



**SOUTH CENTRAL REGIONAL TRANSIT DISTRICT
HUMAN RESOURCES MANUAL**

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INTRODUCTION

The South Central Regional Transit District (hereafter SCRTD) hereby establishes personnel policies to govern personnel administration. These policies define the system and state the principles that guide employment with SCRTD. The HR Manual was approved by the Board of Directors, fall 2017 and updated the following year. This revision is effective April 22, 2020.

These policies should generally be interpreted as a whole rather than in individual sections or sentences. The Executive Director is the final authority on the interpretation of these policies. SCRTD may issue other policies, rules and procedures which relate to subjects governed by these personnel policies. These personnel policies, however, will prevail over any other policy, in the event of a conflict.

These policies do not constitute an employment contract and the Executive Director of SCRTD may amend them at any time.

The SCRTD is a regional transit district that serves a three-county region, Sierra, Dona Ana and Otero counties. The District was established in November 2006 and is one of four transit districts in the State of New Mexico.

The mission of the district is to provide transportation services to communities not presently served and to connect service to those transit providers providing transportation services within the SCRTD Transit District jurisdiction. This may include, bus, rail and other mobility options to include carpool, bike and vanpool services.

EQUAL EMPLOYMENT OPPORTUNITY

SCRTD is an Equal Employment Opportunity Employer. SCRTD prohibits discrimination based on race, religion, color, gender, age, national origin, disability, sexual orientation or any other characteristic prohibited by applicable federal, state or local law. This policy shall apply to all phases of the employment relationship. SCRTD will make reasonable accommodations for qualified employees and applicants to perform the essential functions of the job unless doing so would result in unreasonable hardship.

The EEO policy and procedures is posted on the SCRTD.org website. For more information please refer to this manual or the guidelines and procedures established and posted on the SCRTD website.

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**SECTION 1:
RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR**

The Executive Director shall have the following responsibilities regarding personnel and human resources functions:

- Execute policies of the Board of Directors;
- Exercise leadership in and encourage the development of effective personnel administration within SCRTD;
- Hire, promote, evaluate, transfer, assign, demote and dismiss employees of SCRTD;
- Determine staffing requirements;
- Institute necessary procedures related to employee relations as provided for in these policies;
- Make changes to these policies as may become advisable;
- Designate an Acting Executive Director to assume the duties of the Executive Director in the event of his/her inability to act or in the event of his/her absence from the area; and
- Develop and maintain a Wage and Salary Schedule.

**SECTION 2:
RESPONSIBILITIES OF THE HUMAN RESOURCES MANAGER (OR DESIGNEE OF THE EXECUTIVE DIRECTOR)**

The Human Resources Manager, or Designee of the Executive Director, shall under general direction of the Executive Director, have primary responsibility for matters relating to all the administrative and technical activities for personnel administration, including the following:

- Develop and maintain an effective personnel system for SCRTD;

- Prepare and recommend to the Executive Director changes in these policies as necessary, appropriate or desirable;
- Develop and maintain job descriptions and assure that they are kept on file;
- Establish and maintain a personnel file on all SCRTD personnel, which will include job title, pay status, background, performance records and other relevant data; and
- Develop procedures, where appropriate and approved by the Executive Director, for the conduct of examinations for new employees and for the evaluations of employees' work performance.

SECTION 3: EMPLOYMENT OF SCRTD PERSONNEL

Categories of Employment

- A classified employee is either a full-time or a part-time employee who has completed the probationary period.
- A full-time employee has completed a probationary period and works 40 or more hours a week.
- A part-time employee has completed a probationary period and works less than 40 hours a week.
- An unclassified employee serves at the will of the Executive Director. Unclassified employees have no property interests in continued employment and may be terminated at any time for any reason and are not covered by Sections 21 and 23 of these policies. Temporary employees, students, interns and probationary employees are unclassified employees.
- A temporary employee is any SCRTD employee who is given a definite time of employment which may not exceed 12 months. If workload and budget allow, a status change may be made prior to 12 months as determined by the Executive Director.
- A student employee is an SCRTD employee who is enrolled in a public or private high school or at an educational institution whose academic credits would be accepted by a

state educational institution and who carries at least 12 credit hours or full-time student status during at least 8 months in any calendar year.

- An intern is an employee who works in a position that SCRTD designates as temporary and lasts no more than nine consecutive months.
- A probationary employee is any SCRTD full-time or part-time employee who has not completed the final phase of the selection process.

Classification of Positions

SCRTD classifies positions into clerical, professional and management according to the duties, authority, responsibilities and qualifications required of the position. The Wage and Salary Schedule identifies the classification of each position.

Filling Vacancies

Vacant positions at SCRTD will be filled with the best qualified candidates as determined by the SCRTD Executive Director.

- All full-time positions will be advertised to SCRTD employees. Applications from persons outside SCRTD may be considered at the same time.
- All applicants for positions shall obtain an application form available from SCRTD Human Resources shall complete the application and shall return the application together with proof of education, licenses or certifications and other supporting documents to Human Resources on or before the closing date of the recruitment. Incomplete applications will not be considered. No person will be hired unless he/she completes an application for employment. SCRTD will only accept applications for current job openings. Unsolicited applications for “any opening” will be declined. A person interested in more than one open position with SCRTD must apply for each position.
- The Human Resources Manager, or Executive Director’s Designee, shall check personal references, conduct a background check and verify other information provided by the applicant. Applicant shall be advised that they are subject to such reference checks and data verification. All such

inquiries, whether made in person, by telephone, or in writing, shall be documented and made a part of the applicant's file. All such responses that constitute personal statements which are a matter of opinion shall be held confidential and not be open to public inspection.

- SCRTD relies upon the accuracy of information provided by the applicant, as well as the accuracy of other data presented throughout the hiring or employment process. Any misrepresentations, falsifications or material omissions in any of this information or data may result in SCRTD's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Probationary Period

- As a condition of employment all employees must serve a probationary period of twelve (12) months. The probationary period is the final phase of the hiring process and evaluates the employee's performance on the job. SCRTD will use the probationary period for closely evaluating the employee's performance. During the probationary period the employee may be terminated without right of appeal or hearing.
- Prior to the end of the probationary period the supervisor/manager will conduct an evaluation and recommend to the Executive Director whether the employee should be retained or terminated. The Executive Director will make the final decision on continued employment.
- Probationary periods may be subject to extensions under unusual circumstances for a maximum period of two months for further evaluation of an employee's performance. The Executive Director has the discretion to allow a probationary employee to be absent for a period not to exceed two months based on an attending physician's documentation. The probationary period will be extended accordingly.
- A probationary employee is not entitled to the rights and benefits of the SCRTD disciplinary, appeal and grievance procedures.

Performance Evaluation

- SCRTD will develop and maintain a system to review the work performance of its employees based on their job descriptions. Each employee's supervisor/manager will evaluate the work performance of the employee at the end of the probationary period and on each subsequent anniversary date of achieving classified status. In addition to the required evaluations, a supervisor/manager may also conduct an evaluation at any other time if determined appropriate. A managerial or supervisory level employee's evaluation will be conducted by his/her immediate supervisor or, if there is none, by the Executive Director.
- Performance evaluations affect decisions concerning compensation, promotion and disciplinary actions. A formal decision will be made annually by the Executive Director to determine if funding is available for merit increases for SCRTD's employees. Annual performance evaluations will be conducted regardless of any financial decision.

Layoff Status

- In the unforeseen event that Layoffs become necessary, the Executive Director will determine the needs of SCRTD and make decisions based on seniority of SCRTD employees and staffing resources necessary.

SECTION 4: COMPENSATION

- Compensation, including salary increases and longevity pay if any, shall be in accordance with the Wage and Salary Schedule.
- A performance or merit increase in pay may be granted to employees based on performance and other relevant factors, including but not limited to funding availability.
- Approved overtime work for employees determined non-exempt based on the Fair Labor Standards Act (FLSA) will be compensated at one and one-half times the employee's hourly rate.

SECTION 5: WORK HOURS

- SCRTD employees will perform their work in a responsible manner, observing scheduled work hours and complying with SCRTD policy governing sick and vacation leave usage.
- The “core hours” for SCRTD employees, who are not Operators or other employees working an operations schedule, are 8:00 a.m. to 5:00 p.m. Monday through Friday. Lunch periods are usually one hour with one 15-minute break in the morning and one 15-minute break in the afternoon. Employees may not accumulate break periods to extend lunch periods or change the time of arriving at or departing from work. Employees will establish a work schedule, including definite times for lunch breaks within prescribed limits subject to the approval of the Executive Director or designee. Deviation from these schedules requires prior approval.
- Operators and other employees working an operations schedule should consult the Driver Manual or their supervisor/manager or the Executive Director for their Work Hours.
- A non-exempt employee shall not work more than the regularly scheduled 40-hour workweek without prior approval of their immediate supervisor/manager. Working overtime without prior approval is just cause for disciplinary action.
- When overtime is required for non-exempt employees, compensation will be paid in accordance with the Fair Labor Standards Act (FLSA).

SECTION 6: OUTSIDE EMPLOYMENT

Employment outside of SCRTD without permission of the Executive Director or designee is prohibited for full-time employees and may be cause for termination. A formal letter or approved SCRTD form must be on file identifying the outside employment and the conditions of such employment. Employees who have a CDL license must provide proof that they are not exceeding the US DOT mandated

number of work hours. The HR Manager will maintain these forms and review all outside employment.

No employee who is receiving Workers' Compensation total disability payments, hardship leave, or donated leave shall engage in outside employment. For purposes of this Section, self-employment is considered outside employment.

General Policy

SCRTD may authorize outside employment for a period up to one year with annual renewals. Employees must request approval prior to engaging in outside employment and renew the request in January of each year. Employees approved for outside employment may not work more than a total of 60 hours per week for SCRTD and outside employment combined. SCRTD employees performing work for SCRTD beyond their normal duties may not be considered independent contractors. All such work shall be paid through the normal payroll process.

Criteria for Authorization of Outside Employment

Prior to approving a request for outside employment, the Executive Director or designee will determine whether the request meets the following criteria:

- The duties or services of the proposed outside employment will not create a conflict of interest for the employee or assigned subordinates while serving in an official capacity with SCRTD;
- The proposed outside employment will not defame, embarrass or discredit SCRTD;
- The employee has a satisfactory work record and there is a reasonable assumption that it will continue if approved.

Rescission of Outside Employment Approval

The Executive Director or designee may rescind the authorization for outside employment if such employment has a negative impact on the employee's job

performance. This action is final and is not subject to a grievance as set forth in these policies.

SECTION 7: CONFLICT OF INTEREST

- Every employee of SCRTD who has a financial interest which he or she believes or has reason to believe may be affected by an official act taken within the scope of his or her employment shall disclose the precise nature and value of such interest. The disclosures shall be made in writing to the Executive Director before entering SCRTD's employment and the month of January every year thereafter. A financial interest in this context includes an interest of either the employee or his or her spouse.
- Additionally, each employee of SCRTD has the duty to inform his or her supervisor/manager of such financial interest at the time he or she acquires it. SCRTD will make available the information on the disclosures, except for the valuations attributed to the reported interests, for inspection to any citizen of this State. The valuation shall be confidential. Filing disclosures pursuant to this Section is a condition of entering and continuing in employment with SCRTD.
- Employees shall disqualify themselves from participating in any official act directly affecting a business in which they have a financial interest.
- No employee shall use confidential information acquired by his or her employment for his or her or another's private gain.
- Violation of the provisions of this Section by any employee is grounds for disciplinary action including termination.

SECTION 8: PROHIBITIONS

Employees always shall maintain their conduct at the highest personal and professional standards to promote public confidence and trust in SCRTD and

public institutions and in a manner, which merits the most respect and cooperation of co-workers and the community.

No employee shall continue in the employment of SCRTD if the employee engages in activities which are likely to lead to the diminishing of the integrity or efficiency of the service.

The following are examples, but are not all inclusive, of violations which are considered just cause for disciplinary action including termination.

- Use of an employee's position or status with SCRTD to influence the support of other officials or employees of SCRTD for or against any candidate or issue in any election; provided, however, that this provision does not deny a SCRTD employee's or official's right to express their views on any issue.
- Be a candidate for or hold any elective office of any governmental entity within New Mexico State Planning and Development District 3. Employees who hold elected positions prior to employment with the SCRTD are grandfathered into their respective position and may continue to run for and hold office with prior notification to the Executive Director. It is prohibited to campaign during regular SCRTD office hours.
- No person shall willfully or corruptly make any false statement, certificate, mark, rating or report concerning any test, certification, appointment, or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing relating to employment with the SCRTD or relating to the employee's official duties.
- No person seeking appointment to or promotion in the service of the SCRTD shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or because or relating to any appointment, proposed appointment, promotion or proposed promotion. Payments made to duly licensed employment agencies are exempted.
- A SCRTD employee shall not accept any reward, favor, gift, emolument or other form of remuneration for the performance or non-performance of his/her duties from any vendor, contractor, individual or firm doing business with SCRTD or who can reasonably anticipate doing business with SCRTD in the future or from any other source having or proposing to have any relationship with SCRTD.

This Section shall not be construed to prohibit an occasional non-pecuniary gift, insignificant in value; an award publicly presented in recognition of public service, acts of heroism, or for solving of crimes; or a commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of the State to engage in the business of making loans.

- SCRTD will not employ a relative by blood or marriage, of an employee or a Board Member in any position with SCRTD in which the employee may be able to directly supervise, control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed.

SECTION 9:

DISCRIMINATION, HARASSMENT AND RETALIATION PROHIBITED

SCRTD is committed to a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships. Everyone has the right to work in a professional atmosphere which promotes equal treatment and prohibits discriminatory practices, including harassment. SCRTD believes that discrimination, harassment and/or retaliation in any form is misconduct that undermines the integrity of the employment relationship. Therefore, SCRTD will not tolerate any form of unlawful discrimination, harassment or retaliation. Violation of this policy will result in discipline up to and including termination.

Sexual Harassment

Sexual harassment is discrimination and is illegal under both federal and state laws. Sexual harassment is defined as unwelcome sexual advances/requests for sexual favors and other verbal, physical, electronic or visual conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals

of the same or different gender. Depending on the circumstances these behaviors may include but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation of sexually suggestive objects or pictures (including through the email) and other physical, verbal or visual conduct of a sexual nature.

Harassment Based on Other Protected Characteristics

Harassment based on any other characteristic protected by federal or state law is also strictly prohibited. This harassment is defined as verbal, physical, electronic or visual conduct that denigrates, shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, disability, citizenship, sexual orientation or any other characteristic protected by state or federal law when (1) such conduct affects a term or condition of employment or (2) such conduct affects employment decisions concerning the individual or (3) has the purpose or effect of creating an intimidating, hostile or offensive work environment or has the purpose or effect of unreasonably interfering with an individual's work performance.

Harassment in General

It is the policy of SCRTD to prohibit workplace harassment generally, regardless of motivation and regardless whether such harassment is specifically prohibited under federal or state law.

Retaliation Prohibited

SCRTD prohibits retaliation against any individual who in good faith reports discrimination or harassment or participates in an investigation of reported discrimination or harassment. Retaliation against an individual for reporting discrimination or harassment is a serious violation of this policy and like discrimination or harassment will be the subject of disciplinary action up to and including termination.

Individuals and Conduct Covered

Discrimination, harassment and retaliation are prohibited by and may not be directed towards co-workers, supervisors/managers, and third parties such as vendors, consultants or employees of member governments working with SCRTD. Conducted prohibited by these policies is unacceptable in the workplace and in any business-related setting outside the workplace, such as during SCRTD business trips, meetings, seminars and SCRTD business-related social events. Such conduct by an SCRTD employee will be cause for disciplinary action as provided in these policies. If an employee of SCRTD experiences such conduct by a third party regarding SCRTD business, the employee is encouraged to report the conduct to his or her supervisor or to the Executive Director so that the third party or the third party's employer can be informed and take appropriate action.

Complaint Procedure – Reporting

- Any employee who believes he/she has been subject to discrimination, harassment or retaliations may file a Complaint with his/her Manager, following chain of command before going to SCRTD's Human Resources Manager or Executive Director's Designee or directly with the Executive Director.
- Additionally, any employee has the right to file a Complaint with the [New Mexico Human Rights Bureau](#), Department of Labor 1596 Pacheco Street, P.O. Box 4218, Santa Fe, New Mexico 87502; Phone (505) 827-6838 and the Equal Employment Opportunity Commission (EEOC), 505 Marquette Avenue NW, Suite 900, Albuquerque, New Mexico 87102-2189; Phone (800) 664-4000. A Complaint of discrimination, harassment or retaliation must be filed with these agencies within a certain period after the occurrence of the alleged act to be timely. The employee should contact these agencies for further information.

The Investigation

- Any reported allegations of harassment, discrimination or retaliation shall be investigated promptly. The investigation will include interviews with the

parties involved and where necessary with individuals who may have observed the alleged conduct or may have other relevant knowledge.

- Complaints of harassment and discrimination will be investigated in an impartial manner. The investigation will also be conducted in as confidential manner as possible. Employees are required to fully cooperate in any investigation. Employees are also required to also answer all questions truthfully. Failure to fully cooperate and/or honestly answer questions may result in discipline, up to and including termination. A timely resolution of each Complaint should be reached and communicated to the parties involved and prompt corrective action shall be taken, if necessary.

Responsibilities of Supervisory/Managerial and Administrative Personnel

- Each supervisor, manager or other administrative personnel has a responsibility to keep the workplace free from any form of unlawful discrimination, harassment and retaliation. No supervisor or manager is to threaten or insinuate either explicitly or implicitly that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- Any supervisor, manager or administrative personnel who receives a Complaint alleging the violation of this policy or who otherwise becomes aware of a potential violation of the policy is required to report the matter to the Human Resources Manager or Executive Director's Designee unless the Human Resources Manager or Designee is the subject of the Complaint and then it shall be reported directly to the Executive Director.

False Complaints Filed in Bad Faith

An employee who files a false complaint in bad faith is subject to discipline, up to and including termination. In no event, however, shall this finding be made without first providing the Complainant the opportunity to respond to the allegation of bad faith.

Disciplinary Action

Any employee who is found to have violated these policies will be subject to prompt and appropriate disciplinary action up to and including termination.

SECTION 10:

DRUG AND ALCOHOL POLICY

Employees who are in safety-sensitive positions will comply with the requirements of Title 49, Code of Federal Regulations Part 219 with respect to submission and approval of random alcohol and drug testing.

Policy Statement

SCRTD is committed to providing a safe, healthy and efficient working environment for all employees. To help achieve this goal employees are prohibited from:

- Using, possessing, distributing, selling, transferring or being under the influence of any illegal drug on SCRTD premises, while on SCRTD time (including lunch and rest breaks) while on-call or while on SCRTD business which includes but is not limited to driving vehicles or operating SCRTD equipment.
- Bringing alcohol onto SCRTD premises, consuming alcoholic beverages or being under the influence of alcohol while on SCRTD premises, in SCRTD vehicles or while on SCRTD business, which includes but is not limited to driving SCRTD vehicles or operating SCRTD equipment.
- Any consumption of alcohol within a four (4) hour period immediately preceding the time the employee reports for duty.
- Abusing prescription drugs or using prescription drugs that have not been prescribed for the employee by a physician.

An employee may use prescription drugs only upon the direction of their Physician. Non-prescription drugs should be used in accordance with the recommended dosage. Employees using prescription drugs according to a physician's instructions or using over-the-counter drugs for medicinal purposes shall, in the event such drugs would impair their physical, mental, emotional or other faculties, notify their supervisor/manager and the Human Resources Manager or Executive Director's Designee prior to the start of the employee's work day or shift. In this instance, employees shall be required to provide proof

of lawful prescription and/or a statement from the employee's personal physician indicating the employee's ability to perform the essential job functions while under the influence of the prescribed or over-the-counter drug(s).

Notification to Supervisor/Manager

It is the employee's responsibility, to notify his immediate supervisor/manager in writing of any drug or alcohol related arrest, indictment, plea or conviction immediately. It is also the employee's responsibility to advise his/her immediate supervisor/manager in writing immediately upon notice of the suspensions or revocation of the employee's driver's license.

Violation of Policy

Violation of the Drug and Alcohol Policy shall be grounds for denial, suspension or revocation of any SCRTD issued driver's permit to operate a motor vehicle and is considered just cause for disciplinary action up to and including termination.

Employee Assistance

Employees who are concerned about possible alcoholism or addiction to drugs are strongly encouraged to seek diagnosis and where indicated to accept and complete a course of treatment. Information regarding the dangers of drug and alcohol abuse and available assistance programs may be obtained from the Human Resources Manager or Executive Director's Designee.

Participation in Substance Abuse Program

SCRTD may require an employee to participate satisfactorily in a Substance Abuse Assistance or Rehabilitation Program at the employee's or his/her insurance carrier's expense. The program for such purposes is to be approved by a federal, state or local health, law enforcement or other appropriate agency. When the employee begins the program he or she is required to sign a release form with the program representative for the purpose of releasing minimal information to SCRTD, such as attendance and/or completion of the program.

Drug and Alcohol Testing Policy

This policy is intended to provide a safe workplace in addition to ensuring that only alert employees are permitted to engage in work for SCRTD. This policy establishes guidelines for consistent handling of alcohol and drug usage situations throughout SCRTD. Urine and breath testing will be utilized as they are a means of identifying those employees who are using illegal drugs or abusing legal drugs or alcohol.

Applicability

All SCRTD employees are subject to reasonable suspicion drug and alcohol testing. An employee may also be required to submit to drug and alcohol testing if the employee is involved in a motor vehicle accident resulting in death, personal injury or significant property damage. SCRTD employees are not subject to post-offer drug testing or random drug testing unless otherwise specifically provided in these policies.

Definitions

- Alcohol: Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl contained in any beverage, mixture, preparation or medication.
- Medical Review Officer: Licensed physician (medical doctor or doctor of osteopathy) selected by SCRTD who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result, together with the employee's medical history and any other relevant bio-medical information.
- Prohibited Drug: Marijuana (THC), cocaine and metabolites, opiates, amphetamines, phencyclidine (PCP) and any other drugs identified by the FRA or FTA Federal Registers.
- Refuse to Submit (to a drug/alcohol test): Employee fails to provide an adequate breath or urine sample without a valid medical explanation, after

he or she has received notice of the requirement to be tested in accordance with this policy, refuses to sign necessary consent forms, provides a specimen with a temperature out of range without a valid medical explanation or engages in conduct that clearly obstructs the testing process including failure to arrive at the collection in a timely manner or to arrive at all.

- Negative Test for Alcohol: Test result of less than 0.02 concentration of alcohol in grams per deciliter (g/dl).
- Negative Test for Controlled Substance (prohibited drugs): Test result that does not indicate the presence of prohibited drugs or their metabolites.
- Positive Test for Alcohol: Test result of 0.02 g/dl or greater concentration of alcohol
- Positive Test for Controlled Substances (prohibited drugs) Test result indicates the presence of prohibited drugs or their metabolites.

Reasonable Suspicion or Post-Accident Testing

- Employees of SCRTD shall be required to undergo a drug/alcohol test if there is a reasonable suspicion that the employee's alcohol or drug use could impair performance and/or safety and may also be required to undergo a drug/alcohol test if involved in a motor vehicle accident resulting in death, personal injury or significant property damage.
- Reasonable suspicion shall mean that there is objective evidence, based upon known specific, contemporaneous, articulate observations which include, but are not limited to, the employee's appearance, behavior, speech or body odor that would lead a reasonable person to believe that the employee:
 - (A) Is under the influence of alcohol or drugs while on duty; or
 - (B) Is in possession of, or using, transporting, selling or purchasing alcohol or drugs during work hours including while on lunch or break or while on SCRTD property or in a SCRTD vehicle; or

(C) An employee's admission of abuse of alcohol or use of prohibited drugs to supervisor/manager or a provider of medical services under contract with SCRTD shall constitute reasonable suspicion when the use or abuse could impair job performance and/or safety and the employee is not already a participant in a drug/alcohol treatment program.

- Any trained supervisory or managerial level employee may make the reasonable suspicion determination or determination that post-accident testing is required. The supervisor/manager shall be responsible for transporting the employee to the testing site. Supervisors/managers should avoid placing themselves or others into situations which might endanger the physical safety of those present. In the case of reasonable suspicion testing, the impacted employee shall be placed on leave with pay in accordance with these policies until test results are available and an administrative review has been conducted. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his/her shift and shall immediately be placed on leave with pay pending disciplinary action. The supervisor/manager will assist the employee in getting home after the drug/alcohol test.
- A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the observer(s) within eight (8) hours or prior to the release of test results, whichever is earlier. The written record shall be submitted to the Human Resources Manager or Executive Director's Designee and shall be attached to the forms reporting the test results.

Result of Drug/Alcohol Test

- All testing results shall be reported to the Medical Review Officer or designee. If test results are negative, the Medical Review Officer or designee will notify the appropriate parties to that affect.
- If the laboratory reports that the result of a drug test is positive, then the Medical Review Officer shall consult with the impacted employee and determine the validity of the results. If the Medical Review Officer finds a

valid medical explanation (i.e. prescription drugs) for the positive result, the Medical Review Officer will verify and report this test as negative and no action will be taken. If the Medical Review Officer's Assessment is to verify the positive test, copies of the testing records shall be provided to the Human Resources Manager or Executive Director's Designee.

- A positive drug or alcohol test or refusal to submit to a test is a justifiable cause for discipline up to and including termination.
- Refusal to submit to a drug/alcohol test shall be considered both a positive test result and a direct act of insubordination and shall be cause for termination.
- Unless the employee has a prior record, for the first instance of a positive test from a sample submitted as the result of a reasonable suspicion drug/alcohol test, disciplinary action against a non-safety sensitive employee shall, at a minimum, include:
 - (A) A twenty (20) day work suspension without pay; and
 - (B) Mandatory referral by the SCRTD for assessment, formulation of a treatment plan and execution of a return-to-work agreement.
 - (C) The cost and fees associated with the employee's assessment, counseling and rehabilitation shall be paid by the employee or his/her insurance plan.
 - (D) The employee's consent to a return-to-work agreement which shall provide that the employee's failure to remain compliant with terms of the agreement shall result in termination from SCRTD. Compliance with the return-to-work agreement shall mean that the employee has submitted to a drug/alcohol test immediately prior to returning to work and;
 - (E) If the result of the test is negative and if in the judgment of the treatment provider, the employee is cooperating with the recommended treatment program; and the employee has agreed to periodic unannounced follow-up testing for a period of at least 12 months and not more than 24 months. A mandatory minimum of 6 tests within the first 12 months is required. Refusal to submit to a periodic unannounced follow-up drug/alcohol test or submitting to a

- follow-up test the result of which is positive shall result in termination from SCRTD employment.
- If an employee has any of the following discipline in his/her employment record, then the first instance of a positive test result shall result in termination from SCRTD:
 - (A) A total of six (6) days of suspension in the preceding two years; or
 - (B) In the preceding year has been notified in writing that he/she has over utilized sick leave; or
 - (C) In the preceding year has received a suspension for tardiness or absenteeism
 - The second instance of a positive result from a sample submitted under the reasonable suspicion drug/alcohol test provisions herein shall result in termination from SCRTD employment.

Grievance and Appeal

- A non-probationary employee who is subject to termination or other disciplinary action pursuant to the Drug and Alcohol policy may grieve the termination or other disciplinary action pursuant to these policies.
- In the case of a verified positive test, the employee may request at his/her own expense the testing of the collected sample within five (5) calendar days of notice that the first test was positive. Upon receipt of such request, the Medical Review Officer will notify the testing lab and the lab will forward the reserve sample to another NIDA certified lab by a secure method. The employee will be required to pay for the cost of the test in advance. If the result of this test, however, is negative SCRTD will reimburse the employee.

Confidentiality and Records Release

All information relating to drug and/or alcohol testing is to be kept confidential. Drug/alcohol testing records shall be maintained in the employee's medical file which will be maintained separately from the employee's personnel file. These medical files will be kept locked and secured. Except as provided as follows or as

required by law, the results of any drug/alcohol test shall not be disclosed without express consent of the tested employee.

- Records of verified positive drug/alcohol test results shall be released to the employee's Department head or Executive Director and treatment provider.
- Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit or other proceeding initiated by or on behalf of the tested individual arising from the result of the drug/alcohol test.
- If appropriate, records will be released to the National Transportation Safety Board or D.O.T. or any D.O.T. State agency with regulatory authority over SCRTD or any of its employees. Records will also be released in response to a subpoena or other order from a court of competent jurisdiction or from an administrative agency with appropriate subpoena authority.

Drug Testing Procedures

- All drug/alcohol testing shall be conducted in a manner to assure a high degree of accuracy and reliability. All laboratory tests will be performed by a NIDA certified laboratory, selected by SCRTD and equipped and trained to perform such tests. Urine samples will be taken by qualified personnel. At the designated physician's office, emergency room or laboratory.
- The laboratory will be instructed as follows:
 - (A) To test for the substances set forth under Definitions in this policy.
 - (B) To retest positive urine specimens for the substance indicated using an alternative scientific method such as the use of gas chromatography/mass spectrometry (GC/MS) analysis.
 - (C) To freeze all specimens yielding positive results.
 - (D) To utilize chain-of-custody procedures which ensure proper identification, labeling and handling of test samples.
 - (E) To have a certified breath alcohol technician conduct alcohol testing using a reliable breath-testing device.

(F) To return the lab report and any printouts showing positive results to the Medical Review Officer for verification.

- The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure and the validity of the test result.

Proper Application of the Policy

SCRTD is dedicated to assuring fair and equitable application of the policy. Therefore, supervisory/management personnel are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisory/management personnel who knowingly disregards the requirements of this policy or who is found to have deliberately misused the policy regarding subordinates, shall be subject to disciplinary action, up to and including termination.

SECTION 11: USE OF SCRTD VEHICLES

Certain job positions allow for the use of a SCRTD vehicle for business purposes. Vehicles owned, leased or rented by SCRTD may not be used for personal use without prior approval of the Executive Director. Employees are expected to use due care when operating a SCRTD vehicle.

Payment of any speeding, parking, red light violation or other traffic ticket is the sole responsibility of the employee driving the vehicle. After a third offense, the Executive Director reserves the right to progressive discipline including removal of the privilege of driving SCRTD vehicles, requiring attendance at driving school at the sole expense of the employee or termination of employment. Failure to pay such tickets within the allowed time may result in disciplinary action up to and including termination.

An employee may also be terminated or suspended, without recourse, if the employee's job requires operation of a motor vehicle and the employee's driving record is such that the SCRTD is unable to procure insurance for the employee under the SCRTD's motor vehicle insurance policy.

Any employee who is involved in an automobile accident while driving an SCRTD vehicle must notify a supervisor/manager as soon as possible under the circumstances. Whenever it is reasonably feasible, a supervisor will travel to the scene of the accident to assess the situation.

SECTION 12: LEGAL HOLIDAYS

The Executive Director shall announce annually the legal holidays for SCRTD employees. Employees will not receive pay for a holiday unless they are in a pay status for the full workday immediately before and immediately after the holiday.

If a designated legal holiday falls on a Saturday or Sunday, the day off will be the preceding Friday or the following Monday.

Employees who work less than 40 hours per week will receive prorated holiday pay according to the route bid selected by the driver. If an exempt employee or a part-time employee who does not work five (5) days per week is required to work on a legal holiday, the employee is entitled to an alternate day off within 9 days after the holidays unless prior approval for an extension is approved in writing from the employee's immediate supervisor/manager.

SECTION 13: Personal Time Off (PTO)

SCRTD provides PTO which may be taken for vacation or illness.

- Employees with 0 to 48 months of Continuous Service will accrue PTO at 3.85 hours biweekly to a maximum of 120 hours annually.
- Employees with more than 48 months to 9 years of Continuous Service will accrue PTO at 4.62 hours biweekly to a maximum of 140 hours annually.
- Employees with more than 9 years to 14 years of Continuous Service will accrue PTO at 5.54 hours biweekly to a maximum of 160 hours annually.
- Employees with more than 14 years of Continuous Service will accrue PTO at 6.93 hours biweekly to a maximum of 200 hours annually

Employees who were hired at SCRTD prior to November 1, 2016 will be grandfathered at their biweekly accruals of 3.69 for vacation and 3.69 for sick leave and not participate in PTO Leave for period November 2017 to May 1, 2020. From May 2, 2020 all employees will participate in PTO based on their service time.

- A legal holiday which would have been a regular workday for the employee, which occurs during the employee's PTO, will be charged as a holiday, not PTO.
- Up to three (3) days of Bereavement may be used for the death of a spouse, domestic partner or other immediate family member.
- The employee's supervisor/manager, Executive Director or Designee must approve requests for PTO unless it is an Emergency.
- Upon the death of an SCRTD employee, SCRTD will pay accrued but unused PTO to the employee's designated beneficiary.
- In the event of the dissolution of SCRTD or employee layoff or reorganization of SCRTD, employees will be paid accrued, unused, PTO as of the date of termination of employment.

SECTION 14: Paid Time Off

POLICY:

It is the policy of SCRTD to provide personal time off to its employees. Participation in this plan does not constitute a right to continued employment with SCRTD. It is the District's intent to continue this program; however, the District reserves the right to amend or terminate it at any time.

SCRTD has established this plan as a means of providing its employees with time off for vacation, holidays, personal days, sick days and bereavement. The District recognizes the value of rest and relaxation and all eligible

employees are encouraged to schedule time away from work in accordance with our policies. Properly scheduled, PTO can be used for any reason.

PROCEDURE:

Eligibility and Waiting Period

All full and part-time employees regularly scheduled to work a minimum of 20 hours a week are eligible to receive PTO in accordance with this plan.

"Temporary," part-time employees working fewer than 20 hours per week, and per diem are not eligible for paid time off benefits.

Eligible employees will start to accrue PTO on their date of hire and will continue to accrue PTO hours every pay period consistent with their length of service. PTO hours will appear on the employee's check stub and will be available for use on the 91st day of employment.

Employees on inactive status or on a leave of absence will resume their PTO accrual upon their return to eligible active status.

Negative Balances

Requests for PTO in excess of the employee's available balance are not allowed.

PTO Schedule of Benefits

Starting with the eligible employee's date of hire, PTO benefits will accrue according to the length of service as outlined on the following schedule. Employees realizing an anniversary date that results in a higher accrual rate will accrue hours at the higher rate for the entire pay period in which the anniversary occurs. Employees accrue PTO based on hours worked up to a maximum of 40 hours per week.

PTO's will not accrue on overtime.

Holiday PTO Pay

Non-exempt/hourly employees will be allowed to request PTO for a holiday worked, in addition to their regular rate of pay, for their regularly scheduled hours (up to a maximum of twelve (12) hours) for each of the following six (6) holidays:

1. New Year's Day
2. Martin Luther King Day
3. Memorial Day
4. Independence Day (July 4)
5. Labor Day
6. Thanksgiving Day
7. Christmas Day

Requesting PTO pay for a holiday worked is at the discretion of the employee and will not be paid automatically. Employees wishing to receive PTO for a holiday worked must follow the same procedure for requesting a day of PTO. Additionally, this request will only be accepted in the pay period in which the holiday occurred.

Exempt employees are required to request PTO for a holiday, if they don't work that day, in order to get paid for it.

Holiday PTO's can be used even if it is before an employee's 90-day probation period.

Requests. For Time Off

Exempt/salaried employees may request PTO in full-day or half day increments only. Exempt/salaried employees must submit and have approved by their Department Manager/Supervisor a **Personal Time Off Request's** form, to record use of PTO's.

For non-exempt or hourly employees, a day of PTO is based on the employee's regularly scheduled day (up to a maximum of twelve (12) hours). For example, an employee who is scheduled to work an 8- hour day and requests PTO for that day, would be paid PTO that is also equal to 8 hours, or their regularly

scheduled hours. PTO must be requested in writing using a **Personal Time Off Request's** and submitted to the Department Manager/Supervisor as far in advance as possible; it is recommended that requests for PTO be submitted at least four (4) weeks in advance, but not less than two (2) weeks prior to the date requested.

PTO is scheduled on a first-come, first-served basis; priority may be given to seniority when more than one request is received for the same period at the same time. In addition to the cancellation provisions outlined below, supervisors are not obligated to grant PTO to solely meet the needs of the employee. As a practical matter, PTO properly requested and scheduled will be granted at the convenience of the employee; however, the work requirements of SCRTD must take priority over the scheduling of any PTO requests. For those employees who wish to take more than two (2) weeks off must be employed for a minimum of two (2) years and is approved at the discretion of that department manager and must be approved by the Executive Director, especially if you are leaving the country. If approved, the employee is responsible for covering their position.

Additionally, the employee may be required to provide a physician's medical certification documenting the need to take time off due to medical reasons as well as an authorization to return to work. PTO can only be used if the employee follows the policy of calling in to their supervisor in advance of their scheduled shift. Failure to call in with appropriate notice may result in forfeiting the PTO for that day. If the employee has an unexcused absence the day before and/or the day after approved PTO, payment of the PTO will be denied.

Cash Payment of accrued PTO or Deferred Compensation

Hours paid under PTO are considered non-worked hours and will **not** be paid at an overtime, weekend, or shift differential rate. Nor will they count toward the accumulation of hours to justify overtime payment. A cash payment, of up to 80 hours, may be requested on the employee's anniversary month, or the month in which they were hired. This will be the only opportunity to request a cash payment of accrued PTO hours without taking the time off. To request a PTO cash payment, the employee must submit a written request using the **Personal Time Off Request's (Section 2)** form, to the Payroll

department, at any time during the anniversary month; however, requests will not be approved past the employee's anniversary month. Also, an employee may request transfer of up to 80 hours of PTO to the NM PERA deferred compensation program. Participation in the NM PERA SmartSave is optional.

Transfer from Eligible to Non-Eligible Status

When an employee transfers to an ineligible status (Example - An employee who goes from Full Time or Part Time to PRN status) they will be paid their accrued PTO as outlined in the section "Benefits upon Termination of Employment."

Transfer from Non-Eligible to Eligible Status

When an employee changes from an ineligible to an eligible status, they will accrue PTO starting with the effective date of their status change based on the service level using their original date of hire. Employees having such a status change will not have to satisfy a waiting period to use PTO.

Leaves of Absence

An employee on an approved leave of absence may request to use their available balance of PTO while on leave. PTO hours may be used while the employee is receiving disability benefits, thus allowing the employee to receive up to one hundred percent (100%) of their pre-disability earnings. PTO hours may also be integrated with military pay to employees serving in the Reserves or who are called to "active" status; military orders must be submitted before payment of the PTO will be authorized.

Cancellation

The Department Manager/Supervisors and/or Administration may cancel approved PTO at any time based on work needs, staffing requirements, or other needs of the District.

Benefits upon Termination of Employment

Employees who terminate their employment with the District are entitled to be paid 100% of their earned and unused PTO balance. The amount of earned and unused PTO will be paid to the employee in full at the time the employee would receive their final payroll check.

**SECTION 15:
DONATION OF PAID LEAVE**

Donations of PTO assist SCRTD employees who have been with SCRTD a minimum of two (2) years continuous service and have a life-threatening illness or injury to the employee, the employee's spouse, domestic partner, child or parents.

Eligibility for Donated Leave

An employee must meet the following criteria to request donated leave:

- Have a minimum of two years continuous service;
- Exhaust all accrued PTO and have no other paid leave options
- Have a life-threatening illness or injury or have a spouse, domestic partner, child or parent with a life-threatening illness or injury;
- Demonstrate acceptable performance; and
- Have not received donated leave, injury time or hardship leave in the 12 months preceding the request

Procedure for Donated Leave

An eligible employee, or the Human Resources Manager or Executive Director or Designee, may on the employee's behalf, request a donation of paid leave by applying to the Executive Director that includes the following:

- The employee's name, social security number and rate of pay;
- A description of the life-threatening illness or injury which has prompted the request which includes a general medical statement of diagnosis, prognosis and return to work if applicable, which does not violate privacy laws.
- The anticipated amount of donated leave the employee will require.

The Human Resources Manager or Executive Director or Designee will determine whether the requesting employee meets the eligibility criteria. If the Executive Director approves the request, it will then be given to the requesting employee.

Conditions of Donated Leave

- Donated leave will be converted to a dollar value based on the donor's hourly rate and then converted to hours based on the recipient's hourly rate.
- Donated leave may be requested by or for an employee only one time during a 12-month period.
- The donated leave recipient will not accrue PTO while on donated leave status.
- Once an employee returns to work from donated leave, either working full-time or part-time, all remaining donated leave hours will be reinstated to the donating employee(s) in proportion to the amounts of leave originally donated by each of them.
- Provisions regarding the confidentiality of medical records and information shall govern. Posted solicitation for donated leave will ensure the privacy of medical information. Disclosure of such information may be made only with the express written consent of the affected employee.
- Donated leave will not be granted as an extension of injury time, hardship leave or leave without pay of more than two weeks.
- Donation of PTO is strictly voluntary. Denial of a request to receive donated leave cannot be grieved.

SECTION 16: EMPLOYEE MEDICAL LEAVES

SCRTD may grant eligible employees up to twelve (12) work weeks of unpaid medical leave provided the employee provides SCRTD the required documentation for the requested medical leave.

Substitution of Paid Leave

Employees may use accrued PTO. After accrued PTO is exhausted, the employee may use unpaid leave. Donated leave or injury time, excluding light duty, will be charged to medical leave.

Employee Rights and Responsibilities While on Medical Leave

- During paid sick leave or PTO, annual leave and sick leave or PTO, as appropriate may continue to accrue and will be prorated if appropriate. PTO will not accrue during any unpaid medical leave.
- SCRTD will continue to pay its share of life and health insurance premiums while the employee is on paid sick leave, annual leave or . However, the employee will be responsible for the full payment of insurance premiums while on unpaid medical leave for a full pay period or longer. SCRTD has the right to recover premiums it paid if the employee does not return to work after the medical leave.
- Employees on unpaid medical leave will not pay PERA contributions for that period of unpaid leave nor will the employee receive service credit for retirement purposes while on unpaid leave.
- While on medical leave an employee must contact his/her supervisor/manager by telephone at least weekly to report on their status and intention to return to work at the end of his/her medical leave. If the circumstances of the employee's leave change and the employee can return to work earlier than anticipated, the employee must notify the supervisor/manager at least two (2) workdays before the date the employee intends to report to work.

Return to Work After Medical Leave

An employee returning to work following a medical leave must submit a physician's statement certifying that he/she can return to work and can perform the essential functions of the job, with or without reasonable accommodations. If an employee requires an accommodation under the American with Disabilities Act, a request must be submitted to the Executive Director.

Reimbursement of Health Insurance Premiums

If an employee does not return to work after the medical leave has expired, the employee may be required to reimburse SCRTD for any health insurance premiums paid by SCRTD during the period the employee was on medical leave.

Confidentiality of Medical Information

- SCRTD maintains records and documents relating to medical certifications, re-certifications and medical histories of employees or employee's family members in separate files and treats them as confidential medical records.
- Supervisors and managers may be informed about necessary restrictions on the work and necessary accommodations. First aid and safety personnel may be informed if medical conditions require emergency treatment. Government officials shall be provided relevant information upon request, subject to the confidentiality provisions of federal (HIPPA) and state law.

SECTION 17: OTHER LEAVES

Leave to Vote

All employees who are registered to vote and whose normal workday hours begin less than two (2) hours after the opening of polls or end less than three (3) hours prior to the closing of the polls may use two (2) hours with pay for voting. The employee's supervisor/manager should schedule the time off for voting so that offices remain open and the work of SCRTD is affected as little as possible. Employees may not use voting time for any other purpose. The Executive Director may require an employee to prove that he/she is a registered and eligible voter. Abuse of this time is just cause for disciplinary action up to and including termination.

Military Leave

- SCRTD grants military leave with pay to employees who are members of the National Guard, Air National Guard or any organized reserve unit of the

Armed Forces of the United States, including the Public Health Service, to participate in annual training. SCRTD also grants military leave with pay to employees who are members of an unorganized reserve component, as sanctioned by the State of New Mexico or the Federal Government, for attending organized courses of instruction or training periods.

- Military Leave for these purposes will not exceed 15 workdays in each Federal fiscal year, October 1 through September 30. A workday is eight hours for purposes of military leave. This leave is in addition to other authorized leave, when an employee is ordered to active duty training with such units. Employees working part time will receive military leave on a prorated basis. Once the 15-workday period is used, the employee is on military leave without pay for the remainder of the absence. Military leave is paid at the employee's straight-time rate of pay for a 40-hour workweek. Time in active duty status with the military will not count toward completion of probation.
- SCRTD grants military leave as required by Federal law to employees who are required to serve on active duty as part of a reserve or ROTC obligation or who voluntarily enlist for military service. Except for periods of up to 15 workdays total during each Federal fiscal year, military leave for these purposes is leave without pay. Military leave without pay is limited to a cumulative five (5) years during the employee's employment. Any single period of leave is limited to the period of the tour of duty plus the time allowed by law for the employee to request reinstatement to employment. Employees may choose to use accrued PTO for part of the Military Leave. Federal law governs all employee benefits and restoration to employment at the end of the leave.
- To request a Military Leave, the employee or his/her designated representative must attach a copy of the orders to a written request for Military Leave. In the event official orders are not issued, the employee will be required to provide verification of attendance from his/her Commander. All requests must be approved by the Executive Director.

Hardship Leave

Upon recommendation of the employee's supervisor/manager, the Executive Director may grant a leave with pay to a qualified employee upon demonstration of extreme hardship due to a life-threatening illness or injury to the employee. Employees who have at least five (5) years of continuous service may be eligible for Hardship Leave not to exceed six (6) calendar months. Employees who have at least ten (10) years of continuous services may be eligible for twelve (12) calendar months of Hardship Leave. Employees working less than 40 hours or more a week but working at least 20 hours a week will be eligible for Hardship Leave on a prorated basis. Hardship Leave will only be granted after the employee has exhausted PTO and only if the employee is not eligible for pension benefits from SCRTD or the New Mexico State retirement programs or under Federal Social Security. Employees on Hardship Leave will not accrue PTO.

No employee will be eligible for Hardship Leave unless his/her supervisor/manager and the Executive Director determine the employee has clearly exhibited exceptional performance of duties. A decision of the Executive Director not to such a Hardship Leave will not be the subject of a grievance.

Managerial Leave

Employees who are exempt under the Fair Labor Standards Act (FLSA) are required to perform certain functions regardless of the number of hours necessary to complete assigned tasks. Supervisors/managers and other exempt employees are encouraged to use flexible work schedules as appropriate. Circumstances occasionally place extra demands on employees which require work involving a substantial number of hours that cannot be accommodated through flexible work schedules.

Managerial leave is paid leave granted to exempt employees who have been required to perform significant work tasks in addition to or outside of their regular work schedules. Routine or periodic meetings or assignments outside of the normal workday do not justify managerial leave. Managerial leave is generally discouraged.

Managerial leave must be authorized by the Executive Director who in each case will provide specific criteria, including the maximum award for such leave and

date by which leave must be used. Managerial leave may not be converted to cash payment under any circumstances.

Court Service

Employees who are called for jury duty or to testify on behalf of SCRTD in court during normal work hours will be paid at their regular pay for the time their service is required. The employee must pay all fees received back to SCRTD. The employee must notify his/her supervisor/manager of jury duty or other required court service as soon as possible.

Leave with Pay

The Executive Director may authorize leave with pay for services or activities of employees outside the scope of their employment, which can reasonably be anticipated, directly or indirectly to benefit SCRTD. Such leave will not exceed 80 hours.

Administrative Leave with Pay

The Executive Director may place an employee on Administrative Leave with Pay while SCRTD investigates allegations of misconduct or for any good and sufficient reason that is in the best interest of SCRTD.

- Employees on paid Administrative Leave shall be available between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. During this period, the Executive Director may also assign the employee duties and responsibilities that benefit SCRTD. An employee's failure to comply with assigned duties and responsibilities shall constitute an unauthorized leave of absence without pay. The Executive Director will document in writing the Administrative Leave and include expectations of the employee while on Leave, including but not limited to the return of any SCRTD property and equipment.
- Administrative Leave with Pay under these circumstances does not constitute discipline and may not be appealed under SCRTD's Appeal Procedures.

- If allegations of misconduct against an employee are substantiated, disciplinary action may be taken in accordance with SCRTD policy.
- Administrative Leave during an investigation shall normally be limited to 30 workdays. If it is necessary to extend the Administrative Leave beyond 30 workdays, the Executive Director will review the status of the investigation and if appropriate extend the Administrative Leave.

**SECTION 18:
LEAVE WITHOUT PAY**

SCRTD may grant employees Leave without Pay. A classified SCRTD employee with a minimum of 12 months continuous service is eligible for a Leave without pay not to exceed 12 months. A Leave without pay for probationary employees is limited to 30 calendar days. The probationary period will be extended for a period equal to the Leave. Leave without pay must be approved by the Executive Director or a designee specifically authorized by the Executive Director to approve a request for leave without pay.

- Employees may be granted Leaves without Pay for the following reasons:
 - Due to illness or disability documented by a medical doctor
 - To run for public office
 - To hold public office
 - To attend school when it is demonstrated that the subject is job related
 - For additional vacation time; or
 - For good and sufficient reason which the Executive Director considers to be in the best interest of SCRTD.
- Except under unusual circumstances, voluntary separation to accept employment outside SCRTD service is not sufficient reason for granting Leave without Pay. Positions will not be held open for employees who are granted leave without pay for more than 30 days unless the Executive Director agrees otherwise prior to the leave. An employee on Leave without Pay for more than 30 days may return to work provided there is an available position and the employee notifies SCRTD of his/her desire to return to work at least 30 days prior to the scheduled end of the Leave. Any agreement between SCRTD and an employee for Leave without Pay including whether the employee's position will be held vacant, must be in

writing. Employees must exhaust all accrued PTO prior to receiving approval for Leave without Pay.

- Employees on Leave without Pay will not accrue PTO or any other benefit. Employees must directly pay full contributory benefits when in an unpaid status for one pay period or longer. In some circumstances, leave without Pay will not count as service credit for PERA retirement purposes. Employees should contact PERA regarding applicable PERA rules and policies.

SECTION 19: PROFESSIONAL DEVELOPMENT AND EDUCATIONAL LEAVE

SCRTD, subject to the availability of funds, encourages the professional development of its full-time, non-probationary SCRTD employees, through educational leave, tuition assistance and payment of membership in professional organizations when it is determined to be of mutual interest to SCRTD and the employee.

The Executive Director may grant up to three (3) hours per week of educational leave from SCRTD work time for job-related education subject to the following conditions:

- The employee provides an equal amount of off-duty time attending a course;
- The education is only available during normal working hours unless justifiable reasons prevent the employee from attending after working hours;
- Continued employee productivity is expected;
- Satisfactory job performance record; and
- Satisfactory academic record.

An employee should submit an Education Leave request to his/her supervisor/manager for recommendation in sufficient time for the Executive Director to approve/disapprove before the beginning of the course.

Tuition Assistance

The Executive Director may grant Tuition Assistance for courses or degrees that enhance or create a skill that directly relates to the employee's current job and demonstrates a direct, tangible benefit to SCRTD.

An employee should submit a request for Tuition Assistance to his/her supervisor/manager for recommendation in sufficient time for the Executive Director to approve/disapprove before the beginning of the course.

Tuition Assistance is subject to the following:

- The employee is solely responsible for payment of all tuition related expenses;
- Reimbursement will be made upon receipt of proper documentation that the employee achieved a grade C or above, following completion of the course;
- Reimbursement is limited to the following maximum awards per fiscal year; nine credit hours at New Mexico State University; four credit hours at other approved institutions;
- Employees are responsible for purchase of textbooks; and
- Employees terminated prior to completion of courses are not eligible for reimbursement.

Professional Memberships

SCRTD may pay annual dues for membership in one professional or technical society for full-time, non-probationary employees. The membership shall be appropriate to the position or field of expertise and must produce a direct, tangible benefit to SCRTD, as determined by the Executive Director. Payment is subject to availability of funds and shall not exceed \$250 per person per fiscal year.

SECTION 20: INSURANCE BENEFITS

SCRTD offers a variety of contributory and non-contributory insurance benefits. This coverage is available to a domestic partner of a SCRTD employee as well as a spouse of a SCRTD employee. Insurance booklets containing information on

insurance benefits are available to SCRTD employees from the Human Resources Manager or Executive Director's Designee.

Group Life Insurance

All employees of SCRTD receive life insurance protection, effective 30 days from the commencement of employment. The amount of life insurance protection is determined according to the employee's basic annual earnings. Life insurance protection will be adjusted, if necessary, to correspond to pay rate changes. Group life insurance will continue for 31 days after an employee terminates employment. During this period, the employee may convert the group policy to an individual policy.

Optional Contributory Health/Dental Insurance

- Employees may enroll in contributory health or dental insurance within 30 days of the date employment begins. Coverage begins on the first day of the full pay period immediately following submittal of enrollment documents. Dependents are eligible to be included on the same date the employee becomes insured or on the date he/she acquires an eligible dependent. SCRTD and the employee share the cost of contributory premiums for the employee only.
- Employees may sign up for coverage during an open enrollment period each year, usually during the month of May. Under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) an employee may enroll within 30 days of the date the employee marries or acquires a child through birth or adoption. An employee should make any changes to insurance benefits in person at the SCRTD office.
- When an employee is in non-pay status for one full pay period or longer, he/she must arrange for direct payment to maintain any contributory benefits.

Optional Supplemental Life Insurance

- Employees who work at least 20 hours per week may participate in the Supplemental Life Insurance Program. Participation is subject to specific

eligibility requirements. Eligible employees must enroll within 30 days of date of hire, during the open enrollment period or within 30 days of acquiring eligible dependents. The total premium cost is the responsibility of the employee with no contribution by SCRTD.

- If an employee leaves SCRTD, Supplemental Life Insurance will continue through the end of the pay period in which the employee terminates. An employee may convert to an individual policy at the time of termination.

Continuation of Health Insurance

The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 provides for the continuation of health care coverage for a covered employee and covered dependents due to a qualifying event that causes loss of health coverage. COBRA continuation coverage may be available for 18 months in the event of termination of employment or 36 months in the event of death, divorce/legal separation, entitlement to Medicare or loss of dependent status.

- To be eligible for COBRA coverage, the qualified beneficiary must be enrolled in SCRTD's group health plan on the day before the qualifying event takes place or a child is born to or placed for adoption with a covered employee during the COBRA coverage period.
- A qualifying event is defined as termination of employment (other than for gross misconduct) or reduction in hours of employment; death of a covered employee; a divorce or legal separation of a spouse from a covered employee; entitlement to Medicare of a covered employee; or a child no longer satisfying the Plan's definition of a dependent child.
- The covered employee or dependent is required to notify Human Resources or the Executive Director's Designee of a divorce, legal separation or change in the status of a dependent child within 60 days of the date of the event. If notification is not received within this time period, COBRA continuation coverage will not be provided.
- If a SCRTD employee and/or eligible dependents are covered under a non-SCRTD sponsored health care plan that is terminated through no fault of

the insured, the employee and eligible dependents may enroll under a SCRTD health care plan within 31 days of termination of coverage, with no lapse in coverage, subject to proof of prior coverage and proof of coverage termination.

SECTION 21: PERSONNEL RECORDS

SCRTD maintains the required information in employees' personnel records. Use of these records is restricted to the interest of the employee, as well as for the efficient conduct of the SCRTD's business. Certain portions of personnel records are not confidential and will be made available upon a proper request under the New Mexico Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 and NMSA 1978.

Access to Personnel Records

Access to confidential materials contained in an employee's personnel record is restricted to the following:

- The employee;
- The employee's representative in a SCRTD grievance or appeal with written authorization by the employee;
- SCRTD Executive Director or Designee, employee supervisor/manager, SCRTD attorney;
- Another person with written authorization signed by the employee and with a legitimate purpose;
- Persons providing a subpoena or order for production duly issued by an authorized administrative agency or a court of competent jurisdiction.

Contents of Personnel Records

- Employee information that should be maintained in the employee's personnel file and be accessible to the public includes the employee's application for employment and resume; Personnel Action Forms; PERA membership application/documents; and certifications; degrees; permits; licenses and awards.

- Confidential information that should be maintained in the employee personnel file includes letters of reference; performance evaluations; letters of commendation/recommendation; the employee's home address; employee's home telephone number; employee's social security number and records relating to disciplinary action.
- Only the Executive Director may authorize permanent removal of material from an employee's personnel record.

Records relating to SCRTD's compliance with the Immigration Reform and Control Act of 1986 are maintained in separate files.

SECTION 22: SEPARATION FROM EMPLOYMENT

Retirement Generally

The State of New Mexico requires all new SCRTD employees to join the Public Employees Retirement Association of New Mexico (PERA). The information in these policies is included only as an aid for SCRTD employees. State law regulates PERA benefits and employees are encouraged to contact PERA with questions.

An initial membership fee will be withheld from the first paycheck and thereafter a percentage of pay will be deducted each pay period, consistent with the Plan currently in effect for the employee group.

Employees leaving SCRTD may withdraw PERA contributions in accordance with PERA rules and policies. If an employee leaves SCRTD prior to eligibility for retirement and has more than five (5) years' service, he/she may withdraw their PERA contributions or leave the contributions for a deferred retirement benefit. Contributions withdrawn may be replaced, with payment of interest, to build retirement credit if hired by another PERA member agency.

An employee retiring through PERA is eligible for a retirement pension as provided by state law. The current requirements are as follows:

- 25 or more years of service at any age;
- 20 or more years of service at age 60;

- 17 or more years of service at age 61;
- 14 or more years of service at age 62;
- 11 or more years of service at age 63;
- 8 or more years of service at age 64;
- 5 or more years of service at age 65.

There are additional benefits, including duty and non-duty related disabilities, and general death benefits resulting from any cause.

The Human Resources Manager or Executive Director's Designee, processes retirement for SCRTD's employees. The following provides some guidelines.

- Employees should plan to begin processing for retirement at least three (3) months before the projected date of retirement. The employee should request a confirmation of service credits from PERA and submit a memorandum to the Executive Director which includes the effective date of retirement. To insure a timely annuity, final retirement processing should be completed at least 30 days prior to the retirement date.
- At retirement the amount of the group life insurance policy is reduced to one-half. Retiring employees and eligible dependents may elect to transition to the Retiree Health Insurance Plan offered by the State of New Mexico.

Early Retirement

Immediately prior to retirement from active service with SCRTD an employee may take leave with pay equivalent to the amount of PTO the employee has accumulated. An employee in Early Retirement is entitled to all benefits except Donated Leave and Hardship Leave.

Separation before Retirement

- SCRTD employees who wish to resign in good standing prior to retirement shall submit a letter to his/her immediate supervisor/manager at least two weeks before leaving employment, stating the date the resignation shall become effective. Employees who resign before they are eligible for

retirement may request a refund of contributions from the Public Employees Retirement Association (PERA) of resignation is not the subject of a grievance as defined in these policies but is subject to pre-disciplinary procedures.

- Upon the death of a SCRTD employee, the SCRTD will pay to the employee's beneficiary PTO accrued at the time of death, in addition to final wages. PERA also provides Death Benefits under state law.

SECTION 23: DISCIPLINARY ACTIONS

SCRTD expects its employees to perform their work in accordance with supervisor/management expectations and to follow Personnel Policies as well as other rules and guidelines that apply to employment with SCRTD. Occasionally, however, discipline is the only alternative to correct employee behavior or performance which fails to meet expectations. The type of corrective action depends on the severity of the infraction and the employees previous work record. Progressive discipline will be used when appropriate. Disciplinary actions may be in the form of a verbal or written reprimand, suspension without pay, demotion or discharge from employment. Each case of inadequate performance or act of misconduct will be evaluated individually. Continual infractions of the same type, however, may be considered in the aggregate when appropriate.

Reasons for Disciplinary Action

Disciplinary action will be based on just cause. Just cause for discipline is any behavior significant or substantial in nature relating to the employee's work that is inconsistent with the employee's obligation to SCRTD.

Employees may be reprimanded (orally or in writing), suspended without pay, demoted or discharged for any just cause including but not limited to:

- Violence or threats of violence on SCRTD premises or on SCRTD time. SCRTD premises include but are not limited to work sites, property or vehicles (owned, rented or leased) and parking lots.

- Commission of a felony or misdemeanor related to the position held by the employee; or
- Conviction of a crime involving moral turpitude;
- Incompetence, inefficiency or inadequate performance of an employee's duties;
- Deliberate falsification or omission of information on an employment application, resume, timecard/record or other SCRTD document;
- Insubordination or uncooperative behavior;
- Misappropriation or personal use of SCRTD funds, property, possessions or resources;
- Theft or fraud;
- Sexual harassment or other prohibited harassment;
- Violation of confidentiality;
- Absent from duty without prior authorization;
- Violation of Personnel Policies; or
- Misconduct or other action on or off-duty which negatively impacts SCRTD.

Disciplinary Procedures

Before discipline is imposed, the employee shall be notified of the reasons for which the discipline is contemplated, a summary of the evidence against the employee and the employee's right to respond to the proposed action. The notice shall designate a time and place for the employee's response and include the employee's right to respond in writing. A disciplinary decision will be made only after consideration of the employee's response, unless the employee fails or refuses to respond. At the discretion of the Executive Director or the employee's supervisor, an employee may be placed on administrative leave with pay during the time that a disciplinary decision is pending, as provided in Section 16.

General Provisions

The Executive Director may issue any level of discipline. A supervisor/manager may issue a reprimand and suspend an employee without pay for up to one day after informing the Executive Director. Suspensions shall not exceed 30 calendar days for any offense.

Disciplinary actions, with the exceptions of discharges, may be held in abeyance for no more than six (6) months. All disciplinary actions shall be noted in the employee's personnel file. Disciplinary actions held in abeyance will not be placed in the employee's personnel file until the discipline is given.

**SECTION 24:
APPEAL FROM SUSPENSION, DEMOTION AND DISCHARGE**

The Appeal procedure offers a process for a classified employee to appeal a suspension without pay, demotion for disciplinary reasons or discharge. The entire Appeal process shall operate without discrimination, restraint, coercion or reprisal on the part of any supervisor/manager or employee.

The filing of an Appeal, or the intention to file, does not relieve any employee in any way of his/her responsibility to perform all his/her assigned duties promptly, efficiently and completely.

Hearing Officer

A Personnel Hearing Officer shall be an attorney licensed to practice in New Mexico or a person experienced in employer-employee relations or personnel administration. The Personnel Hearing Officer shall exercise his or her responsibilities in accordance with the principles set forth in the Code of Judicial Conduct, Rules 21-001, et.seq. NMRA, as it applies to probate, part-time magistrate judges and municipal judges.

Appeal Procedures

An employee may appeal discipline within ten (10) calendar days of the disciplinary decision by submitting a written statement to the Executive Director containing the following:

- Employee's name;
- Employee's job title;
- Employee's immediate supervisor;
- Discipline imposed and a summary of the offense for which the discipline was imposed; and

- The reason the employee disagrees with the discipline imposed.

Within five (5) business days of receiving the employee's Appeal, the Executive Director will schedule a meeting with the employee to discuss the circumstances of the discipline and explore whether SCRTD and the employee can reach an amicable resolution. If this meeting does not resolve the Appeal the Executive Director will appoint a Hearing Officer within five (5) business days after the meeting.

Within ten (10) business days of receiving the appointment, the Hearing Officer will confer with SCRTD and announce a date for a Hearing. The Hearing shall generally take place during normal work hours. The Hearing Officer will conduct an evidentiary Hearing at which the parties may present the testimony of witnesses and documentary evidence. The Hearing will be recorded either by audio recording or a transcript prepared by a certified court reporter. The Hearing Officer may accept any testimony and evidence, including documents and things, that are reasonably relevant to the matters of concern, but shall not be bound by the New Mexico Rules of Evidence or any other evidentiary rules of the New Mexico courts. All evidence and exhibits presented at the hearing shall be retained in a secure location to be available in the event of a further appeal. As soon as possible, but not later than 30 calendar days after concluding the Hearing, the Hearing Officer shall transmit a Report containing a summary of the evidence, proposed findings of fact and recommendation to the Executive Director and the subject employee. The Executive Director or Designee may grant a time extension in the event it is not feasible for the Hearing Officer to meet this time limit.

The Executive Director shall review the Hearing Officer's Report and notify whether he/she will accept the Hearing Officer's recommendation within ten (10) business days of receiving the Report. If the employee does not accept the Executive Director's decision the employee may appeal the decision to the Personnel Board by submitting the Appeal to the Chair. The employee's appeal will include a written statement why the employee disagrees with the decision and a copy of the Hearing Officer's Report.

Personnel Board

As soon as possible after the Chair receives the Appeal, the Chair shall appoint a Personnel board which shall schedule a meeting to decide the matter. The Chair of the Executive Board of SCRTD (hereafter "Chair") will select three (3) of SCRTD's member governments to act as a Personnel Board to hear an employee's Appeal of a suspension without pay, demotion or discharge. The Chair will try to select three (3) individuals who will constitute a neutral board. The individuals selected to serve on the Personnel Board must be experienced in human resources, personnel administration or employer-employee relations and be free from potential conflict of interest. The Personnel Board will follow the provisions of the New Mexico Open Meetings Act as it pertains to personnel issues.

The meeting should normally be within 30 days of receiving the employee's Appeal. SCRTD management and the employee may submit exceptions and written argument to the Hearing Officer's Report no later than ten (10) days before the scheduled Personnel Board meeting. When deliberating on an Appeal the Personnel Board will limit its consideration to the material in the Hearing Officer's Report, written submissions by the parties, and/or at the request of the Personnel Board, oral argument by the parties concerning the evidence admitted at the hearing. The Personnel Board shall not hear any testimony but may review and rely on the testimony and evidence presented before the Hearing Officer. The burden of proof is preponderance of the evidence. The Personnel Board's decision shall be determined by the vote of a majority of the members. A tie vote on the decision upholds the decision of the Executive Director.

The Personnel Board may take one of the following actions:

- Accept the decision of the Executive Director
- Reverse or modify the Executive Director's decision by issuing a written statement explaining the reasons for the decision
- Remand the matter to the Hearing Officer for further Hearing

The employee or SCRTD may appeal the decision of the Personnel Board to District Court in accordance with applicable provisions of the New Mexico Statutes Annotated and the New Mexico Rules of Procedure for the District Courts.

The foregoing appeal process may be terminated at any time if the employee fails to comply with any of the above provisions, including deadline.

SECTION 25: RESOLUTION OF NONDISCIPLINARY CONCERNS

SCRTD strives for a harmonious working environment. Despite everyone's best efforts, disagreements among employees, supervisors and managers occasionally occur. The following procedures provide classified employees with a means to secure, at the lowest possible level, equitable solutions to employee concerns other than a suspension, demotion or discharge. Employees may use this procedure to appeal a letter of reprimand. A concern raised under this procedure is known as a grievance.

Step One: Meeting with Supervisor

The employee is required to contact his supervisor within five (5) days of the incident of concern. The employee and supervisor will meet within three (3) working days to explore ways to resolve the concern informally. Within three (3) working days after the meeting the supervisor shall provide the employee with a written decision.

Step Two: Meeting with Human Resources Manager or Executive Director's Designee

If the employee is dissatisfied with the supervisor's determination, the employee will submit a written request to the Human Resources Manager or Executive response, asking for a more thorough review of the matter. Within three (3) working days the employee will receive a written response.

Step Three: Meeting with the Executive Director

If the employee considers the previous attempts to resolve the problem unsatisfactory the employee may appeal the situation to the Executive Director by submitting a written appeal within three (3) business days of receipt of the Step Two response.

The Executive Director may call a special meeting, with the concurrence of the affected employee, to review the circumstances of the incident leading to the

grievance. Within five (5) working days of receiving the employee's appeal, the Executive Director will notify the employee when a meeting will be held.

Within five (5) working days of the meeting the Executive Director will respond in writing to the employee. The Executive Director's response will be final.

Supervisory/management employees who report directly to the Executive Director shall consult with another supervisory/management employee for Step One and Step Two and for Step Three the employee may choose the Chair of the Executive Board to make the final determination.

**SECTION 25:
EFFECTIVE DATE**

This policy is effective as of the date of the Executive Director's signature.

4-22-2020

Date

David Armijo

David Armijo
Executive Director

SCRTD retains the right to exercise discretion in rescinding or amending policies and in interpreting them reasonably.

Accepted this _____ day of _____, 20____, by:

Employee Printed Name: _____

Employee Signature: _____