



PERSONNEL POLICY

***Eastern Plains Council of Governments
418 Main Street
Clovis, New Mexico***

Mission Statement

The fundamental mission of EPCOG is to facilitate economic growth, providing services vital to the region's sustainability.

Revised and Approved December 2021

INTRODUCTION

It is the mission of the **Eastern Plains Council of Governments (EPCOG)**, to serve our member communities by providing quality services in the best, most effective, and economical manner. It is important to operate in a spirit of cooperation and collaboration with all of our member agencies in every endeavor. EPCOG expects every employee to perform to the highest of their capacity and to provide leadership and resources vital to the region's sustainability.

CORE VALUES OF EPCOG

GOOD CUSTOMER SERVICE: Employees will be available, respectful, courteous, supportive, attentive, understanding, responsive, prompt, committed, and fair to all member communities and to any individual who obtains services and comes into contact with EPCOG.

TEAMWORK: Employees will interact and cooperate with each other and respect other co-workers to develop a healthy work environment.

GOOD CHARACTER: Employees will be positive role models. Employees are expected to be professional, ethical, dependable, honest, and respectful when dealing with member agencies and with other co-workers.

EXCELLENCE: EPCOG has high standards and expects its employees to help it meet those standards. Employees are expected to maintain a safe and productive work environment and to provide communication to foster an environment that encourages ideas and suggestions for improvement.

The purpose of this Personnel Policy is to establish consistent policies and practices governing relations between EPCOG and its employees. This Personnel Policy does not constitute an employment contract. This Personnel Policy will be reviewed periodically to ensure that it remains up-to-date. When the Personnel Policy is updated or modified all employees will receive a notification of any changes.

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Forward

It is the express intent of the Eastern Plains Council of Governments (EPCOG) that the following Personnel Policy shall establish the framework for fair and uniform management. A copy of this Personnel Policy will be made available to each employee.

Nothing contained in this Personnel Policy or in any other statement of company policy, including statements made in the course of performance evaluation and wage reviews, should be taken as constituting an express or implied promise of continued employment.

In order to retain necessary flexibility in the administration of policies and procedures, the EPCOG Board of Directors reserves the right to (1) change, revise, or delete the policies and procedures described in this Personnel Policy at any time the Board determines such a change is necessary or desirable; and (2) interpret and administer the policies in light of changing circumstances and events.

The administration of the Personnel Policies is the direct responsibility of the Executive Director. Employees have the right to know what is expected of them and how they are expected to perform in their job. The Personnel Policy is intended to reflect a conscientious effort of good management and provide guidance and assistance to all EPCOG employees.

Each employee is expected to read and become completely familiar with the rules and regulations set forth herein. The Personnel Policy serves to promote a better working relationship between EPCOG and its employees. EPCOG encourages its employees to feel free to suggest ideas for improvement, assume additional responsibility and to conscientiously perform their duties. There is unlimited opportunity for employees working with EPCOG.

TABLE OF CONTENTS

SECTION I	
Employment	5
SECTION II	
Affirmative Action Program for Equal Employment Opportunity.....	10
SECTION III	
Sexual Harassment	11
SECTION IV	
Compensation.....	13
SECTION V	
Holidays and Leave	14
SECTION VI	
Insurance and Other Benefits	20
SECTION VII	
Family and Medical Leave	22
SECTION VIII	
Travel	26
SECTION IX	
Outside Employment.....	28
SECTION X	
Personnel Records and Information	29
SECTION XI	
Political Activity.....	30
SECTION XII	
Conflict of Interest.....	31
SECTION XIII	
Employee-Contractor Relationships.....	32
SECTION XIV	
Purchasing Procedures	33
SECTION XV	
Confidentiality.....	35
SECTION XVI	
Discipline	36
SECTION XVII	
EPCOG Technology Policy.....	41
SECTION XVIII	
Drug-Free Workplace.....	45
SECTION XIX	
No Smoking Policy	47
SECTION XX	
Workplace Violence	48
Certificate of Awareness	49
Notice for Dismissal	50
Employee Acknowledge Receipt of Personnel Policy	51
Organizational Chart	52

SECTION I – EMPLOYMENT

A. ELIGIBILITY

Employment shall be offered to persons with the highest qualifications available without regard to race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, sexual orientation, serious medical condition, or gender identity.

B. EMPLOYMENT CATEGORIES

1. Probationary Employee:

- a. A new hire selected to a regular position that has not completed the initial probationary period of (1) year.
- b. Any employee whose employment is terminated during or at the end of the probationary period shall not be entitled to two weeks (10 working days) severance pay. Probationary employees will receive a formal evaluation of their performance at the end of the one (1) year probationary period.

2. Full-time Employees:

- a. An employee who works at least thirty-two (32) hours or more per week and has completed any applicable probationary period. Employees in this status are eligible for salary increases and employee benefits if such funds and benefits are deemed available and approved by the Executive Director and the Board of Directors.
- b. Individuals employed by EPCOG on a full-time schedule are considered full-time employees after the successful completion of the initial probationary period of (12) twelve months. Full-time employees are eligible for all fringe benefits offered by EPCOG at the time of employment.

3. Temporary Employees:

- a. An employee who works less than twenty (20) hours per week and does not serve a probationary period and can be removed without just cause. Employees are not eligible for salary increases or employee benefits. Employees in this status would be considered as seasonal or employment that will not exceed six months.
- b. Individuals employed to perform one particular job, the length of which may vary from one week to six (6) months. Temporary employees are not eligible for holiday pay or any fringe benefits, other than those benefits required by law.

4. Part-time Employees:

- a. An employee who works less than thirty-two (32) per week.
- b. Part-time employees may accrue paid time off and other fringe benefits as detailed

in the policy further. Accrual of benefits is subject to a minimum of twenty (20) work hours per week.

6. Non-Exempt and Exempt Employees:

Exempt or non-exempt status classification is determined by each position's requirements and responsibilities as measured by a specific formula established by the Fair Labor Standards Act (FLSA). Generally speaking, exempt means that positions assigned to that class are not subject to FLSA overtime provisions. Non-exempt positions are subject to overtime provisions cited in FLSA regulations.

a. **Non-Exempt Employees.**

No non-exempt employee will not be paid less than the statutory minimum wage. No non-exempt employee will be employed for a workweek of more than forty (40) hours per seven (7) day period. The employee will receive compensation for any worked hours over forty (40) hours weekly at a rate of not less than one and one-half (1 ½) times the employee's regular rate at which the employee is employed.

b. **Exempt Employees.**

All personnel exempt from the overtime requirements of the Fair Labor Standards Act as "executive, administrative, or professional" employees are considered by the Council of Governments to be paid for the work done rather than the time spent in doing it. It is EPCOG's policy that such exempt employee shall not, in any case, receive additional pay or compensatory time for working longer hours than the standard for non-exempt employees.

With the authorization of the Executive Director, an employee who works more than forty (40) hours during a workweek may adjust the overtime the following week.

C. CONDITIONS OF EMPLOYMENT

1. Responsibility

- a. The Executive Director is employed by and is responsible to the Board of Directors and shall serve **as an at-will employee** at the discretion of the Board. The Executive Director serves in an at-will position and may be terminated at any time with or without cause. All other staff personnel shall be employed by, and be responsible to the Executive Director and are also considered **at-will employees**.
- b. **At-Will Employment:** During the employee's employment with EPCOG, the employee may terminate his or her employment with EPCOG at any time. EPCOG similarly has the right to terminate the employee's employment at any time with or without cause.
- c. All EPCOG policies adopted by the EPCOG Board of Directors will apply to all employees of EPCOG and the Executive Director appointed by the Board.
- d. The Executive Director shall accept and review applications for employment,

determine the merit and ability of the applicants, and select qualified applicants for employment.

- e. Applications for employment with EPCOG will be accepted once a position is posted and an opening for that position is available. And the applicant shall be considered for all classes of positions for which he/she is qualified. Applications shall be submitted through a resume or on the standard form prescribed and provided by EPCOG.
- f. Where the nature and duties of the job warrant, applicants may be subject to further examination. The examination shall pertain to those matters which fairly test the capacity and fitness of the applicant to efficiently discharge the duties of the position for which the examination is held. The examination may be oral, written, physical, performance, or any combination of these.
- g. Applications, whether accepted or rejected, shall remain on file for a reasonable period of time, but not less than three (3) months.
- h. All candidates for a position shall be evaluated against the same qualification requirements. Standards with respect to education and experience requirement limitations shall be used where essential to the performance of the duties of the position.

2. Resignation

Any employee in good standing wishing to resign shall furnish written notice of intention to resign at least two (2) weeks in advance of the effective date of resignation. Prior to departure, the employee is to present to the Executive Director and their direct supervisor in writing the status of all pending projects which have been assigned during his/her tenure for review of priority projects.

3. Discharge

The Executive Director may dismiss a full-time employee with either two (2) weeks (14 days) advance notice in writing of the date of their dismissal or without notice. If dismissed without notice, severance pay equivalent to two weeks (10 working days) regular salary will be paid. In the event of dismissal by the Executive Director, the employee may appeal in writing to the EPCOG Board of Directors within five (5) working days from the date of dismissal notification. Any employee dismissed for reasons of misconduct, illegal or immoral conduct shall not be entitled to two weeks (10 working days) severance pay. During the initial probationary period, an employee may be dismissed at any time with or without notice.

4. Reduction in Force

An employee may be separated for, including but not limited to, the following reasons: Termination of a work program, lack of funds, or changes in the organizational structure. Employees affected by such reduction in force shall receive not less than four (4) weeks written notice of termination of employment. Such termination will be without adverse effect on the employee's eligibility for further employment by the EPCOG or other organizations.

If it becomes necessary to reduce the number of personnel in any department, the selection of employees to be retained shall be based on the efficiency and effectiveness in performing their jobs and on the skills needed by the department to maintain essential operations and services. Employees of equal ability, skills, and job performance will be retained according to seniority (number of years of continuous service in permanent employment status). A plan for the reduction of personnel and maintenance of basic operations shall be prepared by the Executive Director and approval by the EPCOG Board of Directors.

Employees who are released due to a reduction in force will be given first consideration for openings in other departments of EPCOG for which they might qualify (these may be jobs in a lower salary range). No employee, however, shall be offered more than two (2) such positions. In the event he/she turns down two (2) such positions, the employee still retains the rights listed below. After release, the employee shall retain a status in and right to the position for a period of one (1) year from the date of separation. In the event that the abolished positions are reinstated during this time period, offers of re-employment shall be made to release employees based on previous job performance, evaluations, and seniority. A refusal of any offer by the former employee after reasonable notice by EPCOG nullifies an employee's rights to any further consideration for a position with the EPCOG pursuant to this policy.

5. Employee Evaluation

Each employee shall be evaluated at the end of the twelve (12) month probationary period and as needed thereafter. The evaluation shall be used to guide the employee toward a more professional discharge of their responsibilities and will also be used as a basis for salary recommendations. The evaluation will be discussed in detail with the employee and will become a part of the employee's permanent personnel file.

6. Personal Appearance

EPCOG is a professional organization, and employees of EPCOG are constantly in the public eye. Therefore, the employees must present the best possible image to the public. All employees shall present a professional appearance by wearing attire appropriate to their job classification to promote a positive image to customers.

A. Employees are expected to abide by the following standards:

1. Employees shall present a neat, clean, and professional appearance in their performance of duties at all times based on employees' assignments and/or work location.
2. Employees must dress in a manner that will not hinder their ability to effectively complete their work assignments, including consideration of the communities served, customer expectations, business needs or standards of the department, and the employee's safety.
3. Employees are expected to practice personal hygiene that does not interfere with the public and/or co-workers in their work environment.

4. Employees should be mindful of and dress appropriately for, special events, meetings, and appointments with customers.
5. Employees may not wear graphic or revealing clothing articles that may disrupt the work environment, such as (but not limited to) sexually suggestive cartoons, pictures, or words.
6. Employees may wear denim pants or jean style pants of any color as long as they are neat, clean, and professional-looking.

B. Dress policy enforced:

This policy is intended to provide guidelines on dress and appearance and is not meant to address all situations. Therefore, depending on the nature of the work environment, nature of work performed, involvement with the public, or other circumstances, there may be some differences in dress guidelines. Consistent with this policy, exceptions can be made by the Executive Director. The first offense for employees who report to work and are not in compliance with this policy will result in being sent home to change and returning to work. Further offenses will be addressed accordingly with verbal or written counseling and reprimands.

SECTION II - AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY

A. EQUAL EMPLOYMENT POLICY

It is the policy of EPCOG to recruit, hire, and promote employees without discrimination because of race, religion, color, political affiliation, national origin, sex, sexual orientation, age, or handicap. This policy applies to all levels and phases of personnel administration such as recruitment, testing, hiring, training, promotion, transfer, leave policy, rate of pay, and selection for supervisory positions. All officials and employees of EPCOG will be informed of this policy statement.

B. ASSURING NON-DISCRIMINATORY HIRING

According to the operating policies of EPCOG, only the Executive Director has the authority to authorize the hiring of personnel. The Executive Director shall be familiar with the Equal Employment Opportunity Policy of EPCOG and shall instruct employees interviewing prospective employees not to discriminate due to race, color, religion, age, sex, sexual orientation, national origin, or disability in recommending employees.

C. ASSURING NON-DISCRIMINATORY PLACEMENT AND PROMOTION

EPCOG’s Equal Employment Opportunity Policy assures nondiscrimination in placement and promotion. The Executive Director is responsible for the execution of EPCOG’s policy.

D. REASONS FOR INELIGIBILITY FOR EMPLOYMENT

The following persons are ineligible for employment with EPCOG or any of its component projects:

- A. No person shall hold a job for which he/she or a member of his/her immediate family or member of a common household serves on a board or committee of EPCOG or any of its delegate agencies if that board or committee has authority to order personnel actions affecting his/her job.
- B. Persons shall be considered ineligible for employment if a relative or member of a common household is employed with EPCOG.
- C. For the purpose of this section, a relative is defined as a spouse, child, step-child, parent, step-parent, brother, sister, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, grandparents, grandchild, aunt, uncle, niece, nephew, and first through third cousins.
- D. For the purpose of this section, a member of a common household is defined as any person that resides in the same residential unit.

SECTION III - SEXUAL HARASSMENT POLICY

- A. EPCOG disapproves of, and will not tolerate, sexual harassment of its employees or by its employees. Any employee who engages in sexual harassment will be subject to discipline and appropriate corrective action will be taken to prevent its reoccurrence. Any incidents of sexual harassment by anyone, including non-employees, should immediately be brought to the attention of the Executive Director or immediate supervisor, for appropriate action.
- B. The Equal Employment Opportunity Commission (EEOC) has adopted guidelines which state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constitute "sexual harassment" when:
1. Submission to the conduct is an explicit or implicit term or condition of an individual's employment;
 2. Submission to or rejection of the conduct by an individual is the basis for an employment decision affecting that individual; or
 3. Conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile working environment may be one where crude or vulgar language is used, jokes of sexual nature are told, comments are made that demean an individual based on gender, unwelcome nicknames, photographs, calendars, magazines, books, etc. of crude and/or vulgar nature or containing nudity, are disseminated.

C. **COMPLAINT PROCEDURE:**

Any employee who feels that they has been the subject of sexual harassment by anyone, including non-employees, should follow the following procedure in bringing the matter to the management's attention:

1. The employee should promptly bring the matter to the attention of their supervisor. If the supervisor is unavailable or the employee wishes, the employee should bring the matter to the attention of the Executive Director. The report may be oral or written.
2. If the matter is reported directly to the Executive Director, the Executive Director will look into the allegations and address the issue immediately.
3. The Executive Director will advise the person who allegedly engaged in the sexual harassment of the charge and the Executive Director or designee will conduct an investigation of the allegation. The complaint will be kept as confidential as possible.
4. After the investigation, the Executive Director will determine the correct course of action to take and the individuals involved will be notified of the decision.
5. If a determination is made that sexual harassment has occurred, or may have occurred, appropriate disciplinary action, which may include termination, will be

taken. The severity of the discipline will be determined by the degree and/or frequency of the offense, or on the type of allegation; and

6. Employees who bring a complaint of sexual harassment to the attention of management or who assist another will not be retaliated against.

Any person who is employed by EPCOG who has a question about this policy concerning sexual harassment should contact their immediate supervisor or the Executive Director. Such discussions will be considered confidential.

SECTION IV - COMPENSATION

A. SALARY

Salary ranges are established for each classification. These ranges are intended to provide administrative flexibility in providing employees with incentives for growth and improved performance, and in rewarding employees for meritorious service.

B. JOB DESCRIPTIONS

The Executive Director should use job descriptions and position qualifications to determine the salary range and position of an employee.

C. SALARY INCREASES

A salary increase may be considered by the Executive Director based on the employee's performance and merits. Employees will be evaluated by their immediate supervisor and all recommendations will be presented to the Executive Director.

D. SALARY PAYMENT

Paychecks will be issued semi-monthly, which consists of twenty-four (24) payroll periods in a year. The pay date shall be on the fifteenth (15th) and the last day of every month. If the pay date falls on a non-working day, payroll will be made on the last working day before the fifteenth (15th) and the last day of the month. **Employees will not receive payroll checks without the submission of timesheets.**

All employees are expected to keep timesheets and submit them first to their supervisor for approval and accuracy, then to the Finance/Administration Manager for calculating hours. Timesheets are to reflect any leave time taken by the employee during the pay period. Any changes or corrections to the timesheets by the Finance Manager will be initialed by the Finance Manager. Any timesheets with changes made by upper management shall be returned to the employee for their initials.

E. WORK ATTENDANCE

Office hours are from 8:00 a.m. until 5:00 p.m. Monday through Thursday. Any variance from this schedule shall be approved by the employee's immediate supervisor. One (1) hour will be allowed for lunch unless prior approval has been received from the Executive Director or immediate supervisor.

F. ADHERENCE TO THE POLICY

All rules and regulations outlined in this Personnel Policy are to be adhered to completely. Should it be necessary to bring to the attention of the employee three (3) times that policy rules have been disregarded, it will be grounds for dismissal of the employee. All notices to employees for non-adherence to the policy will be in writing, signed by the employee signifying notice of the infraction, and will become a part of the permanent personnel file.

SECTION V - HOLIDAYS AND LEAVE

A. HOLIDAYS

The following days shall be observed as paid holidays:

Month	Holiday
January	New Year's Day
January	Martin Luther King Day
February	President's Day
May	Memorial Day
July	Independence Day
September	Labor Day
October	Columbus Day
November	Veteran's Day
November	Thanksgiving and the day after
December	Christmas Week

Other paid holidays may be designated from time to time by the Executive Director. When a holiday falls on a scheduled non-working day of an employee, either the day prior or the day after the non-working day shall be designated as a holiday. No employee shall resign on a holiday and receive payment for that date, nor shall holiday pay be granted when an employee is on leave without pay.

In order to receive payment for a legal holiday, an employee must be in work or leave status and the employee must not have been absent without leave either the workday before or after the scheduled holiday.

Holiday leave is given to part-time and full-time employees based on their standard workweek.

B. ANNUAL LEAVE

1. Full time employees of EPCOG, who complete a full month of service, earn vacation time based on years of service and completion of continued employment as follows:

Years Completed	(Full-Time Employees) Hours Earned Per Month	(Part-Time Employees) Hours Earned Per Month
0-4 Years	8	4
5-9 Years	10	5

10 Years or more	14	7
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Part-time employees earn leave at half rate, from the chart above, if they are scheduled for a minimum of twenty (20) working hours per week, not to exceed thirty-two (32) hours per week.

2. Vacation leave accrual for less than a full month period regardless of tenure shall be prorated according to the following schedule:

Hours Worked	Vacation Leave Hours Earned
0-19	0
20-39	1
40-59	2
60-79	3
80-99	4
100-119	5
120-139	6
140-159	7
160 or more	8

3. Advance vacation leave will not be granted until earned.
4. Vacation leave may be accumulated as follows:
 - a. Employees who have worked 0-4 years may carry over 160 hours.
 - b. Employees who have worked 5-9 years may carry over 240 hours.
 - c. Employees who have worked ten (10) years or more may carry over 336 hours.
 - d. If more than the maximum hours of vacation leave has been accrued, vacation leave will be reset to the maximum hours allowed at the end of each calendar year.
5. Upon separation, an employee shall be paid for any unused vacation leave, not to exceed the maximum that the employee can accumulate. This shall be calculated by their final hourly rate.
6. Vacations will be scheduled to allow minimum interference with the work of EPCOG. Choice of vacation time will be determined by the supervisor or the Executive Director based upon who the employee is supervised by. Requests for Time Off Forms for vacation leave shall be made at least twenty-four (24) hours before the time vacation leave is to be taken.

7. Leave records shall be accurately maintained by EPCOG. The payroll department will keep records of time, attendance, deductions, leave, insurance, and other matters. Each employee is entitled to review the contents of their personnel file. All information shall be kept confidential.
8. Vacation leave will not be granted in increments of less than (1) one hour.
9. An employee in suspension status shall not accrue vacation leave during the time of suspension.
10. Annual leave is given based on the employee's standard workweek.

C. SICK LEAVE

1. Full-time Employees of EPCOG shall earn sick leave time at the rate of eight (8) hours per month of service. Part-time employees scheduled for at least twenty (20) hours will accrue four (4) hours per month of service. Part-time sick leave accrual for less than a full month shall be prorated according to the following schedule:

Hours Worked	Sick Leave Hours Earned
0-19	0
20-39	1
40-59	2
60-79	3
80-99	4
100-119	5
120-139	6
140-159	7
160 or more	8

2. Advance sick leave will not be granted until earned.
3. Payment for any sick leave will not be granted upon termination, resignation, or retirement.
4. Employees may accumulate more than 160 hours of sick leave during the year.
5. At the end of each calendar year, the maximum allowed carryover of accrued sick leave will be reset to 160.
6. Sick leave may be extended at the discretion of the Executive Director.

7. The Executive Director may require a medical examination or medical certificate from a professional medical authority, as deemed necessary, before approving the utilization of sick leave.
8. Sick leave shall be authorized when an employee is incapacitated by sickness or injury; for medical, dental, or optical diagnosis or treatment; when an employee's attendance at work jeopardizes the health of others; or for the care of immediate family members in the event of serious illness.
9. Sick leave will not be granted in increments of less than (1) one hour.
10. An employee in suspension status shall not accrue sick leave during the time of suspension.
11. Sick leave is given based on the employee's standard workweek.

D. OTHER PAID LEAVE

1. Bereavement Leave

- A. In the case of a death of a relative of an employee, a regular or probationary employee may be granted bereavement leave of up to three (3) days with pay to attend the funeral and take care of personal matters related to the death of a member of his/her immediate family or any person substantially dependent upon them. Additional days may be approved at the discretion of the Executive Director. Bereavement leave shall not be cumulative. For purposes of this section only, "relative" includes uncles, aunts, nephews, nieces, brother-in-law, sister-in-law, stepchildren, grandchildren, grandparents, or first cousins in any capacity if related by blood or marriage.
- B. Bereavement leave shall not be charged to accumulated annual leave or sick leave. Bereavement leave does not count towards hours worked for computing overtime or compensatory time.
- C. In the event an employee needs more than three (3) days, the Executive Director may grant additional time, on a case-by-case basis. Such additional time will not exceed (5) five working days.

In the event an employee is qualified for bereavement leave and is unable to attend the funeral, the Executive Director may grant no more than one (1) workday.

If requested by the Executive Director, an employee must present reasonable proof of death, relationship, and/or attendance of a relative's funeral.

2. Maternity Leave

An employee requesting maternity leave may elect to utilize any accrued sick leave that has been accrued, annual leave if all sick leave has been exhausted, or leave without pay. Employees will adhere to FMLA guidelines.

3. Military Leave

A regular employee who is a member of any component of the United States Armed Forces will be allowed leave of absence with pay for required training or duty for a period not exceeding fifteen (15) working days during any one calendar year. In the event that the time of such training is optional, the time shall be designated at the discretion of the Executive Director. Pay will be the difference between military pay and regular pay.

4. **Court Leave**

Court leave may be granted to an employee with pay when the employee must report for jury duty or comply with a subpoena to appear before a court, a judge, any legislative committee, or any officer, board, or body authorized to conduct any hearing or inquiry. Employees will be granted Civic Duty Leave with pay to serve as a juror in federal court or the state court of a political subdivision of the State of New Mexico. Pay while serving as a juror shall be authorized only for those days that the employee was scheduled to work. If the employee is serving on a jury in another town, consideration will be made in the costs associated with lodging and food for the reimbursement of pay due back to EPCOG.

5. **Administrative Leave**

Administrative leave may be granted when weather conditions, acts of God, or other special reasons exist which would make attendance at work dangerous or hazardous or might result in a threat to the safety or well-being of the employee. The Executive Director may make the declaration of Administrative Leave before or during the workday involved. When, in the estimation of the Executive Director, inclement weather is not severe enough to declare Administrative leave, no leave shall be charged to the employee who is delayed by the weather who reports working within one hour of the normal starting time.

6. **Leave of Absence**

Occasionally for medical, personal, or other reasons, an employee may need to be temporarily released from the duties of their job with EPCOG, but may not wish to submit their resignation.

Employees, upon application in writing and upon approval of the Executive Director, may obtain a leave of absence "without pay." Leave may be for reasons such as adoption, paternity or to provide extended care to a spouse, child, or parent, or because of extraordinary reasons sufficient in the opinion of the Executive Director to warrant such leave of absence. The Executive Director may grant, with the approval of the EPCOG Board of Directors, a regular employee leave without pay for a period not to exceed one (1) year.

During the employee's approved leave of absence, his/her position may be filled by temporary appointment, a temporary promotion, or detail of another employee. At the expiration of 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 in the same class. If this is not possible, normal layoff procedures will be used to assign the employee to a position. In the event the Executive Director determines that filling positions vacated by leave without pay on a temporary basis would not be in the best interest of the organization, the Executive Director may require the employee to sign a waiver of guarantee of re-employment as a condition of granting leave.

7. **Registered Voter Leave**

Any employee who is a registered voter may, on the day of the election, take two (2) hours leave as specified by the Executive Director between the time of opening and closing of the polls for the purpose of voting,

8. **Absence from Duty without Approval**

An employee who is absent from work without approval shall not receive pay for the duration of the absence and shall be subject to dismissal or other appropriate disciplinary action. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given for each case. Failure of an employee to report for work at the expiration of an authorized leave or to request an extension of such leave shall be considered on absence without leave.

SECTION VI - INSURANCE AND OTHER BENEFITS

A. MEDICAL INSURANCE

EPCOG provides group medical insurance to qualifying employees and their families. Qualifying employees are full-time employees and part-time employees that are scheduled for at least twenty (20) work hour per week. Deductible, co-insurance, and medical coverage are decided by the Executive Director and an insurance committee and approved by the Board of Directors according to the evaluation and coverage and premium costs. EPCOG will pay 75% of the premium costs and the employee will pay 25%.

B. DENTAL AND VISION INSURANCE

EPCOG will provide dental and vision coverage for qualifying employees. All costs for dependents will be paid for by the employee.

C. WORKERS COMPENSATION

Workers Compensation is a no-fault plan which is funded one hundred percent (100%) by EPCOG. The law for this insurance was designed to provide our employees with benefits for any injury which you may suffer in connection with your employment. Under the law, if an employee is injured while at work, the employee is eligible to apply for Workers Compensation. All on-the-job injuries must immediately be reported to the employee's supervisor. In the event that an immediate report is not feasible, it must be made as soon as possible. It is the responsibility of the supervisor to thoroughly investigate all reports of on-the-job injuries. A written report of all such investigations must be made and will be included in the employee's personnel file.

D. SOCIAL SECURITY/MEDICARE

Both Social Security and Medicare will be deducted from the employee's paychecks and matched by EPCOG.

E. RETIREMENT/PENSION PLAN

All regular, salaried, full or part-time employees that work over one thousand (1,000) hours per year shall be eligible to participate in EPCOG's Retirement Plan after completing a non-interrupted period of service of twelve (12) months. The International City Management Association Retirement Corporation (IMCA-RC) provides the following:

1. Employee contributions shall be a minimum of 6% and a maximum of 25% of their gross compensation, withdrawn from their pay for each period. This shall be placed in the ICMA "457 Deferred Compensation Plan."
2. EPCOG's contribution shall equal 6% of gross compensation for each employee. This shall be placed in the ICMA "401 Money Purchase Plan."
3. Graduated vesting based on years of service with EPCOG shall be as follows:

Service Years	Percent Vested
1 st	0%
2 nd	25%
3 rd	50%
4 th	75%
5 th	100%

4. Additional information shall be given upon request by any interested employee.

SECTION VII - POLICY ON FAMILY AND MEDICAL LEAVE ACT

A. EMPLOYEE ELIGIBILITY

EPCOG will provide up to twelve (12) weeks of job-protected leave to “eligible” employees for certain family and medical reasons consistent with the Family and Medical Leave Act (FMLA). Employees are eligible if they have worked for EPCOG for at least one (1) year and at least one thousand two hundred fifty (1,250) hours over the past twelve (12) months preceding the request. All definitions, specific words, and phrases used in the FMLA shall have the same meaning for purposes of this Section only.

1. Employees may take leave for the following reasons:
 - a. For the birth of the employee’s child, and to care for such child;
 - b. For the placement of a child for adoption or foster care;
 - c. To care for the employee’s seriously ill spouse, son or daughter, or parent; or
 - d. Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of an employee’s job.

Circumstances may require that leave for the birth of a child, or placement for adoption or foster care, be taken prior to the actual birth or placement.

2. Types of Leave

All employees who meet the applicable time-of-service requirements will be granted a total of twelve (12) weeks of unpaid Family Leave and paid sick, vacation, and personal leave combined (during any 12-month period) in accordance with the terms and regulations set forth herein, for the following reasons:

- a. Full twelve (12) Week Leave: This leave is taken in one block of twelve (12) weeks due to a single qualifying event.
- b. Intermittent Leave: This is leave taken in separate blocks of time due to a single qualifying reason. Leave may be taken for an hour or more to several weeks.
- c. Reduced Leave Schedule: This is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.

Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.

Intermittent Leave and Reduced Leave Schedule cannot be used for childbirth/adoption without the employer’s approval.

3. Types of Leave Transfer of Employee to an Alternative Position

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment of the employee or a family member, EPCOG may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring period of leave than does the employee's regular position.

4. Substitution of Paid Leave for FMLA Leave

EPCOG requires an employee to substitute paid leave for FMLA leave. Therefore, FMLA leave runs concurrently with any accrued paid leave such as annual leave or sick leave and with workers' compensation at a rate not less than forty (40) hours per pay period.

5. Medical Certification

- a. Where FMLA qualifying leave is foreseeable and thirty (30) days notice has been provided, an employee may be required to provide a medical certification before leave begins.
- b. Where FMLA qualifying leave is not foreseeable, an employee may be required to provide notice to the employer of the need for leave as soon as practicable (1 or 2 working days is expected except in extraordinary circumstances). The employee must then provide medical certification within a reasonable time frame established by the employer.
- c. EPCOG may require medical certification to support FMLA qualifying leave requests either to care for an employee's seriously ill family member or leave due to a serious health condition that makes the employee unable to perform the functions of his or her job.
- d. EPCOG may require a fitness for duty report prior to the employee's return.

6. Designating Leave

- a. EPCOG may make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of the leave, or if EPCOG is waiting for a second or third medical opinion.
- b. When EPCOG has knowledge that an employee's leave qualifies as FMLA leave and does not designate the leave as such, EPCOG may not designate leave retroactively as FMLA leave Unless:
- c. The employee has been out of work and the employer does not learn of the reason for the leave until after the employee returns (in which case EPCOG must designate the leave upon the employee's return to work); or
- d. EPCOG has provisionally designated leave as FMLA leave and awaits receipt of medical certification or other reasonable documentation.

If the employee gives notice of the reason for the leave later than two days after returning to work, the employee is not entitled to the protections of the FMLA.

B. JOB BENEFITS AND PROTECTION

1. During an FMLA qualifying leave, the employee and dependent health and dental insurance are maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period.
2. An eligible employee returning from FMLA qualifying leave is entitled to be restored to the same position and shift that the employee held when the FMLA qualifying leave began, or to an equivalent position and shift with benefits, pay, and other terms and conditions of employment.
3. Provided the employee returns to work immediately following his/her FMLA qualifying leave benefits must be resumed upon the employee's return to work at the same level as were provided when leave began. Any new or additional coverage or changes in health benefits must be made available to an employee while on FMLA qualifying leave.

C. PROCEDURES AND RESPONSIBILITIES

1. Employee Requests - Employees must request FMLA leave thirty (30) days in advance or as soon as practicable by completing the FMLA Leave Request Form and submitting it to their immediate supervisor. The form is then routed to the Executive Director. If the employee is unable to complete the form, due to circumstances relating to a serious health condition, the form may be initiated by the Executive Director. The employee must ensure that the Certification of Physician or Practitioner is completed immediately and submitted to the Executive Director.
2. Employer Initiation - When an employee has been absent three (3) consecutive calendar days, The Executive Director will make a preliminary designation of leave as FMLA qualifying if medical certification was not provided prior to the beginning of leave.
3. If either an employee-initiated or employer designated FMLA leave, the Executive Director shall provide the employee with the following:
 - a. Notice describing the employee's obligations and explaining the consequence of a failure to meet the obligations.
 - b. Notice that the leave will be counted against the employee's twelve (12) weeks of FMLA leave.

D. APPEAL PROCESS

If an employee believes that his/her rights under the FMLA have been violated, he/she may:

1. Contact the Executive Director
2. File or have another person file on his/her behalf, a complaint with the Secretary of Labor. The complaint may be filed in person, by mail or by telephone, with the Wage and Hour Division, Employment Standards Administration, U.S.

Department of Labor. The complaint may be filed at any local office of the Wage and Hour Division; the address may be found in the telephone directory.

A complaint filed with the Secretary of Labor should be filed within a reasonable time after the employee discovers that his/her FMLA rights may have been violated, but in no event more than two (2) years from the date the alleged violation occurred, or within three (3) years in the case of an alleged willful violation.

3. File a private lawsuit pursuant to Section 107 of the FMLA.

SECTION VIII - TRAVEL

- A. Purchase cards are provided for travel expenses and will be issued by the Executive Director or Executive Assistant following travel approval from Finance and Executive Director.

Upon returning from a trip, the purchase card must be returned. An Itemized Schedule of Travel Expenses/Charges form, with all receipts attached, must be turned in to the Executive Assistant for reconciling with credit card bill and A/P.

Purchase Card Usage:

- May be used for lodging, per the current State of New Mexico Per Diem Rates. Lodging should be obtained at a reasonable cost appropriate for the trip.
- May be used for meals per the current State of New Mexico Per Diem Rates. Meals should be obtained at a reasonable cost.
- May be used for airfare and other transportation costs.
- Miscellaneous items such as internet charges at the motel where staying, parking, cab fare, and shuttle service, etc.
- Emergency vehicle repairs/maintenance with the Executive Director's approval and following the purchase order procedure.

Unallowable Purchases:

- Purchase cards may not be used for cash advances, alcohol, personal items, snacks, and entertainment expenses.

- B. When personal vehicles are used, all travel must have prior approval of the Executive Director or his/her designee. Mileage will be reimbursed at the current rate stated in the New Mexico Mileage and Per Diem Act.
- C. Reimbursement of travel expenses, for mileage only, when using a personal vehicle, shall be supported by a travel voucher. When using personal vehicle use of a company purchase card is not allowed for fuel, maintenance, any type of repairs to a personal vehicle.
- D. The EPCOG's Board Chairman or Executive Committee must authorize any out-of-state travel for the Executive Director.
- E. EPCOG vehicles are provided for use by the entire staff. Vehicles are to be scheduled in advance by recording destination, time of departure, and return in the trip book. This should be done as soon as the trip is planned in order for others to make arrangements for the use of other vehicles. Employees must be licensed drivers and covered by EPCOG's vehicle insurance policy. If an employee does not have a valid driver's license and/or suspended driver's license, the employee will immediately notify the Executive Director in writing and the reason why. (The Executive Director will evaluate the situation and may take additional action)
- F. All persons traveling in an EPCOG vehicle shall be secured by a seat belt. Each staff

member is responsible for his/her safety and for securing seat belts. In the case of non-EPCOG personnel, the staff member driving the vehicle will be responsible for seeing that all non-employees are wearing seat belts.

- G.** Vehicle logs and gas cards are provided in each vehicle logbook and it is the responsibility of the employee using the car to record the required information in the vehicle log and maintain a copy of the gas receipt for the finance department.
- H.** EPCOG vehicles are provided for sole use in connection with the program(s) for which it was provided. When vehicles are not being used for business purposes, they should be parked on 5th Street.
- I.** Employees are responsible for obeying all applicable traffic laws. Employees are responsible for payment of any fines or penalties assessed as a result of a citation received by the employee while driving an EPCOG vehicle.
- J.** Employees may only operate mobile devices that are hands-free while operating EPCOG vehicles.
- K.** Smoking, vaping, or the use of tobacco products is prohibited in all EPCOG vehicles.
- L.** Vehicles will be returned clean and fueled ready for the next user.
- M.** No pets of any size, shape, type, or form are allowed in EPCOG vehicles.

SECTION IX - OUTSIDE EMPLOYMENT

- A.** Full-time employment by EPCOG shall generally constitute the sole employment of any employee. It is recognized, however, that personal situations do occur which make it necessary for employees to seek supplementary employment. Because of the possibility of a conflict of interest, employees are not allowed to work for any other organization or engage in business for themselves without the expressed written permission of the Executive Director. Denial to engage in outside employment could be based on any of the following:
1. Impairment of on-the-job efficiency;
 2. Conflict of interest; or
 3. Unfavorable publicity or poor public relations
- B.** All requests for permission to engage in outside employment must be in writing and shall state: (a) the type of work to be engaged in, including an explanation of the tasks to be performed; (b) the hiring organization; (3) the hours of work; and (4) the reason(s) for desiring such employment.
- C.** No reward, favor, involvement, gift, or another form of remuneration in addition to regular compensation shall be received by an employee for the performance or non-performance of his/her duties or contractor, individual, or firm or from any other source which have proposed to transact business with the EPCOG.

SECTION X - PERSONNEL RECORDS AND INFORMATION

In recognition of each employee's inherent right to privacy, EPCOG adopts the following principles pertaining to the retention of personal information:

- A.** Employees may have access to any information about themselves in the personnel file, except for references concerning that employee from sources outside EPCOG. Requests for access to a personnel file should be made to the Executive Director.
- B.** Upon presentation of appropriate documentation to substantiate an employee's claim, a personnel record may be corrected or amended, if determined accurate, by the Executive Director.
- C.** No information in the personnel file shall be disclosed or used for other than authorized purposes without the employee's consent.
- D.** Requests for any specific salary information on any employee must be made in writing to the Executive Director.
- E.** Those persons in charge of personnel records will take every reasonable precaution to ensure the data's reliability and correct usage.

SECTION XI - POLITICAL ACTIVITY POLICY

- A.** EPCOG must remain non-partisan in any local, state, or national election activities. It is not in the best interest of EPCOG to give an indication to the public or to our members that EPCOG endorses any candidate for political office. This includes, but is not limited to, displaying posters, flyers, bumper stickers, or any other item on EPCOG property including display areas, windows, or vehicles. Materials such as these are not to be displayed.

Employees are expressly restricted from participation in any of the following activities:

- B.** No employee of EPCOG shall:

1. Hold an elective office of the State of New Mexico or any of its political subdivisions, provided, however, that nothing contained in this section shall be construed to prevent an employee from seeking election to an elective position. Such employee shall take a leave of absence from his or her position beginning thirty (30) days prior to a Municipal or general election and nine (9) days prior to a Primary election. This will include the day of any primary, local, county, or general election in which such employee shall be a candidate. An employee may take a vacation, compensatory time, or leave without pay during the leave of absence. If not elected, the employee shall be entitled to be reinstated to their former position without any reduction in pay or privileges. For purposes of this regulation, school districts, colleges, universities, and nonpartisan positions are not considered political subdivisions of the state.
2. Use their position or employment to influence support of other appointed employees for or against any candidate or issue in any election; provided, however, that nothing in this section shall deny the right of an official or employee to express his views on any issue or candidate whatever.
3. Engage in political activity while on the job or representing EPCOG.
4. Use bulletin boards or other EPCOG property for political purposes.
5. Circulate nominating petitions.

SECTION XII - CONFLICT OF INTEREST

Employees should be constantly aware of a possible conflict of interest when becoming involved in public/community activities that may relate to EPCOG's participation in the same area. The Executive Director should be advised by any member of the staff who has been offered or is considering membership on a public or private committee, office, or association with any organization or activity which may lead to a conflict between such association and their position on EPCOG's staff.

The Executive Director will make a decision in any case involving a possible conflict of interest if a "conflict" exists, the employee concerned will be charged with eliminating the "conflict" by taking whatever action is necessary and appropriate.

SECTION XIII
EMPLOYEE-CONTRACTOR RELATIONSHIPS

- A.** Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. Violators will be disciplined by the Executive Director, which may include job termination.

- B.** All contractors considered for subcontract work for EPCOG will be investigated through the State of New Mexico and the Housing and Urban Development debarred list to insure that said contractor has not been debarred from state or federal contract work.

SECTION XIV - PURCHASING PROCEDURE

EPCOG follows the New Mexico State Procurement Policy, NMSA 1978 §§ 13-1-1 to 13-1-199 as amended, in the procurement of goods and services.

- A.** Any Purchases made by employees must obtain prior approval and **must** have a purchase order. All Purchases must be approved by the Executive Director.

- B.** EPCOG shall procure goods and services through the following methods:
 - 1. Small Purchases of less than \$20,000 will be purchased from an acceptable vendor at the best obtainable price per procedures listed below.
 - 2. Small Purchases between \$20,000 and \$60,000 will require written or oral quotations from a minimum of three vendors. Such bids will be documented in the procurement file. This method may only be used for the purchases of tangible personal property, construction, and nonprofessional services.
 - 3. Any purchases over \$60,000.00 will be made according to the New Mexico State Procurement Policy, NMSC 1.4.1.
 - 4. Noncompetitive Proposals using the Sole Source Method will be used when an RFP gains only one qualified bid or when such a process is authorized.
 - 5. Property Control and Inventory Procedures will identify and keep records on all equipment with a lifespan of over one (1) year and a purchase cost of more than five thousand dollars (\$5,000).
 - 6. The contract term ending date for any professional services contract may be extended when deemed to be in the best interest of EPCOG, provided that the contract does not exceed four years, including all extensions and renewals.

- C.** Purchasing Procedures in General: Procurement requirements shall not be artificially divided to constitute a small purchase. Bid and Quote requirements are detailed above and should be used following the steps listed below:
 - 1. Specification of the goods and services to be purchased in a purchase order;
 - 2. Identification of potential bidders and adequate documentation when required;
 - 3. Contact of bidders to gain quotes or requests for bids/proposals per State Statutory requirements when necessary;
 - 4. Documentation of quotes or bids/proposals when required from the vendor;
 - 5. Selection of the quote from the lowest cost bidder that provides the requested item(s) on a timely basis through the above-listed requirements based on the dollar amount of the purchase. The selection decision may include considerations or

timeliness and reliability of the provider, gained from the bid process or from past experience.

6. The requester will obtain a Purchase Order (PO) number for electronic completion. PO will be logged and subsequently updated with proper information.
 7. The requester will complete PO with all required applicable information (vendor, address, date, contact name/program, reason, quantity, size, items, unit cost, total, program, and signature),
 8. The requester will forward the completed/signed PO to Accounts Payable for budget and expense account verification. Accounts Payable will initial/date PO upon completion or return to the requester for adjustments.
 9. Accounts Payable will forward PO to the Executive Director for approval; and
 10. Once approved, a copy will be given to the purchasing agent for action. A copy of the PO and the receipt will be given to Accounts Payable to suspense for invoice receipt and payment.
 11. Credit cards, used for purchases, will be requested from the finance office. The credit card log will be filled out with the date checked out and returned.
- E.** The purchase will not be completed until all actions above are taken. **FAILURE TO FOLLOW THESE PROCEDURES WILL RESULT IN DISCIPLINARY ACTION AND THE EMPLOYEE WILL BE PERSONALLY RESPONSIBLE FOR PAYMENT OF THE INVOICE.**
- F.** Special occurrences will be handled on a case-by-case basis. If a purchase must be made immediately, verbal or written approval must be obtained from the Executive Director prior to purchase. A subsequent PO must be completed after the fact stating such within fifteen (15) days of the purchase.
- G.** Under no circumstances should an EPCOG employee or Board member solicit or accept any gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Any gift recieved shall be returned to the donor(s). In some instances, this may be impossible and these gifts shall be transferred to the Executive Director for proper disposal. Awards and memorial plaques with nominal intrinsic value for distinguished services rendered are acceptable.
- H.** Under no circumstances is it permissible to allow a potential, present, or past bidder/offeror to pay for the meals of EPCOG employees or Board members who are involved directly or indirectly with the procurement process (Having a meal during the bidding process with bidders/offerors can result in the unfavorable perception of wrongdoing).
- I.** Petty Cash: Petty cash is kept on site for small purchases of less than twenty dollars (\$20) and is maintained by the Executive Director and/or Executive Assistant. (Financial Policies and Procedures Manual page 9.)

SECTION XV - CONFIDENTIALITY

- A.** Applicants and participants of programs administered by EPCOG, including all adults in their households, are required to sign an authorization of Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which EPCOG will release family information.
- B.** EPCOG policy regarding Release of Information is in accordance with State and local laws which may restrict the release of family information.

SECTION XVI - DISCIPLINE

A. AUTHORITY TO DISCIPLINE

The Executive Director has the authority to discipline employees under their supervision. However, the EPCOG Executive Committee must be informed prior to any demotion or suspension for disciplinary reasons.

The Executive Director shall inform the employee promptly and specifically when an employee's performance, work habits, or personal conduct fall below a desirable level and shall give counsel and assistance. For purposes of documentation for future disciplinary action, such notices should be given in writing.

B. DISCIPLINARY ACTIONS AND GRIEVANCE PROCEDURES

1. The Executive Director or his/her designee may suspend any employee without pay for disciplinary purposes. The suspension shall not exceed ten (10) calendar days for any one (1) offense. A written statement of the reason for the suspension must be given to the employee and a copy of this must be made a part of his/her personnel record.
2. The Executive Director, or his/her designee, may demote an employee for insufficient performance of his or her duties, for disciplinary reasons, or other reasonable causes. A written statement of reasons for the demotion shall be submitted to the employee affected at the time of demotion, and a copy of this must be made part of the employee's personnel record.
3. Any employee may be dismissed by the Executive Director. A written statement of the reasons for the dismissal shall be submitted to the employee affected at the time of such dismissal and a copy of this must be made a part of the employee's personnel record.
4. If an employee of EPCOG is aggrieved at the action of the Executive Director, or his/or her designee, then the following steps will constitute the grievance procedure:
 - a. The grievance shall be put in writing by the employee who is aggrieved within five (5) working days and transmitted to the Chairman of the EPCOG Board.
 - b. The Chairman will then investigate the matter fully and render a decision within ten (10) working days.
 - c. The decision of the above is final except that, in cases involving the dismissal of an employee, that employee has twenty (20) working days to appeal to the Executive Committee of the EPCOG Board of Directors in writing.
 - d. The Executive Committee shall hold a formal hearing and shall have

twenty (20) working days to make a decision in writing. The Executive Committee will recommend a decision to the EPCOG Board of Directors and if approved by the full Board, the decision will be final.

- e. The complete record of the grievance shall be placed in the personnel file of the employee who brought forth the grievance. If it is proven that the employee was unjustifiably aggrieved, any right that the employee would have had shall be reinstated during the following payroll period.

C. SOME CAUSES FOR DISCIPLINE

Causes for discipline include but are not limited to:

1. Misconduct on the job;
2. Negligence in the performance of duty, including negligence in the operation of EPCOG vehicles or equipment;
3. Inefficiency in work performance;
4. Failure to meet prescribed standards of work;
5. Insubordination (failure to follow the lawful order of a recognized superior);
6. Unauthorized absence from work;
7. Physical or mental unfitness for duty due to intoxication from alcohol or drugs;
8. Acceptance of money, gifts, privileges, or other valuable considerations which were given with the expectation of influencing the employee in the performance of their duties;
9. Use of official position for personal advantage;
10. Misuse, theft, or destruction of EPCOG Property;
11. Falsification of records;
12. Conviction of a criminal offense or other conduct punishable as a crime;
13. Conduct which would be the equivalent of violation of any Federal or State Law, City Ordinance, or any section of these Rules and Regulations;
14. Violation of departmental rules or a professional code of ethics accepted by those in the same profession as the employee;
15. Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of theirs or another employee's work;

16. Unbecoming conduct detrimental to the high standards of integrity and competence required of public employees;
17. If a driver's license is required by the job description for the position, failure to maintain a good driving record as required could result in revocation of driving privileges.
18. Loss of coverage by EPCOG's insurance carrier if a driver's license is required by the job description for the position;
19. Abuse of sick leave, habitual tardiness, or excessive absenteeism;
20. Unexcused failure to return to work on call-back;
21. Possession of drugs or alcohol in the workplace or a company vehicle; and
22. Being under the influence of drugs or alcohol while on duty.

D. NEED FOR DISCIPLINE

An employee's failure to observe EPCOG personnel policies and procedures, work rules, or any other employee actions which adversely affect job performance or the job performance of another employee shall be subject to disciplinary action up to termination.

In some instances, a specific incident may justify immediate severe disciplinary action in and of itself. Action taken shall be based upon the seriousness of the incident and the ~~whole pattern of the~~ employee's past performance and conduct.

E. FORMS OF DISCIPLINARY ACTION

When discipline is necessary, the form of action taken shall be appropriate to the individual case. If the problem does not improve after the first disciplinary action is taken, the supervisor shall take more severe action in each subsequent discussion with the employee until either improvement or dismissal results. Some incidents in and of themselves will be sufficient cause for more severe disciplinary action to be taken.

In order of increasing severity, the options of disciplinary action, which may be initiated, are:

1. Verbal Reprimand - The Executive Director or supervisor will (verbally) notify the employee of a violation of EPCOG personnel policies. An official warning will be given. (Note: the Executive Director or supervisor should document this conversation and documentation shall become part of the EPCOG employee's personnel file.)
2. Written Reprimand - A written reprimand given by the Executive Director or supervisor shall be entered into an employee's personnel record.
3. Suspension - All suspensions from work shall be documented and placed into an employee's personnel record. The Executive Director may suspend an employee from work without pay for varying periods of time.

4. Termination - When an employee is terminated with or without cause.

A written record of all disciplinary actions shall be signed by the employee and sent to the Human Resources Department for placement in the employee's permanent record.

F. RELIEF FROM DUTY

The Executive Director may relieve an employee from duty and order the employee to leave the work area for actions that may affect the health, safety, or welfare of the employee, co-workers, or the public.

G. LEAVE OF ABSENCE PENDING INVESTIGATION

Pending an investigation of employee misconduct, if it is determined by the immediate supervisor and the Executive Director, or designee, that it would be in the best interest of EPCOG for the employee not to perform their regular duties, the employee may be placed on leave of absence with or without pay.

In the case an employee is charged with a criminal offense not related to his job, the employee may be suspended without pay pending a full investigation. Prior to being placed on suspension without pay, the employee shall receive written notice of the pending investigation.

The Executive Director, after considering all of the evidence and making an independent determination, decides that termination is not the proper remedy, the employee shall receive full compensation for the days he was on suspension without pay.

H. NOTIFICATION OF DISCIPLINARY ACTION

A record of any disciplinary action taken shall be made in written form and kept in the employee's personnel file stating the cause for discipline and citing the specific elements on which it is based. Notice of suspension without pay shall also state the duration of the suspension. A copy of the action shall be given to the employee at the time of the action and the employee shall sign an acknowledgment of receipt of a copy of the action. The employee's signature on written reprimands, suspensions, or demotions denotes that he has been counseled about the incident. It does not necessarily mean that the employee agrees with the action taken. A copy of the written notice with the employee's acknowledgment thereof shall be placed in the employee's personnel file.

I. PERFORMANCE PROBATION

After several discussions have been held in which the employee and Executive Director have discussed the employee's unsatisfactory performance, the Executive Director shall place the employee on performance probation if satisfactory performance has not been attained. This probationary period should not be less than thirty (30) days nor more than ninety (90) days.

1. To formally place an employee on performance probation, a written report containing pertinent information is necessary. The employee shall be counseled concerning the matter and acknowledge that he is being placed on probation by signing the document. The acknowledgment must be given but does not necessarily constitute an agreement.

2. If during the performance period his performance continues to deteriorate or is maintained at an unsatisfactory level, the employee will be terminated.
3. When an employee satisfactorily completes his performance probation period he or she must be informed and the correct forms shall be documented by the Executive Director.

J. RIGHT OF APPEAL

Disciplinary actions shall be subject to appeal and review before the EPCOG Executive Committee.

K. TERMINATION

Defined as separation of an individual from the workforce, voluntarily or involuntarily, with resulting in severance of all employee benefits.

1. Voluntary Termination - When an employee decides to leave employment, he/she shall submit a written notice to the supervisor. Employees are encouraged to give at least two weeks' notice prior to departure.
2. Involuntary Termination - All EPCOG employees are at-will employees and as such may be terminated at any time with or without cause. Any employee who is involuntarily terminated will receive a termination letter; a copy of which will be filed in the employee's personnel file. Nothing in this Section shall be construed as affecting the at-will nature of employment any employee has with EPCOG.

L. PRIVATE RIGHTS PROTECTED

No activity during off-duty hours shall be cause for discipline except as it falls under one of the causes listed.

SECTION XVII - EPCOG TECHNOLOGY POLICY

A. PURPOSE

The purpose of this policy is to inform users, staff, and managers of their requirements for properly using and protecting technology and information assets. This policy shall apply to all personnel who use, operate, or manage EPCOG technology or networks.

B. POLICY

Unauthorized use of EPCOG technology resources is prohibited and may result in administrative or legal action. Supervisors are responsible for ensuring that employees use EPCOG equipment in compliance with this policy. All software used on EPCOG equipment should be approved through Information Technology or an employee's Department technology support staff. EPCOG has the right to monitor computer and computer network activities to determine the illegal or inappropriate use of EPCOG resources. EPCOG computer resources must be protected against unauthorized access and use. Personnel found in violation of this policy may be subject to disciplinary action up to and including termination of computer privileges, termination of employment depending on the severity of the circumstances, or prosecution under applicable local, state, or federal laws.

C. PROCEDURES

1. The following are guidelines for acceptable use of technology resources:
 - a. Communications associated with conducting EPCOG business;
 - b. Communications for professional development or to discuss issues in support of EPCOG;
 - c. Any other administrative communications or activities in direct support of EPCOG; and
 - d. Personal communications, as long as the communications are done on a non-interference basis and do not violate the limitations listed below.
2. The following are guidelines for unacceptable use:
 - a. Accessing lewd, sexually explicit materials, or illegal materials;
 - b. Use which is intended to interfere with or disrupt network users, services, or equipment;
 - c. Conducting private business transactions;
 - d. Conducting or aiding in the conduct of illegal activities; and
 - e. Any other uses that would reflect adversely on EPCOG.

3. To ensure that EPCOG computers and network resources are being properly used, the following types of internet sites may be filtered:
 - a. Pornographic;
 - b. Criminal Skills;
 - c. Illegal Drugs;
 - d. Gambling;
 - e. Hate Speech; and
 - f. Cults
4. Individual exceptions to these filters for official use can be obtained from the Executive Director.

D. COMPUTER SOFTWARE USE

EPCOG has licensed copies of computer software from a variety of publishers. Licensed and registered copies of software programs have been placed on computers within EPCOG and appropriate backup copies are made in accordance with licensing agreements. No other copies of this software or its documentation can be made without the express written consent of the software publisher.

All software purchased by EPCOG will be approved by Information Technology prior to purchase to ensure compatibility with current software and hardware.

The unauthorized duplication of copyrighted software or documentation is a violation of the law and is contrary to established standards of conduct for EPCOG employees. Employees who make, acquire, or use unauthorized copies of computer software or documentation will be subject to immediate discipline, up to and including immediate termination of employment.

EPCOG reserves the right to protect its reputation and its investment in software by enforcing strong internal controls to prevent the making or use of unauthorized copies of software. These controls may include frequent and periodic assessments of software use, announced and unannounced audits of company computers to assure compliance, and the removal of any software found on EPCOG property.

E. PASSWORD MANAGEMENT

The first and foremost responsibility of users, system administrators, and network managers are to properly use secure passwords. All EPCOG computer users shall use approved passwords when logging on to EPCOG computers and networks. In addition,

- Passwords should be changed when compromised;
- Passwords should be stored or noted in a secured method;
- Passwords should be complex;
- Passwords should be up-to-date and changed periodically; and

- Passwords should be kept private.

F. VIRUS & MALWARE PROTECTION

Employees must take precautions in using files from outside sources. Software loaded from external sources such as internet programs may be infected with viruses or malware that will destroy programs and data on personal computers. All computers will have the latest approved virus protection software installed and operating with the latest antivirus updates. All software/data files shall be scanned for viruses and malicious logic prior to being loaded onto an EPCOG computer. Users should contact Information Technology if they need help in removing viruses or malware. Compromised technologies should be reported to Information Technology immediately.

G. PHYSICAL PROTECTION OF EPCOG TECHNOLOGY AND SOFTWARE

EPCOG computer users must ensure that all technology resources under their control are properly protected from unnecessary loss or damage. Users must ensure that technology resources are properly used and stored/secured when not in use to protect against damage or theft.

H. WORLD WIDE WEB (INTERNET) INFORMATION POSTING POLICY

Before any information is placed on the World Wide Web, it must first be reviewed to determine if it should be released to the public. The cornerstone of screening information is for the originating department to have a complete understanding of the information, the information's value, and whether it can be released for public viewing. No privacy act or sensitive information is to be made available on the internet.

I. REPAIR & SERVICE

The EPCOG Information Technology person and/or contract company is the focal point for all EPCOG technology support needs. Information Technology personnel are well equipped to handle computer hardware and software problems. All requests for assistance should be reported to the Executive Director and/or Deputy Director who will then contact IT. Many problems are easily solved over the phone. If additional help is needed, support personnel will seek the correct answer or will send the appropriate functional expert to the user's location to resolve the issue.

J. MOVES

All requests for movement of equipment should be made to the Executive Director and/or Deputy Director. Requests for moves should be made in a timely manner. This will allow personnel time to determine if the move will involve additional support such as new computer wall jacks/lines, modems, network cards, software configuration, etc. Such additional support may extend the time required to accomplish the move. If the move involves telephones, fax machines, or phone lines, Information Technology will coordinate the associated communications requirements.

K. INTERNET ETIQUETTE

It should be understood that an employee of EPCOG is to hold a standard that will not adversely affect EPCOG. EPCOG may take appropriate action for any conduct that would affect the operations of the organization, notwithstanding legal protections.

In an era where technology is growing fast, it is best that all employees conduct themselves online in a manner typical to their profession and the *Governmental Conduct Act* (NMSA 1978, Chapter

10, Article 16). This particularly means that social media, and anything of the like, is to be handled with care. EPCOG does not endorse such acts as hate speech, terrorist activities, harassment, abusive actions, or any other illegal activities which can be conducted in an online setting. No part of this policy shall be construed as limiting legal protections granted by the US Constitution, federal or state laws and regulations, or local ordinances.

Should an employee be found in violation of proper online conduct that affects or would affect EPCOG adversely, the Executive Director or the director's designee will initiate appropriate disciplinary actions as outlined within this policy.

SECTION XVIII - USE OF DRUGS IN THE WORKPLACE

A. DRUG-FREE POLICY

- A. EPCOG is committed to the goal of a drug-free workplace in compliance with the *Drug-Free Work Place Act of 1988*.
- B. To ensure that EPCOG is a drug-free workplace, employees must:
 - a. Abide by the EPCOG's Drug-Free Workplace Policy;
 - b. Notify the Executive Director of any criminal drug statute conviction for a violation occurring on the EPCOG premises no later than five (5) days after the conviction; and
 - c. Sign a certification of awareness of the EPCOG's Drug-Free Workplace Policy and program.
- C. EPCOG will impose sanctions on employees consistent with local laws, in cooperation with the Curry County Joint Task Force, and the laws of the State of New Mexico and will implement actions as follows:
 1. Voluntary Self Identification by Employees
 - a. For those employees who voluntarily self-identify a problem of abuse with alcohol or drugs, the Executive Director shall refer the employee to an assistance program, counseling service, or drug and alcohol rehabilitation program. Any costs for counseling or rehabilitation shall be borne by the employee and their insurance. Reoccurrence of alcohol or drug abuse will be cause for immediate dismissal of employment.
 - b. Employees who voluntarily self-identify a problem of abuse with alcohol or drugs and are participating in counseling or rehabilitation program will be placed on probationary employment status for a period of no less than six (6) months and will fall under the probationary provisions of EPCOG's Personnel Policies.
 - c. The Executive Director shall grant up to thirty (30) calendar days accrued leave to employees who voluntarily self-identify a problem of abuse with alcohol or drugs to participate in an assistance program, counseling, or drug or alcohol rehabilitation program. Up to ten (10) working days or two (2) calendar weeks of the thirty (30) calendar days shall be taken from accrued sick leave. If an employee has insufficient accrued sick or annual leave, the employee will be allowed to take the time as "Leave Without Pay".
 2. Possession of Drugs or Alcohol in the Workplace

If an employee is reasonably suspected of consuming, selling, distributing, transporting, or manufacturing drugs or alcohol in the workplace, due to direct

observation of such acts, the following procedures shall be followed:

- a. The matter shall be turned over to law enforcement authorities immediately and a request made of such authorities to investigate whether a crime may have been committed.
- b. The employee will be placed on immediate suspension without pay pending investigation and confirmation. If such acts are unconfirmed, a first offense of the violation shall result in disciplinary actions at the Executive Director's discretion. Depending upon the severity of the violation, the Executive Director will have the discretion to immediately dismiss the employee. A second offense will result in immediate dismissal. If such acts are not confirmed, the employee will be reinstated and receive full compensation for days off work.
- c. In addition, the employee shall immediately be provided with a letter which:
 1. Summarizes the observed circumstances and behavior;
 2. Notifies the employee that consuming, selling, distributing, transporting, or manufacturing drugs or alcohol in the workplace subjects the employee to disciplinary actions and/or dismissal from employment;
 3. Advises the employee that he/she will be allowed to provide a reasonable explanation; and
 4. Advises the employee that if his/her response is insufficient or not acceptable and if an investigation by law enforcement, EPCOG, or other authorities confirms the suspension, the employee will be subject to the written disciplinary actions and /or dismissal from employment as contained within this policy and /or in EPCOG's Personnel Policies.

3. Impaired Performance Due to Lawful Use of Drugs

When due to the use of lawfully prescribed or over-the-counter substances, the employee is unable to perform his/her assigned duties or safely perform any duty, the employee will be subject to the temporary reassignment of duties or be required to take accrued sick leave.

SECTION XIX - NO SMOKING POLICY

- A.** Pursuant to the State of New Mexico Deen Johnson Clean Indoor Air Act (NMSA 1978 24-16-1 to 24-16-11 et. al.), EPCOG shall be a 100 % smoke-free workplace.
- B.** Smoking will be strictly prohibited within EPCOG's building, including offices, hallways, waiting areas, restrooms, kitchen, meeting rooms, and all community work areas. This policy applies to all employees, clients, contractors, and visitors. Smoking shall not occur within twenty-five (25) feet of the main entrance or the employees' entrances, to ensure that secondhand smoke does not enter the building through doors, windows, ventilation systems, or any other means so that employees and customers do not have to walk through the smoking area to enter or exit the building.
- C.** All material used for smoking, including cigarette butts and matches will be extinguished and disposed of properly.

SECTION XX – WORKPLACE VIOLENCE

A. PURPOSE

EPCOG is committed to providing a safe and respectful environment for all employees. In an attempt to maintain a violence-free workplace, EPCOG has adopted a zero-tolerance for acts or threats of violence. Any such act or threat, even one allegedly made in jest, will be taken seriously and may lead to discipline up to and including termination.

B. EMPLOYEE RESPONSIBILITY

Every employee is responsible for establishing and maintaining a violence-free workplace and is expected to report the occurrence of any violent incident promptly, regardless if the act or threat was against the employee or the act or threat was against a co-worker or citizen.

C. ACTS OR THREATS OF VIOLENCE

Transporting non-work-related weapons on EPCOG property or at EPCOG functions will be considered a threat of violence and is prohibited.

Acts or threats also include, but are not limited to, indications of any intent to harm a person or damage EPCOG property. Such threats, whether expressed directly or indirectly, verbally or by a gesture, are strictly prohibited.

D. VIOLENT BEHAVIOR THAT WILL NOT BE TOLERATED

1. Racial or sexual insults, name-calling, or other verbal abuse of another person.
2. Statements such as “You’re going to be sorry you did that to me.” or “Bosses who act like that should be killed.” (indirect threats).
3. Statements such as “I’ll break your bones next time.” (direct threats).
4. Hitting motions or obscene gestures (nonverbal threats).
5. Stalking or forcing unwanted attention on someone, whether romantic or hostile (extreme threats).
6. Displaying a gun, knife, or another weapon (extreme threats).
7. Acting in any way that is likely to cause bodily harm or property damage (violence).

Violent behavior that will not be tolerated is not limited to the examples listed above.

E. INCIDENT REPORTING

Any employee experiencing an act or threat of violence must report such act or threat to his/her immediate supervisor and/or the Executive Director.

Each act or threat of violence will be investigated, and appropriate action will be taken. Any such act or threat will lead to disciplinary action, up to and including termination.

***CERTIFICATION OF AWARENESS
REGARDING
DRUG-FREE WORKPLACE POLICY***

I have read and completely understand the EPCOG's "Drug-Free Workplace Policy" as contained in the Personnel Policies Manual of Eastern Plains Council of Governments which I was provided at the time of my employment.

As a condition of my employment, I agree to comply with the conditions of this policy.

Employee's Signature

Date

Executive Director (or Designee)

Date

***NOTICE OF DISMISSAL
FOR
VIOLATION OF DRUG-FREE WORKPLACE POLICY***

You have been convicted of violating drug abuse laws while an employee of the Eastern Plains Council of Governments and are hereby terminated. Your use of drugs violates the EPCOG's Drug-Free Workplace Policy. You received a copy of this policy at the time of your employment and were obliged to comply with it.

Employee's Signature

EPCOG'S Signature

Name

Executive Director (or Designee)

Date:_____

Date:_____

**EMPLOYEE ACKNOWLEDGEMENT
OF RECEIPT OF
PERSONNEL POLICY MANUAL**

EMPLOYEE RECEIPT OF EASTERN PLAINS COUNCIL OF GOVERNMENTS
PERSONNEL POLICY MANUAL

Return this completed form to EPCOG's Executive Director

Employee Name : _____
(Please Print)

I have received a copy of the Eastern Plains Council of Governments Personnel Policy Manual and will read and make myself aware of the policies as an employee of EPCOG. I understand that I will be held responsible for the content of the policy and I agree to abide by EPCOG's personnel policy. If I need any clarification or if I have any questions regarding the policy manual and or the substance abuse policy, I will address them with the Executive Director of EPCOG.

I understand that it is my responsibility to read such information and to seek help from the Executive Director should I not understand any portion of the materials provided to me.

I understand that I am responsible for this Policy Manual and that I will return this Policy Manual upon leaving the employment of the EPCOG.

I understand that violation of this Policy may be grounds for immediate termination of my employment

As an employee of EPCOG, I also am aware and fully understand that I am an at-will employee and may be dismissed at any time with or without cause.

Employee's Signature

EPCOG'S Signature

Name

EPCOG Executive Director (or Designee)

Date: _____

Date: _____

**EASTERN PLAINS COUNCIL OF GOVERNMENTS
ORGANIZATIONAL CHART**

