

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2023-091**

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**A RESOLUTION  
AMENDING RESOLUTION NO. 2012-164, A RESOLUTION ADOPTING THE 2012  
SANTA FE COUNTY HUMAN RESOURCES HANDBOOK TO REPLACE THE 2008  
SANTA FE COUNTY HUMAN RESOURCES HANDBOOK , TO MODIFY  
PROVISIONS GOVERNING LOSS OR LIMITATION OF DRIVING PRIVILEGES**

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**WHEREAS**, on December 11, 2012, the Board of County Commissioners (“Board”) of Santa Fe County (“County”) adopted Resolution 2012-164, a Resolution Adopting the 2012 Santa Fe County Human Resources Handbook to Replace the 2008 Santa Fe County Human Resources Handbook (“the Handbook”); and

**WHEREAS**, the Handbook, at Section 6.22, Use of County Vehicles, Subsection 1, addresses Driver Selection/Qualification and requires all drivers to possess a valid license to operate the type of vehicle operated on the job, but does not address whether employees can continue to operate vehicles for the County if they have an ignition interlock license; and

**WHEREAS**, the Handbook, at Section 15.15.1, Persons Convicted of DUI May Not Drive, authorizes placing employees on unpaid leave pending a decision on continued employment following a conviction for driving under the influence of drugs or alcohol (DUI); however, the County’s practice is to place employees on paid administrative leave pending a decision on continued employment in order to avoid adverse employment consequences on an individual prior to a disciplinary action being processed in accordance with the applicable disciplinary procedures; and

**WHEREAS**, the Handbook, at Section 15.15.2, states that an employee convicted of DUI shall not be permitted to operate a County vehicle for a period of three years, despite the fact that the employee might be eligible to obtain an ignition interlock license following a DUI conviction, and lawfully operate a private vehicle with an ignition interlock device and might be able to obtain an unrestricted license in less than three years; and

**WHEREAS**, the County may require reasonable conditions, such as driving restrictions and random drug and alcohol testing, to provide the employee with a chance to correct misconduct associated with loss or restriction of a driver’s license and maintain their employment subject to the employee meeting the conditions; and

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**WHEREAS**, the County desires to modify the aforementioned Handbook provisions to provide opportunities, where appropriate, for employees to retain productive employment and overcome the conduct which led to a conviction for DUI.

**NOW, THEREFORE, BE IT RESOLVED** by the BCC that the following amendments to the Handbook are hereby adopted:

1. The Handbook, at Section 6.22, Use of County Vehicles, Subsection 1, is repealed and replaced with the following:

**“6.22.1 DRIVER SELECTION/QUALIFICATIONS**

6.22.1.1 The County may identify and select certain employees 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; provided, however, that current and prospective employees possessing an ignition interlock license may drive a non-County vehicle on County business in accordance with Section 15.15.2.

6.22.1.2 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.

6.22.1.3 If the driver's license of an employee is suspended or revoked and the lack of a driver's license makes the employee unable to perform the employee's job, the employee may be terminated.

6.22.1.4 There shall be no expectation of privacy in a County vehicle for employees who use a County vehicle.

6.22.1.5 All traffic violations involving a county vehicle must be reported to the Santa Fe County Risk Management Division immediately. All traffic violations involving a personal vehicle utilized for county business where an employee risks loss or suspension of driving privileges or where there is damage to property or person(s) must be reported to the Santa Fe County Risk Management Division immediately. Failure to notify may result in disciplinary action up to and including termination.”

2. The Handbook, at Section 15.15.1, Driving Privileges of Employees Convicted of DUI, is repealed and replaced with the following:

**“15.15.1 DRIVING PRIVILEGES OF EMPLOYEES CONVICTED OF DUI.** If an employee is convicted of driving under the influence of an intoxicating liquor or drug

("DUP") and the employee's driving privileges are suspended or revoked, the employee may be placed on administrative leave until a decision on continued employment is made by the Department Director and Human Resources Director."

3. The Handbook, at Section 15.15.2, is repealed and replaced with the following:

**"15.15.2 CONSEQUENCES OF LOSS OF, OR LIMITATIONS ON, DRIVING PRIVILEGES**

15.15.2.1 If the driver's license of an employee is suspended or revoked and the lack of a driver's license makes the employee unable to perform the employee's job because the employee has driving responsibilities for the County, the employee will be terminated, except as set forth herein.

15.15.2.2 For employees who are not required to have a commercial driver's license as a condition of employment, and who are not required to utilize County vehicles in their work for the County, the County may elect to offer the employee the opportunity to enter into a last chance agreement in lieu of termination. Many safety-sensitive positions, such as positions in Public Works, the Sheriff's Office, Fire Department, and Corrections, will not be eligible for last chance agreements under this section, as their positions require that they utilize County vehicles in their work. The determination regarding whether to offer a last chance agreement to an employee shall consider whether such an agreement is in the best interest of the County, based on all relevant factors, including but not limited to:

- A. Risk considerations;
- B. Disciplinary history;
- C. The specific job duties of the employee;
- D. The challenges presented by the employee being unable to operate any County vehicle for a period of time; and
- E. The period of time the employee will be absent from work in order to get into and complete any relevant substance abuse treatment.

This opportunity may be offered to the employee on a one-time basis only. Last chance agreements shall include the right of the County to terminate the employee for failure to comply with the terms of the last chance agreement or violations of County rules, policies or procedures, and include the signatures of the employee's supervisor, the employee, and, if appropriate, the employee's union representative. The offer of a last chance agreement to an employee will not set a precedent for the discipline, including termination, of other employees. Participation in the last chance agreement is strictly voluntary. However, once the employee decides to voluntarily participate in the last chance agreement, the employee will be required to complete all portions of the last chance agreement.

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Failure to complete all portions of the last chance agreement will be grounds for discipline up to and including termination.

15.15.2.3 For those seeking a last chance agreement due to loss of or limitations on driving privileges as a result of an arrest or conviction for DUI, the following requirements shall be set forth in a last chance agreement:

- A. The employee must, if relevant, (1) obtain an ignition interlock license and have an ignition interlock device installed and operating on all non-County vehicles driven by the employee for the period during which the employee has an ignition interlock license and (2) use a non-County vehicle with an installed and operating ignition interlock device whenever driving on County business.
- B. The right of the County to terminate the employee for subsequent or positive drug or alcohol tests, based upon conduct related to alcohol and/or drugs.
- C. The employee must consent to be evaluated by a qualified substance abuse professional identified by the County's EAP provider, to determine whether and what type of substance abuse treatment is recommended.
- D. The employee will be required to authorize disclosure of basic information regarding recommended treatment, when and where the treatment will occur, whether the employee is compliant with the treatment recommendation, whether the employee successfully completed the treatment, and any post treatment random testing recommended.
- E. The reasonable period of time during which the employee is authorized to be absent from work to get into and complete substance abuse treatment based on the unique facts of the employee's position with the County.
- F. A commitment that upon a return to work, the employee shall comply with any random drug and/or alcohol testing recommended within the qualified substance abuse professional's return to work recommendations and coordinated by Human Resources based on dates and times provided by the testing provider.
- G. A commitment to pay substance abuse treatment program costs and subsequent controlled substance and/or alcohol testing costs not covered by the employee's health benefits.

15.2.2.4 For an employee required in a last chance agreement to utilize their personal vehicle to drive on County business, the employee shall receive a mileage reimbursement in accordance with established County policy and the State of New Mexico Mileage and Per Diem Act, for mileage associated with driving on County business, excluding miles driven when commuting to and from work. The private insurance on the non-County vehicle the employee drives while on County business shall be primary in the event the employee is in an accident. Employees shall provide the County with copies of their ignition

interlock license, proof of installation of the ignition interlock device by a traffic safety bureau-approved ignition interlock installer on any vehicle the employee intends to drive for work, records showing required service and calibrations of the ignition interlock device(s), and data logs from the interlock ignition device(s).

15.2.2.5 For employees offered a last chance agreement related to loss of driving privileges due to an arrest or conviction for DUI, prior to commencing treatment, the employee may use accumulated vacation, administrative or compensatory time. Employees may use accumulated sick leave, vacation time, administrative leave time, or compensatory time to participate in the treatment program. To the extent the employee has insufficient leave accruals for the period prior to and during treatment, the County Manager may authorize leave without pay.”

PASSED, APPROVED AND ADOPTED this 29th day of April 2023.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: Anna Hansen  
Anna Hansen, Chair

ATTEST:  
Katharine E. Clark  
Katharine E. Clark, Santa Fe County Clerk

Date: 09/07/2023

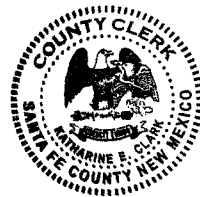


**APPROVED AS TO FORM:**

Jeff Young  
Jeff Young, Santa Fe County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
BCC RESOLUTIONS  
PAGES: 5  
I Hereby Certify That This Instrument Was Filed for  
Record On The 12TH Day Of September, 2023 at 08:18:00 AM  
And Was Duly Recorded as Instrument # 2019459  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy Destiny Romero County Clerk, Santa Fe, NM



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