d. The Administrator or designee will notify the employee to whom leave is being donated. Before sick leave is officially transferred, the employee receiving the leave must submit a current medical form from his or her health care provider certifying that the employee continues to be unable to perform job duties. A new medical form will be required for every 20 days of donated sick leave.¹⁰

D. Family and Medical Leave of Absence. The Town shall provide up to twelve (12) weeks unpaid leave per year (a rolling 12 month period), to eligible employees for the

¹⁰ C.5 thru D.d added 7-9-07

birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition. Employees must have worked at least 1250 hours in the 12 months immediately preceding the start of FMLA leave. An employee may elect, or management may require the employee to substitute any of the employee's accrued annual or sick leave, for any part of unpaid FMLA leave. During the period of an employee's leave, pre-existing health benefits coverage will be maintained; if the FMLA leave is unpaid, the employee will be responsible to make payment to the Town for his or her share of the premiums for the health benefits. Upon completion of the leave period the employee will be eligible for reinstatement to the same or equivalent job the employee held before going on leave. No part of FMLA leave shall be considered a break in service, and it shall not change an employee's anniversary date. Employees shall not accrue sick or annual leave, nor be paid for observed holidays while on unpaid leave.

E. Leave Without Pay. The Clerk Treasurer may grant a regular employee leave without pay for a period not to exceed one year. Leave without pay may be granted only when it is in the best interest of the Town, and only following consideration of the employee's performance and disciplinary history, and the potential disruption of Town operations.

1. For leave without pay a written request indicating the reason for the leave, duration, and dates of departure and return, must be approved by the Clerk-Treasurer before leave is taken.
2. Employees on leave without pay shall not accrue annual or sick leave for those hours on leave without pay, nor be paid for observed holidays.
3. During an employee's approved leave of without pay, his/her position may be filled by temporary appointment, a temporary promotion, limited term employee or detail to another employee. At the expiration of a leave without pay, the employee has the right to and shall be reinstated in the position he/she vacated if the position still exists; or, if not, to any other vacant position of like seniority, status and pay. If no vacancy exists, the employee will be offered the first available position for which he/she qualifies. If no position is found within a period of one-hundred twenty (120) days, the employee will be terminated.

F. Bereavement Leave. In the event of a death in the employee's immediate family, (employee's spouse or ex-spouse, live-in partner, children, step-children, parents, step-parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, aunts, uncles, first cousins, nieces, nephews, and the like relations of the employee's spouse. This definition shall cover any person so related to the employee by birth, adoption or marriage)¹¹ the employee will be permitted three days leave with pay per occurrence not chargeable under any benefits. After three days, bereavement leave will be charged against the employee's sick leave. An employee must notify the employee's department head before taking such leave.

G. Military Leave. Leave with pay will be granted for a period of two weeks per year to permanent full time employees and permanent reserve part time employees enrolled in the National Guard or military reserve units to attend training camp or exercises. In cases

¹¹ Amended 10/21/11

where such leave is granted, the employee must furnish proof of duty orders before leave being granted. The equivalent of National Guard military reserve pay will be deducted from the employee's paycheck, and if the employee's regular income from the Military Reserve Service is in excess of the employees regular income from the Town, then the employee shall not be entitled to any pay from the Town.

H. Unpaid Military Leave. Regular employees who are members of the Armed Forces, the Army National Guard, the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty are entitled to re-employment after up to five years of service. PERA contributions may not be withdrawn when an employee begins military leave without pay. Upon re-employment, such employees shall receive any necessary pay adjustment such as provided to other employees during the period of active duty.

1. Employees must apply for re-employment within fourteen days of the date of release from active duty where the active service was from 31 to 181 days.
2. Employees must apply for re-employment within ninety days of the date of release from active duty where the active service was more than 181 days.
3. For service of 90 days or less, the employee is entitled to the position he/she would have been employed in if continuous employment had not been interrupted or the position in which the employee would have been employed on the date of the commencement of service.
4. For service of more than 90 days, the employee is entitled to the position in which he/she would have been employed if the continuous employment had not been interrupted or the position of employment in which he/she was employed at the date of commencement of service, or a position of like seniority, status and pay.

I. Jury Duty. Employees will be granted court leave for the purpose of serving as a juror or witness in any court. Court leave with pay will be authorized only during those days which would otherwise have been an employee's regular scheduled working days.

J. Occupational Injury Leave.

1. Purpose. Injury leave by a doctor's order shall be granted to any employee who sustains an injury as a result of or in the course of the performance of his or her job. Injury leave is intended to cover initial gaps in coverage of the State's Workman's Compensation Program. A doctor shall mean any qualified health care provider recognized under New Mexico's Workers Compensation Act as being qualified to provide such an order.
2. Injury Leave Granted. An employee who sustains an on the job injury shall receive paid injury leave equal to normal salary for all regularly scheduled working hours or up to seven working days until State's Workman's Compensation coverage commences. All benefits will accrue while an employee is on workman's compensation, and the Town will pay its share of an employee's hospitalization insurance for a period not to exceed three months.
3. Procedures. Any employee injured on the job shall immediately report the injury to his or her supervisor, who shall report the injury to the Clerk-Treasurer's office. An accident report shall be completed within forty-eight hours of the accident. If medical attention is required the procedures set forth in administrative regulations shall be followed.

K. Voting Leave. Employees, who are registered voters, shall be given necessary time off to vote without loss of pay. Employees will receive up to two (2) hours on Election Day for the purpose of voting between the time of opening and the time of closing the polls; however, the Supervisor or Department Head may specify the hours during this period that the voter may be absent. The provisions of this subsection do not apply to any employee whose work day begins more than two (2) hours after the polls open or ends more than three (3) hours before the polls close.

2.28.100.L Overtime

1. A non-exempt employee shall not work more than the regularly scheduled 40-hour workweek without his/her supervisor's prior approval. Non-exempt employees who work in excess of the normal 40 hour workweek shall be compensated at the rate of 1½ times the employee's regular base rate of pay for each hour of overtime worked. Overtime work will be compensated in 15-minute increments.
2. Working overtime without prior approval is just cause for disciplinary action, up to and including termination.
3. Payment for overtime may be in the form of cash ("overtime pay") or compensatory time ("comp time"), at the Town of Edgewood's discretion, with consideration given to budgetary constraints and priorities.
4. An employee is not entitled to overtime pay or comp time unless that employee has actually *worked* more than 40 hours in a given workweek. The time an employee takes off from work for a holiday, vacation, personal leave, or an illness is not considered hours worked for purposes of calculating overtime, even if the employee is paid for that time with accrued leave or accrued comp time.
5. Under the Fair Labor Standards Act, if the Town of Edgewood has less than five (5) paid commissioned police officers, the time and one-half (1 ½) premium pay requirement does not apply to the police officers. In such circumstances, the Town of Edgewood may, at its discretion, compensate these employees for overtime worked at their straight time rate, either by additional straight time pay or by compensatory time off on a hour-for-hour basis. If an applicable collective bargaining agreement ("CBA") provides for greater benefits, the CBA shall govern.
6. Commissioned police officers eligible for overtime compensation may accrue a maximum balance of 480 hours of compensatory time (or 320 hours of overtime worked). All other employees may accrue a maximum balance of 240 hours of comp time (or 160 hours of overtime worked).
7. Employees may use comp time at any time with the prior approval of the

eligible employee's supervisor, unless the granting of such time would unduly disrupt the effective functioning of the employee's department. Mere inconvenience is an insufficient basis for denial of a request to use accrued compensatory time.

8. At any time, an employee may request that the Town of Edgewood cash out his/her accrued but unused comp time balance, even if the balance is below the accrual maximum set forth in paragraph 6. The Town of Edgewood, at its discretion, may grant the employee's request, giving consideration to budgetary constraints and priorities. Such payment must be made at the regular hourly rate of pay received by the employee at the time of payment.
9. It is permissible for the Clerk/Treasurer or the Town Administrator to pay out accumulated compensatory time by paying the employee for each hour accrued to reduce their accrued compensatory time balance. Such payment must be made at the regular hourly rate of pay received by the employee at the time of payment. It is also permissible for the Clerk/Treasurer or the Town Administrator to schedule time off for each hour accrued to reduce the employees accrued compensatory time balance.
10. Upon an employee's retirement, resignation or termination, the Town of Edgewood shall pay the employee for the balance of his/her accrued but unused comp time at a rate not less than the employee's final hourly pay rate or the employee's average hourly rate over the last three (3) years of employment, whichever is greater. In instances where the employee has less than three (3) years of employment with the Town of Edgewood, the average pay rate for the entire period of employment shall be used instead.
11. Supervisors shall monitor overtime worked and compensatory time accrued and shall encourage the use of compensatory time as the opportunity arises, in order to minimize the Town of Edgewood's overtime pay liability. The supervisors' monitoring of overtime and encouraging the use of comp time will be considered as part of the supervisors' performance evaluation.

Section L. "Overtime" Amended 02/06/2013

2.28.110 Political activity.

Town employees shall not, during working hours, publicly support or endorse any person running for political office. Town employees should not be harassed for political support by any political candidate, Department Head or Elected Official. An employee cannot be

¹² Section K. amended 04/06/2005 removed "1. Exempt employees as provided for in the Fair Labor Standards Act of 1938 as amended, will be exempt from overtime compensation.

2. Overtime must be approved in advance by the Department Head.

3. The provisions of the Fair Labor Standards Act of 1938 as amended shall govern all matters relating to nonexempt employees' hours and wages except where greater employee rights have been conferred by this chapter or by agreement between the Town and the employee, in which case this chapter or such agreements will control.

fired or penalized for failure to support a particular candidate. This is to ensure the protection of the employee from any unnecessary interference with the employee's job. The employee's job does not depend upon political beliefs, but upon the employee's job skills and performance.

2.28.120 Gratuities - Solicitation.

A. Gratuities. Town employees shall be prohibited from accepting gifts or other considerations from vendors where the value of such gifts or considerations is in excess of twenty-five dollars (\$25.00). Any attempt to influence an employee's performance of the employee's duties by a vendor or other persons should be reported to the Clerk-Treasurer.

B. Solicitations. No solicitation by employees or others will be allowed in a Town-owned building or on Town property. All legitimate proposals should be directed to the Department Heads or persons responsible for purchasing. Salesmen should not consult directly with employees without permission of the employee's supervisor. Limited exceptions may be authorized by the Clerk-Treasurer for charitable solicitations.

2.28.130 Disciplinary action.

A. Reasonable rules of employee conduct are necessary for the orderly and effective operation of the Town, as well as to protect the rights of employees and to inform them of what behavior the Town expects from employees. Employees are responsible for staying informed concerning Town policies and rules of conduct.

B. The Town promotes a system of progressive counseling and discipline to be used with employees who violate or fail to comply with Town policies, procedures and rules, or who have other performance problems. This procedure is designed to correct the infractions of employees.

C. Each situation which requires some form of corrective action should be judged on its own merits. It is not mandatory to follow the types of progressive counseling or discipline as outlined herein. The appropriate action should be determined based upon the circumstances surrounding the situation and severity of the infraction. Situations may arise, for example, in which immediate discharge is warranted. If supervisors desire guidance relative to the appropriateness of any form of corrective action they are encouraged to contact their Department Heads or the Clerk-Treasurer.

D. In every situation involving any form of corrective or disciplinary employee action, documentation of such action should be prepared. Any such documentation given to an employee should be signed by the employee to acknowledge receipt. If the employee refuses to sign the documentation, another employee should be called in to sign the form in witness to the fact that the counseled or disciplined employee received the documentation, but refused to sign it.

E. APPROVAL BY MAYOR AND TOWN COUNCIL. The Mayor, as the pre-disciplinary hearing officer, will approve or disapprove all suspensions and demotions, and recommends dismissals to the Town Council. Suspensions without pay and demotions become effective when the Mayor approves the action. Dismissals become effective upon approval by the Town Council. If an employee does not grieve a suspension, demotion, or recommendation of dismissal to the personnel hearing officer,

the Town Council will either approve or disapprove the Mayor's suspension, demotion, or recommendation of dismissal of the employee. The employee's sole opportunity for a hearing is before the personnel-hearing officer and will not be given an opportunity to speak on this matter at any Town Council meeting wherein the suspension, demotion, or dismissal is to be considered by the Town Council. The employee must follow the grievance procedure set forth in §2 if he/she wishes to pursue a grievance. If the Town Council does not approve the Mayor's action, the employee will be reinstated, and paid the wages he lost as a result of the disciplinary action.

1. CONDITIONS OR ACTIONS NOT GRIEVABLE. The following matters are not grievable:

- a. Disputes as to whether or not an established Town practice or policy is optimal and/or advisable;
- b. Matters wherein the method of review is mandated by law;
- c. Matters over which the Town is without authority to act or does not have the ability to provide a remedy;
- d. Matters involving the release of temporary/seasonal employees prior to or at the end of their anticipated employment period;
- e. Matters involving the dismissal of probationary employees prior to the expiration of their probationary period;
- f. Matters involving the dismissal of appointed employees at any point during their employment with the Town; and
- g. Performance evaluations, preferences for employment promotions, transfers, temporary assignments, removal from temporary assignments, and layoffs.

2. FORMAL GRIEVANCE PROCEDURES

- a. **INITIAL STEPS IN FORMAL GRIEVANCE PROCEDURE.** This formal grievance procedure applies to the suspension, involuntary demotion, and dismissal of regular employees.

1. **Written Notification.** The Town Administrator shall present the employee with written notification of intent to suspend, demote or dismiss at least three (3) working days in advance of the proposed action. The written notification shall explain the reasons for the proposed action, notify the employee of his/her right to a pre-disciplinary hearing, and contain the scheduled time and place of the pre-disciplinary hearing. The notification shall be hand-delivered to the employee, receipt of which shall be acknowledged by the employee. The pre-disciplinary hearing shall be held a minimum of three (3) working days from the date the notice is hand delivered.

2. **Immediate Suspension.** In cases where Town property, other employees, or citizens are at risk because of the employee's actions, the department head, after consultation with the Town Administrator, shall

place the employee on administrative leave with pay until the pre-disciplinary hearing is held and a decision is rendered by the Mayor.

3. PRE-DISCIPLINARY HEARINGS. An employee shall pursue grievances according to the rules contained herein.

a. Request for Pre-disciplinary Hearing. Within two (2) working days of the receipt of the disciplinary notice, the employee is required to notify the Town Administrator in writing whether or not the employee intends to participate in the pre-disciplinary hearing. The time, place, and date of the pre-disciplinary hearing may be rescheduled upon the written agreement of the employee, the Mayor, the employee's department head, and the Town Administrator. All reasonable requests to reschedule shall be accommodated, provided a reasonable alternate date and time may be established by all parties.

b. Pre-Disciplinary Hearing Procedure. The Mayor shall meet with the employee, the employee's department head, and the Town Administrator at the appointed time. At this pre-disciplinary hearing, the employee shall have the opportunity to respond to the proposed disciplinary action. The parties may be represented by counsel at the pre-disciplinary hearing at their own expense.

c. Pre-disciplinary Hearing Decision. The Mayor will issue a decision in writing within three (3) working days of the hearing. The written decision shall include the time, date, and location of the meeting; persons present; and the determination. The written decision shall be either delivered directly to the employee (obtaining employee's signature of receipt of the decision) or be sent by certified mail, return receipt requested. The employee has a right to appeal the decision to the Town hearing officer.

d. Effect of Decision. Demotions and suspensions will become effective at the time that the pre-disciplinary hearing decision is issued. A dismissal grieved by an employee will not become effective until the Town Council approves the dismissal following a post-disciplinary hearing.

4. POST-DISCIPLINARY HEARINGS/APPEALS TO THE HEARING OFFICER

a. Notice of Appeal. Within three (3) working days of receipt of the written pre-disciplinary decision, the grievant must give written notice to the Town Administrator of the grievant's intent to pursue a post-disciplinary hearing.

b. Post-Disciplinary Hearing Scheduled. The post-disciplinary hearing must be held within ten (10) working days of the receipt of notification of intent to pursue a post-disciplinary hearing by the Town Administrator. The parties must agree in writing to any postponement of the grievance hearing beyond **ten (10) working days**. At this hearing, the grievant shall have an opportunity to present witnesses and physical evidence and cross-examine the Town's witnesses before the Town hearing officer. The grievant and the Town may be represented by legal counsel. Each party bears its own costs and expenses with respect to the retention of legal counsel and the pursuit of post-disciplinary actions.

5. POST-DISCIPLINARY HEARING OFFICER PROCEDURES

a. Rules of Procedure.

- i. The Town Administrator will determine the date and time of the post-disciplinary hearing and any continuances. Such hearings will be conducted at a time and place, which is mutually convenient to all parties concerned. Requests for continuances of hearings shall be made at least five (5) working days prior to the scheduled hearing, absent exigent circumstances necessitating a continuance. Requests for continuances of hearings shall be made in writing directly to the hearing officer with copies to all parties involved.
- ii. Post-disciplinary hearings shall be conducted as open meetings with notice given to the public pursuant to the New Mexico Open Meetings Act, unless the grievant requests the hearing be closed.
- iii. The Hearing Officer shall be qualified to act as a hearing officer in order to conduct hearings pursuant to the Town personnel ordinance. The Hearing Officer shall:
 - a. not be a former or current Town employee or elected official;
 - b. not be related by marriage or kinship to the aggrieved employee, employee's supervisor, employee's department head, or any currently serving elected official;
 - c. not have contact before the hearing with either the Town, the aggrieved employee, or their representatives. This provision shall not be construed to limit or prohibit the Clerk-Treasurer from communicating with the hearing officer with respect to the scheduling of a hearing or with respect to advising a hearing officer about the nature of the proceedings, and providing any submissions, requests and/or motions made by the parties;
 - d. make rulings on procedural and substantive issues of the hearing;
 - e. determine the admissibility of evidence and testimony, all of which must have ^a direct bearing on the issue before the officer;
 - f. follow the evidentiary standard for administrative agencies; and
 - g. issue a written ruling, including findings of fact and conclusions of law
- iv. The following persons are required to be present at all grievance proceedings unless otherwise excused by the Hearing Officer or by agreement of the parties: the grievant, the grievant's representative (if any), and the department's designated representative.
- v. The parties shall stipulate to the facts and issues to the greatest extent possible prior to the hearing.
- vi. Prior to the hearing, representatives shall prepare copies of all exhibits and evidence which are expected to be presented. Representatives shall stipulate

to exhibits to the extent possible and bring to the hearing adequate copies for the Hearing Officer as well as the opposing representative.

- vii. At least five (5) working days prior to the hearing; all parties must submit all of the following to the Hearing Officer: a statement identifying the issues to be heard, a witness list, and a complete list of documents to be admitted as evidence.
- viii. Witnesses in grievance hearings are not admitted into the hearing room until called upon to testify, with the exception of those individuals listed in Section iv above.
- ix. Notice of the hearing will be sent by certified mail to the grievant and must postmarked at least five (5) working days prior to the scheduled hearing. Copies of the hearing notice shall be sent concurrently to all relevant parties.
- x. Either a tape recorded or stenographic record of all post-disciplinary grievance hearings will be made.

b. Conduct of Hearings

- i. The Town, which carries the burden of proof by a preponderance of the evidence, shall present its statements of issues involved in the case, followed by the grievant. Opening statements are limited to the pertinent issues of fact and law and shall not exceed ten (10) minutes, except by the approval of the Hearing Officer.
- ii. Order of Presentation
 - a. The Town will present its case first. Witnesses for the Town may be called and questioned on their involvement in, or knowledge of, the case. Following each witness' testimony, the Town will have the opportunity to cross-examine the witness. The Hearing Officer will then have the opportunity to question the witness on matters related to the witness testimony. The Hearing Officer shall restrict its questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the hearing officer.
 - b. Witnesses for the grievant may be called and questioned on their involvement in, or knowledge of, the case. Following each witness' testimony, the Town will have the opportunity to cross-examine the witness. The Hearing Officer will then have the opportunity to question the witness on matters related to the witness' testimony. The Hearing Officer shall restrict its questions to those necessary to clarify the testimony previously given. Follow-up or redirect questioning will be allowed at the discretion of the Hearing Officer.
 - c. Following presentation of the grievant's position, the Town may offer rebuttal testimony. Such testimony shall be limited to the time period permitted by the Hearing Officer, and shall address only the issues brought forth in the grievant's presentation.
 - d. The Town shall present its closing statement followed by that of the grievant. Each party's closing statements shall not exceed ten (10) minutes, unless otherwise permitted by the Hearing Officer, and shall set forth that party's request for relief. The Town shall have the opportunity to make a final statement,

not to exceed five (5) minutes, which shall be limited to issues brought forth in the grievant's closing statement.

c. Communication of Hearing Officer's Decision

The Hearing Officer's recommendation to the Town Council shall include findings and conclusions, and shall be issued within five (5) working days of the hearing. The recommendations shall be transmitted to the grievant, department head, and the Town Administrator, who shall notify the Town Council. The Hearing Officer may only recommend upholding, modifying, or reversing the decision of the Mayor, and may include a recommendation that the employee be reinstated and awarded back pay and benefits. The record of the proceedings will be retained by the Clerk Treasurer's office for a period of not less than one (1) year from the hearing date, along with all of the physical evidence admitted by the Hearing Officer. The verbal record shall be transcribed only in the case of appeal to the district court by one of the respective parties. The party requesting the transcription shall make arrangements to pay for the transcription.

d. Approval/Disapproval of Recommendation

The Town Council will approve or disapprove the recommendation by majority vote. The Town Council's vote will be based solely on the Hearing Officer's findings, conclusions and recommendation; no further testimony will be heard at the council meeting at which the vote is taken. The Town Council will meet to vote on a recommendation of the Hearing Officer within five (5) working days after the Hearing Officer issues its decision.

e. Appeal of Town Council's Decision

- i. Either party may appeal the Town Council's decision in the First Judicial District Court by filing a notice of appeal within thirty (30) days of the decision.
- ii. This personnel policy may be included in the record on appeal at the request of any one of the respective parties at any time before forwarding the record to district court.

2.28.140 Appointment of a hearing officer.

A. The Town council shall appoint an individual who is qualified to act as a hearing officer in order to conduct hearings pursuant to the Town personnel ordinance.

B. Hearing Officer Conflicts of Interest. The hearing officer shall:

1. Not be a former or current Town employee or elected official;
2. Not be related by marriage or kinship to the aggrieved employee, employee's supervisor, employee's department head, Clerk-Treasurer or any currently serving elected official.

C. Hearing officer will have no contact before the hearing with either the Town, the aggrieved employee or their representatives. This provision shall not be construed to limit or prohibit the Clerk-Treasurer from communicating with the hearing officer with respect to the scheduling of a hearing or with respect to advising a hearing officer about the nature and submissions of requests and motions by the parties.

2.28.150 Equal Employment Opportunity.

Statement of Purpose: It is the policy of the Town of Edgewood to comply with all applicable federal and state laws and regulations relating to equal employment opportunity and that equal opportunity shall be practiced in the administration of all personnel policies and practices and shall include, but not be limited to:

A. Recruitment, hiring and promotion of any qualified person on the basis of merit without regard to race, religion, creed, color, ancestry, or national origin and without regard to age, sex, or disability where applicants or employees are otherwise able to perform the essential functions of the job.

B. Employment and promotion are administered in accordance with the principles of equal employment opportunity and based upon valid job requirements in the following order of priority:

1. Persons currently employed by the Municipality.¹³
2. The general public as an equal opportunity employer.

C. Personnel actions shall be carried out without regard to race, religion, creed, color, ancestry or national origin or to age, sex, or physical or mental disability where employees are otherwise able to perform the essential functions of the job.

D. Management Responsibility. The Clerk-Treasurer shall assume the responsibility for equal employment opportunity laws and regulations and is designated to assist and counsel department heads and investigate and resolve internal complaints of employment discrimination filed by Town employees or employment applicants. The Clerk-Treasurer shall be the referral officer for the Town to receive notice of alleged unlawful employment practices from the equal employment opportunity commission or other appropriate federal or state agency of jurisdiction. The Clerk – Treasurer shall notify the Mayor, Town Council and the town Attorney upon receipt of any complaints alleging violations under this section.

E. Applicant Complaints. Any job applicant, who has been denied employment with the Town of Edgewood and believes they have been denied employment on the basis of their race, religion, creed, color, ancestry or national origin, or to age, sex, or physical or mental disability, may petition the Town council to conduct an investigation into this matter.

F. Communication. The Equal Employment Opportunity policy shall be posted on Town bulletin boards and communicated to employees during new hire orientation, and by other means as determined to be appropriate.

2.28.160 Harassment.

Statement of Purpose: The Town of Edgewood provides a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional environment that promotes equal opportunity and prohibits discriminatory practices, including harassment on the basis of race, color, religion, gender, national origin, age or disability. The Town of Edgewood does not tolerate acts harassment is committed to enforcing this policy prohibiting harassment and sexual misconduct to provide:

¹³ Edited 7-9-07 to add items 1 & 2

1. A work environment free of all forms of harassment;
2. Appropriate corrective measures, up to and including dismissal and appropriate legal action, will be taken if this policy is violated;
3. A complaint procedure that is fair and, protect against retaliation for filing, or testifying as a witness to a complaint;
4. All complaints are investigated promptly, thoroughly, and fairly, and
5. That all Town officials, supervisors, and employees are aware of their responsibilities under this policy.

A. Coverage: This policy applies to Town officials, department heads, supervisors, employees, non-employees and volunteers subject to the control of Town authority and shall be actively enforced by Town management.

B. Definition: Harassment is any unwelcome conduct of verbal and/or physical conduct directed at an employee because of that person's sex, race, color, religion, national origin, age or disability when:

1. Submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct unreasonably interferes with an individual's work performance; or
4. Such conduct creates an intimidating, hostile, or offensive working environment.

C. Examples of sexual harassment include, but are not limited to:

Sexual innuendo, suggestive comments, insults, threats, jokes; suggestive or insulting noises, staring, leering, whistling, and obscene gestures; propositions or pressures to engage in sexual activity; touching, pinching, cornering, or brushing up against the body, or sexual assault; inappropriate comments concerning appearance; sexual or sexually insulting written communications, or public postings, including electronic communications; employment decisions based on sexual relationship; harassing behavior directed toward another because of the person's gender.

Sexual misconduct is any conduct constituting a criminal sexual offense under the laws of the State of New Mexico or the ordinances of the Town of Edgewood.

D. Responsibilities of Employees: All employees shall be familiar with this policy, and shall, if asked, cooperate in the investigation or resolution of harassment complaints.

E. Harassment Complaint Procedures:

1. Any employee who makes a complaint of harassment or sexual misconduct will be asked to record the complaint in writing or to sign their allegations or to indicate their refusal to sign their allegations. The Town will investigate all complaints in accordance with this procedure. Any employee who provides false or misleading information in connection with a complaint of harassment or sexual misconduct shall be subject to disciplinary action, up to and including dismissal.
2. Individuals who believe they are being harassed are encouraged to promptly and firmly notify the offender that his or her behavior is unwelcome. If such confrontation is ineffective or impossible, a complaint should be made to the individual's supervisor or to the Clerk Treasurer. The supervisor or Clerk

Treasurer shall document the complaint and provide a copy to the complaining employee. All such complaints shall be kept in a confidential file.

3. Notification of such complaints, including documentation of the complaint, shall be provided to the Town Council as soon as possible after receipt of the complaint.
4. Clerk Treasurer, along with the Town Attorney, has the responsibility to investigate any complaints of harassment or sexual misconduct, either directly or through their designee. A report of the complaint, the investigation, the findings and disposition of the complaint shall be reported to the Town Council.
5. If the allegation is substantiated, appropriate steps will be taken to remedy the situation. The supervisor shall apply an appropriate level of disciplinary action, up to and including dismissal from employment, for a person determined to have violated this policy.
6. Retaliation against an individual who makes a report of harassment or sexual misconduct, or testifies as a witness to a complaint is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another for reporting harassment or sexual misconduct, or testifying, as a witness to a complaint shall be subject to disciplinary action, up to and including dismissal.

F. Responsibilities of Managers and Supervisors: Managers and supervisors shall;

1. Be familiar with the Town policy on harassment and sexual misconduct;
2. Not make statements or engage in conduct that could reasonably be construed as harassment or sexual misconduct;
3. Be alert to potential instances of harassment or sexual misconduct in the course of providing supervision;
4. Immediately notify their own supervisor upon receipt of an allegation of harassment or sexual misconduct;
5. Take immediate action to stop confirmed instances of harassment or sexual misconduct;
6. After a complaint of harassment or sexual misconduct has been substantiated monitor the situation to ensure the situation has stopped and;
7. Ensure that no retaliation is taken against the complainant(s) or anyone who or testifies as a witness to a complaint in a harassment or sexual misconduct complaint.

2.28.170 Drug and Alcohol Policy

Statement of Purpose: It is the policy of the Town of Edgewood to provide a work environment that is free from the use, possession, sale or distribution of illegal drugs and from the misuse of alcohol and legal drugs by Town employees. Accordingly, the Town requires that employees and contractors alike will be subject to testing to determine the presence of unacceptable levels of illegal drugs, alcohol or inappropriately used legal drugs within their bodies while performing the Town's business. Therefore, this policy is to assure that only safe and alert employees are permitted on/in the Town premises, on the Town job site locations and at any time while operating Town vehicles, or using Town equipment. This policy establishes guidelines for consistent handling of alcohol and drug usage situations throughout the Town of Edgewood.

A. Prohibited Behavior:

1. Use of illegal drugs;

2. Abuse of legal drugs or alcohol;
3. Use of alcohol or illegal drugs on Town time or property, to include scheduled or unscheduled break periods, meal times, and at all other times when the employee is considered "at work" for the Town;
4. Sale, purchase, transfer, use or possession of illegal drugs or drugs obtained illegally;
5. Transport of alcoholic beverages in Town vehicles during Town time, break periods, or meal times;
6. Arrival for work under the influence of drugs or alcohol.

An employee who is using prescription drugs or over-the-counter medications that could affect work performance must inform his/her supervisor. A doctor's statement may be required at the Town's discretion.

B. Implementation

The Clerk-Treasurer shall adopt procedures required by all applicable federal and state mandates to ensure the effective implementation of this policy. In addition to setting out the procedures for pre-employment testing and the random drug and alcohol testing of those employees covered by the federal regulations, the procedures shall provide for reasonable suspicion testing for drugs and alcohol for all Town employees.

C. Employee Assistance Plan (EAP)

The Town Clerk or his/her designee shall establish and communicate the availability of an employee assistance program for all Town employees. The Town Clerk-Treasurer or his/her designee shall for the benefit of all employees identify avenues for obtaining drug treatment and rehabilitation, outline available drug abuse counseling and educational programs, and describe any drug abuse rehabilitation benefits available through the Town's group health plan. Normal Town benefits, such as sick leave and the group medical plan, are available to aid in the rehabilitation process.

If the available assistance fails or is obviously inappropriate given the nature of the drug use and the employee's position, the penalty for drug use or alcohol abuse may be termination of employment.

2.28.180 Care and Use of Equipment and Facilities

Statement of Purpose: All employees are required to properly maintain and utilize the Town of Edgewood property. Willful abuse or mishandling of any Town property including vehicles and/or technical resources will not be tolerated and may be grounds for disciplinary action up to and including discharge.

A. Town Vehicles. Some positions in the Town require the use of Town vehicles. These are Town-owned property and must be maintained in a proper fashion. Employees are responsible for maintaining vehicles and reporting problems to their Department Head. Any employee assigned a Town-owned vehicle must adhere to procedures established by the Clerk-Treasurer, which may include a defensive driving course. Town vehicles may not be used for personal business.

B. Technical Resources. The Town of Edgewood's technical resources including any voice mail, fax or e-mail systems, cellular telephones, are provided for use in the conduct

of Town business and are to be reviewed, monitored and used in that pursuit. Employees may transmit or receive messages in the course of their employment on the Town of Edgewood computer systems or other technical resources, those messages may be subject to investigation, search and review. In addition, any electronically stored communications that are received may be retrieved and reviewed without prior notice.

1. Employees may access those electronic files or programs that they have permission to enter. Unauthorized copying or use of computer software exposes both the Town of Edgewood and the employee to fines and/or imprisonment. Employees may not load personal software or download software from the Internet onto the Town of Edgewood's computer system and may not copy software from the Town of Edgewood for personal use.
2. Employees are responsible for the content of all text, audio, or images that they place or send over the Internet. All messages communicated on the Internet should include the employee's name. No messages may be transmitted under an assumed name or anonymously.
3. Any non-business e-mail or other electronic messages must be clearly identified as such in the subject line. Employees may not prepare or review non-business e-mail messages during work time. With regard to computer use, working time is defined as any time an employee is at his or her workstation and not on a designated break, regardless of whether the break is paid. Employees who encounter messages that are of a personal or non-business purpose during work time are expected to skip the messages and review them only before or after the workday or during designated break time.


The provisions of this Personnel Ordinance are effective February 6, 2013

PASSED, APPROVED AND AMENDED this 6th day of February 2013.



Brad E. Hill, Mayor

ATTEST:



Estefanie B. Muller, CMC, Clerk-Treasurer