

SECTION 6 EMPLOYEE RELATIONS

6.1 CHAIN OF COMMAND The County follows the chain of command concept. Employees shall address issues first with their immediate supervisor. If the issue is not resolved at this level, employees may request a meeting with the next level supervisor up to the Department Director/Elected Official. If the concern is still not resolved at the department director/elected official level, the employee may request a meeting with the Human Resources Director. If the concern is not resolved at the Human Resources Director level, the employee may request a meeting with the County Manager as the last step in the chain of command. An employee may bypass the chain of command at any time if necessary.

6.2 UNIFORMS Employees who are identified as needing a uniform will be required to wear the uniform while on duty as a condition of employment, and will not be allowed to wear clothing bearing a County logo or emblem while off duty. Clothing adaptable to street wear is taxable, which includes all clothing that does not have a County emblem or logo and non-safety clothing such as shoes or boots. The supervisor will identify what will be the required uniform, and the Department Director and Human Resources Director will have the final approval.

6.3 DRESS AND PERSONAL APPEARANCE Employees must present the best possible image to the public and should always be as clean and neatly dressed as the work assignment allows. If a uniform is prescribed for an employee's function, it shall be worn at all times while on duty. Failure to follow a Department/Office dress code while on duty shall be considered insubordination. Santa Fe County strives to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is not acceptable in the office: gym clothing; sexually provocative clothing; clothing that contains inappropriate material including profanity; observable lack of undergarments; exposed undergarments; clothing that exposes the midriff; tank tops; halter tops; beachwear; and hats. Employees who appear for work inappropriately dressed shall be sent home and directed to return to work in proper attire, and shall not be compensated for time spent changing to appropriate work attire.

6.4 GRATUITIES Employees are prohibited from accepting gifts and/or other consideration from any person or entity doing business with or soliciting business from Santa Fe County.

6.5 SOLICITATION Solicitors shall not be allowed to consult with employees during work hours other than through prescribed Santa Fe County purchasing process for the purposes of membership or support of social, financial, labor or other organizations.

6.5.1 Employees are prohibited from soliciting or providing information to any person in any County facility during work hours concerning products, services, campaign information or membership unrelated to the employee's direct work responsibilities.

6.5.2 Requests for donations for charitable causes shall not be considered a violation of this rule, provided that it is approved by the Human Resources Director or designee.

6.5.3 Solicitation materials are prohibited from being distributed in County buildings.

6.6 OUTSIDE EMPLOYMENT Employees may obtain part-time outside employment if there is no conflict in working hours, the employee's efficiency is not reduced, and outside employment does not cause a conflict of interest. If an employee's outside work interferes with the performance of his or her position with the County, the employee will be required to terminate the outside employment immediately. Before beginning any outside employment, an employee shall complete a Request for Outside Employment Form and forward it to the Department Director and Human Resources Director for consideration.

6.7 CONFIDENTIAL INFORMATION Employees in positions that are exposed to or have access to confidential information must safeguard this information. Sharing this information or allowing this information to be released without prior approval of the Department Director or Elected Official compliance with applicable laws may be subject to disciplinary action up to and including termination.

6.8 SMOKE-FREE WORKPLACE The purpose of this policy is to provide a safe and healthy work and living environment for our employees and citizens of Santa Fe County and to maintain compliance with the City of Santa Fe Ordinance 2007-7.

6.8.1 Santa Fe County prohibits smoking, carrying a lighted or smoldering smoking device, or lighting a smoking device into any Santa Fe County Facility. This includes facilities owned, leased or rented by Santa Fe County.

6.8.2 This Policy applies to all employees and officials of Santa Fe County, all visitors of Santa Fe County, any person conducting business with Santa Fe County, and anyone driving a County-owned or County-leased vehicle.

6.8.3 Smoking is prohibited within twenty five (25) feet of an opening of any area where smoking is prohibited.

6.8.4 When smoking outside, do not dispose of cigarette butts on the ground or anywhere else. Dispose of them properly in the receptacles provided for that purpose. Failure to comply may lead to disciplinary action up to and including termination.

6.9 POLITICAL PARTICIPATION

6.9.1 CAMPAIGNING Santa Fe County employees shall not campaign for political office during scheduled work hours. In addition, material and literature regarding candidates shall not be dispensed on County premises through County equipment, or out of County vehicles and shall not be created using County property. Employees are also prohibited from campaigning in County facilities while off-duty. Employees working in offices administered by an Elected Official shall not be coerced into campaigning for the Elected Official to ensure continued employment with the County.

6.9.2 RUNNING FOR POLITICAL OFFICE All County employees, except an Elected Official, who becomes a candidate for an elected state, federal or county position, must, upon filing a declaration of candidacy or accepting a nomination, take a leave of absence from his or her County position. Such leave of absence shall be for thirty (30) calendar days before the primary and general elections. The leave may be charged to accrued annual leave or compensatory leave if available. This provision shall not apply to a candidate who is running unopposed.

6.9.3 County employees may not hold an elected political office during employment by the County. Being a member of a local school board or an elected board member of any post-secondary educational institution shall not be construed as holding a political office for purposes of this section.

6.10 VOTING RIGHTS Nothing in this *Human Resources Handbook* shall deny employees the right to vote as they choose.

6.11 CARE OF COUNTY EQUIPMENT Each employee who is entrusted with the use of County equipment shall exercise reasonable care in its use, perform regular maintenance, and follow all operating instructions, safety standards, and guidelines. Any improper, careless, negligent, destructive, or unsafe use or operation of equipment may be considered to be unsatisfactory performance of duties and result in disciplinary action. Each employee must notify the supervisor if any equipment, machine or tool appears to be damaged, defective, or in need of repair. This is essential to prevent the deterioration of equipment and possible injury to the employee or others. If County equipment is damaged as a result of an employee's neglect of his or her responsibilities, the repair or replacement may be deducted from the employee's net pay.

6.12 PERSONAL USE OF COUNTY PROPERTY Except as otherwise allowed by this *Human Resources Handbook*, an employee shall not use County property for personal use, for profit, or as part of secondary employment.

6.13 MAINTENANCE OF MINIMUM QUALIFICATIONS All employees in positions that require certification, license, continuing education units (CEU's), etc., are required to maintain such certification, license, CEU's, etc., as a condition of employment. Failure to maintain the required minimum qualification may result in termination of employment.

6.14 PROCUREMENT Individuals found to have violated the New Mexico Procurement Code, NMSA Sections 13-1-1 through 13-1-191.1, or the Santa Fe County Procurement Policy, *Resolution No. 2006-60*, in the acquisition of goods or services shall be subject to disciplinary action up to and including termination. Violators may be required to pay out-of-pocket for those goods or services acquired without the use of proper procurement regulations.

6.15 PERSONAL RELATIONSHIPS IN THE WORKPLACE Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception is romantic or sexual relationships between supervisors and subordinates. It is strictly prohibited for an employee in a supervisory position to supervise another employee with whom he or she is romantically or sexually involved. A supervisor who becomes sexually or romantically involved with an employee whom he or she supervises must immediately disclose the existence of the relationship to his or her immediate supervisor and the Human Resources Director. One of the employees may be transferred to another position or department, which may result in a reduction in pay. The employee with the more senior position will be considered for transfer first to avoid any perception of retaliation against the less senior employee. If no opportunity for a transfer exists, the senior employee will be required to resign. Failure to resign will result in termination. Failure to disclose a romantic or sexual relationship between supervisors and subordinates shall result in immediate termination. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

6.16 CONFLICTS OF INTEREST Each employee must perform his or her assigned tasks without actual, potential or apparent conflicts of interest, particularly with vendors of the County. Violation of this policy may include disciplinary action up to and including termination.

6.16.1 Examples of potential conflicts of interest include, but are not limited to, the following: (1) a direct or indirect financial interest in any sale or lease to the County of goods or services; (2) accepting of a gift, gratuity, or favor from a vendor; (3) a close, personal relationship with a vendor which influences a transaction; (4) outside employment with a vendor; (5) influencing a decision of the County for personal gain of the employee or any family member; or (6) disclosure of confidential information to a private interest. Pursuant to *Resolution 1995-79*, all County employees shall complete the *Conflict of Interest Form* upon beginning employment with the County and annually

thereafter. Failure to accurately complete the *Conflict of Interest Form* may result in disciplinary action, up to and including termination.

6.17 CRIMINAL ACTIVITY All complaints or allegations of criminal conduct on the part of any employee will be referred to the Sheriff's Office or other appropriate outside agency for investigation. Any employee who engages in criminal activity may be subject to termination. An employee shall immediately inform his or her supervisor if the employee is charged with a crime. Santa Fe County Corrections employees responsible for the intake and custody of inmates are required to notify the Human Resources Division upon becoming aware of employees who are held at the Santa Fe County Adult Detention Facility. All employees are required to cooperate and participate in investigative and/or disciplinary matters. Failure to comply may result in disciplinary action up to and including termination.

6.18 PRESS CONTACTS An employee who receives a request from the press must notify his/her immediate supervisor and the Public Information Officer upon receiving the request. Employees are prohibited from speaking to the media of their personal opinion regarding their scope of work as a County employee. Employees are encouraged to provide the information to the Public Information Officer for dissemination.

6.19 SERVICE ON BOARDS/COMMISSIONS/COMMITTEES/GROUPS An employee must receive prior County approval to serve on a board, commission, committee or group for which membership is not a required duty of the employee's position, and which interferes with the employee's regular work schedule. To request approval, an employee shall complete and submit an *Intention to Serve/Participate on a Board, Commission, Committee, or Group Form*. The form shall be submitted to the Human Resources Division prior to the intended start date. The request must be approved by the immediate supervisor, Division Director, Department Director, the Human Resources Director, and the County Manager prior to the employee's participation. If the request is approved, the employee may attend meetings or transact business during the employee's regular working hours only when on approved leave. If being a member conflicts with the employee's position, the request will be disapproved.

6.20 FIREARMS Santa Fe County prohibits all people who enter County property or employees conducting County business on or off County property from carrying a handgun, firearm, or other prohibited weapons regardless if the person has a license to carry a weapon to include having a weapon in a vehicle on County property. A

prohibited weapon includes any weapon or explosive restricted by state and federal law. It is the responsibility of the individual to be aware of what is restricted by law.

6.20.1 The County reserves the right to search any person or object entering County property. This includes belongings of both the County and employees. The County also reserves the right to search any person or object including vehicles belonging to both the County and employees not on County property but while on County business.

6.20.2 Exceptions to this policy are certified law enforcement officer or employees of the County who are deputized for purposes of their job with the County but only with approval from the Department Director. Failure to comply with this policy may lead to disciplinary action up to and including termination.

6.21 USE OF COUNTY VEHICLES

6.21.1 DRIVER SELECTION/QUALIFICATIONS The County may identify and select certain individuals to drive County vehicles based on the nature of duties of the position. Driver selection and qualification shall be analyzed during the hiring process. All drivers (current and prospective) shall possess a valid license for the type of vehicle(s) operated on the job. Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. Drivers shall successfully complete the County's Defensive Driver's Training Program within six months of hire. Refresher training shall be provided to all drivers at least every three years. There shall be no expectation of privacy of a County vehicle for employees who use a County vehicle.

6.21.2 MAINTENANCE AND REPAIRS Employees assigned to a County-issued vehicle are responsible for the routine maintenance and repairs of County vehicles and shall be conducted in a regular and timely fashion at County facilities. County vehicles shall be maintained in accordance with the manufacturer's recommendations at a minimum.

6.21.3 VEHICLE ACCIDENTS Drivers involved in the following types of accidents shall be immediately tested for use of drugs or alcohol pursuant to the applicable section in this handbook.

- A. An individual dies;
- B. An individual suffers bodily injury and receives medical treatment at or away from the scene of the accident;
- C. A citation is issued; or
- D. One or more vehicles incur substantial property damage.

6.21.4 OPERATION OF COUNTY VEHICLE Only a County employee, or other person authorized through a Joint Powers Agreement or Memorandum of Understanding, may operate a County vehicle.

6.21.5 PASSENGERS The transport of a non-County employee in a County vehicle is prohibited except in an emergency or when approved by the employee's supervisor.

6.21.6 USE OF CELLULAR PHONES WHILE DRIVING Use of cellular phones is prohibited while operating vehicles, unless a hands-free system is used. Employees shall use due caution when using cellular telephones while the vehicle is in motion. The primary responsibility of employees using County vehicles is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation.

6.21.7 USE OF TOBACCO PRODUCTS Smoking and other uses of tobacco products are prohibited in County vehicles.

6.21.8 VEHICLE TAKE-HOME POLICY An employee may be assigned a County vehicle to take home if the County deems it necessary. An employee assigned a take-home vehicle shall comply with *Resolution No. 1998-122, A Resolution Establishing a Vehicle Take-Home Policy for Santa Fe County Employees* and use of the vehicle may be taxable as set forth in *Resolution No. 2007-100, A Resolution Establishing and Implementing a Taxable Fringe Benefits Policy*. In no event shall a County employee who has had a positive drug or alcohol test or who has been convicted of driving under the influence of alcohol or drugs be permitted to take a County vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test. Employees who have been charged with a DWI or DUI and who are required to drive to perform their job, if no accommodations for other duties can be made, the employee will be terminated.

6.22 FREEDOM FROM DISCRIMINATION AND HARASSMENT All employees should be able to enjoy a work environment free of unlawful discrimination and harassment. Santa Fe County will not tolerate unlawful discrimination or harassment of any kind. All employees are covered by and are expected to comply with this policy, and to take appropriate measures to ensure prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy, up to and including termination. Harassment includes: verbal or physical conduct intended to threaten, intimidate or coerce; verbal or physical conduct that has the purpose or effect of unreasonably interfering with work performance or that creates an intimidating, hostile or offensive working environment; and the uttering of words, or the display or circulation of written materials or pictures that are degrading to individuals of a particular

sex, race, age, national origin, disability, religion, sexual orientation or political affiliation. Sexual harassment includes but is not limited to: unwelcome sexual advances; requests for sexual favors; making jokes of a sexual nature; displaying photographs, picture messages or posters that show nudity; displaying words of a sexual nature; commenting about a person's appearance or dress; or other verbal or physical conduct that is sexual in nature.

6.22.1 Any discrimination or harassment of any employee by any other employee will not be permitted, regardless of the working relationship between the participants. Any employee found to have engaged in any type of harassment shall be subject to disciplinary action, up to and including termination. Department Directors, Division Directors, or supervisory personnel shall immediately take action regarding any harassment which they observe or become aware of, by disciplinary action if necessary. In addition, each Division Director, Department Director, manager or supervisor is required to report any incident of harassment or discrimination to the Human Resources Director.

6.22.2 MAKING A FORMAL CHARGE Any employee who believes he or she has been subjected to discrimination or harassment by an employee of Santa Fe County or a person doing business with Santa Fe County may file a formal charge of harassment with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Division.

6.22.3 Santa Fe County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

6.23 PROHIBITION OF VIOLENCE IN THE WORKPLACE Employees shall not exhibit violent, hostile or aggressive behavior while in the workplace or while conducting County business. Prohibited activity includes, but is not limited to, making threatening remarks, causing physical injury, engaging in hostile aggressive behavior that creates a reasonable fear of injury or causes another employee emotional distress, or intentionally damaging County property or harming a co-worker or the property of a co-worker. Violation of this policy may result in disciplinary action, up to and including termination.

6.23.1 MAKING A FORMAL CHARGE Any employee who believes that he or she is a victim of or who observes workplace violence may file a formal charge with the Human Resources Director. The employee will be required at that time to complete and sign a complaint form. Each charge for which a complaint form has been completed will be immediately investigated by the Human Resources Division.

6.23.2 Santa Fe County prohibits any form of retaliation against any employee for filing a complaint form or assisting in an investigation.

6.24 INFORMATION TECHNOLOGY RESOURCES The County provides information technology resources (“IT resources”) to designated employees. These resources include, but are not limited to County owned or leased computers, copiers, printers, all other computer equipment, telephones, cellular phones, personal digital assistants, software, data, network devices, accessories, email, voicemail, the County Intranet, the Internet, and electronic files.

6.24.1 USAGE Use of IT resources are intended for business-related purposes, such as communicating with vendors, suppliers and consultants, researching relevant topics related to County business, and acquiring information of use to the County. Limited, occasional use of the County email and/or the County Internet services for personal purposes is allowed provided that it does not negatively affect the employee’s performance, discredit the County, or violate any County policy or state or federal law. Personal use shall occur only during non-working time unless otherwise specified. There shall be no expectation of privacy when using IT resources, and the County reserves the right to audit, monitor and inspect IT resources and any related documents or material with or without notice and with or without permission from the employee. Users shall not assume electronic communication is private.

6.24.2 MISUSE IT resources shall not be used to reveal confidential or sensitive information, client data, or any other information covered by existing state or federal privacy or confidentiality laws, policies, procedures, or contract terms. IT resources may not be used to create, access, download or upload information to include text or images, print, display, archive, store, distribute, edit, or record information that is considered to be discriminatory based on particular sex, race, age, national origin, disability, religion, sexual orientation or political affiliation, harassing, obscene, abusive, fraudulent, indecent, sexually orientated, harassing, threatening. An employee may not use IT resources to engage in any business or for personal gain or profit. Employees are prohibited from accessing private, non-County e-mail accounts from County owned or leased equipment within the County’s network. An employee shall not share his or her user name or password and is responsible for all activity occurring under his or her user name and password.

6.24.3 USE OF COUNTY TELEPHONES The use of County telephones is restricted to County business and necessary brief personal telephone calls. Examples of necessary brief personal calls are calls to alert household members about schedule changes, make alternative child care arrangements, talk with medical providers, reach businesses

or government agencies that can only be contacted during working hours, and arrange emergency repairs. To the extent possible, such personal calls shall occur during non-working hours. An employee shall reimburse the County for all long-distance personal calls.

6.25.4 USE OF COUNTY CELLULAR PHONES The County may provide cellular telephones for employees whose duties require wireless access to telephone service. The use of County cellular telephones is restricted to County business and necessary brief personal telephone calls. An employee shall reimburse the County for all overage charges whether the overage is due to personal calls or business calls. If an employee exceeds the plan due to business calls, it is the responsibility of the employee to meet with his or her immediate supervisor to evaluate whether the plan is sufficient for the duties required. Cellular telephones should be turned off or set to silent or vibrate mode during meetings and in other situations where incoming calls may disrupt the workflow.

6.25.5 USE OF PERSONAL CELLULAR TELEPHONES. The use of personal cellular telephones while an employee is working is restricted to necessary brief personal telephone calls. An employee shall not use his or her personal cellular phone during working hours to send information or materials that are defamatory, discriminatory, or inappropriate for the workplace, including information or materials of a sexual nature or that show nudity.

6.25.6 COMPUTER PROGRAMS OR SOFTWARE No software licensed to the County nor data owned or licensed by the County shall be uploaded or transferred out of the County's control without explicit authorization from the Information Technology Director. Users shall not download executable software, including freeware and shareware, unless approved by the Information Technology Director. Users shall not use information technology resources to download or distribute pirated software or data. Unauthorized dial-up access to the Internet is prohibited from any device that is attached to any part of the County's network. The County's IT resources shall not be used to establish connections to non-County Internet service providers without prior authorization by the Information Technology Director. No program or software which must be purchased may be downloaded until the program is properly purchased under the New Mexico Procurement Code and the County's purchasing procedures. Use of any program or software which is downloaded pursuant to these provisions must be strictly used within the terms of any license or registration.