

MUNICIPAL COURT OF RIO RANCHO

PERSONNEL POLICIES

1. PURPOSE AND POLICY

The Municipal Court of Rio Rancho is committed to providing equal access to job opportunities for applicants and employees regardless of race, religion, sex, age, national origin, ancestry, disability or medical condition, sexual orientation, socioeconomic status, or political affiliation. The Court Administrator will be responsible for the implementation of these policies with regard to recruitment, hiring, promotions, training, terminations and grievance procedures.

It is the policy of the Municipal Court of Rio Rancho to make impartial selections based on job-related assessments of the applicant's attributes necessary for successful job performance. In all cases, the applicant must possess the required qualifications and successfully pass all examinations specified in the job description. The Court Administrator will be responsible for determining the selection methods used to determine the qualifications of candidates for each class of positions except for the position of Court Administrator, and will be responsible for hiring, promotions, terminations and the overall supervision of Court personnel. The Municipal Judge will appoint the Court Administrator. The Court Administrator is an at-will employee who will serve at the pleasure of the Municipal Court Judge and may be removed at any time, with or without cause.

2. DISCRIMINATION, RETALIATION AND HARASSMENT

Discrimination or harassment based on race, religion, sex, age, national origin, ancestry, disability or medical condition, sexual orientation, socioeconomic status, political affiliation or any other reason not related to work performance shall not be tolerated in the work place; nor shall retaliation against a person filing a complaint or report of such discrimination or harassment be tolerated.

Discrimination, retaliation and harassment are unacceptable and are grounds for disciplinary action. An employee who is aware of or who is the subject of discrimination, retaliation or harassment should report such action to the Court Administrator.

3. POSITION CLASSIFICATION

The Municipal Court of Rio Rancho will maintain a current classification system for grouping all similar positions with respect to capabilities and training. This is an administrative tool providing a system of standardized titles and qualification language which allows for effective personnel management, as well as providing fair and equal employment opportunities to employees and applicants.

4. COMPENSATION

A. Overtime

(1) An FLSA non-exempt employee shall be compensated at time and one half their base rate of pay or shall be credited with compensatory time at one and one half times for all hours worked in excess of forty (40) hours in any work week. The Court Administrator shall have the discretion to decide whether compensation shall be made with monetary compensation or compensatory time off.

(2) Overtime must be approved by the Court Administrator or his/her designee prior to any overtime being worked. Employees shall not accrue more than 80 hours of compensatory time; however, when circumstances arise, the Court Administrator may extend the 80-hour limit.

(3) Exempt employees are not entitled to receive overtime pay for work in excess of forty (40) hours in any workweek since their jobs are task oriented, not hour oriented. When necessary, they may adjust their schedule to accommodate the requirements of the job., but generally will follow the same schedule as non-exempt employees.

B. Holiday

(1) An employee required to work on a designated holiday shall be compensated at time and a half of the regular rate for all hours worked in addition to normal holiday compensation pay.

(2) An employee shall receive holiday pay on designated holidays that the employee does not work provided the employee was in a pay status on the last scheduled workday before the holiday and the first scheduled workday after the holiday.

(3) An employee shall not receive holiday premium pay and overtime pay for the same hours worked on a holiday.

(4) An employee whose separation date falls on a holiday shall not receive compensation for that holiday.

C. Performance and Cost of Living Compensation Adjustments

Performance and cost of living compensation adjustments shall be governed by the City of Rio Rancho Personnel Policies and Work Rules. Court employees shall receive the same increases and at the same time as provided for all non-union city employees.

D. Out of Cycle Compensation Increases

The Court Administrator may recommend an out-of-cycle increase, based upon the following criteria:

- (1) demonstrated exceptional performance;
- (2) salary alignment; or
- (3) compensation restoration.
- (4) exceptional skills (i.e. foreign language certification)

E. Market Adjustment

(1) The Court Administrator shall annually conduct a market review of the competitive pay rates for a classification series within a geographic location or specific market to address critical recruitment and retention problems.

(2) Based upon the market review, the Court Administrator may recommend to the Governing Body assignment of alternative pay ranges.

(3) The pay rate for positions within the geographic location or specific market may be adjusted to an alternate range to meet competition and to remedy recruitment and retention problems.

(4) The Court Administrator shall prepare a report every year, due to the Municipal Judge no later than January 31, detailing the findings of the market review.

5. EMPLOYEE CLASSIFICATIONS

A. **At-Will Employees**: Employees who serve at the pleasure of the Municipal Judge and

may be removed at any time, with or without cause.

B. Exempt employees: Employees who have responsibility for formulation and administration of Court policies, who direct the work of other court staff, and who have overall responsibility for the operation of the Municipal Court. These employees are exempt from application of the Fair Labor Standards Act and not entitled to payment of overtime.

C. Non-exempt employees: Full-time employees who have completed the probationary period, having limited responsibility and limited supervisory duties. Such employees are subject to the terms and conditions of the Fair Labor Standards Act and are entitled to payment of overtime or compensatory time for hours worked over the regularly scheduled work week, in accordance with the overtime policy set forth herein.

D. Part-time employees: Employees who are hired to work less than 40 hours per week. These may be either classified or administrative positions.

E. Probationary employees: All persons employed by the Municipal Court on other than a temporary basis, will serve a probationary period of twelve (12) months. Employees promoted from within the department will serve a probationary period of six (6) months. During this probationary period, employees may be terminated at any time for any reason. In addition, probationary status may be extended due to a substandard evaluation at the discretion of the Court Administrator.

E. Temporary employees: Employees who are hired for short term employment not to exceed nine months. Temporary employees will not be eligible for, nor receive, any of the benefits provided by these rules.

6. JOB PERFORMANCE EVALUATIONS

A. Objectives: The major objective of a performance evaluation program is to create and maintain a climate of mutual understanding and respect between supervisors and their employees. Such a climate is conducive to open communication and provides the motivation for employees to put forth their best efforts. Supervisors must also establish a relationship that is supportive of their employees and one that aids in their growth and development.

B. Procedures: All non-appointed employees will receive an evaluation of their performance one month prior to the end of their probationary period, as well as annually thereafter within 10 days of employee's anniversary date. Additionally, an evaluation can be conducted any time an updated evaluation is deemed essential such as when an outgoing supervisor leaves his or her

position permanently.

The supervisor will complete the performance appraisal and will notify the employee of the date and time of the review meeting. The employee may be asked to submit a self evaluation form which will also be discussed at this meeting. If any portion of the performance evaluation is disputed by the employee, the evaluation will be discussed with the employee, the immediate supervisor and the Court Administrator. If the immediate supervisor is the Court Administrator, the employee may request a review by the Municipal Judge.

C. Performance Evaluation Results: If the supervisor rates performance as exceeding expectations, needing improvement, or unsatisfactory, the supervisor shall justify that rating by describing how the employee's performance exceeds, or falls short of, the basic expectations and citing specific examples.

(1) It is not realistic or fair to wait until an employee's performance evaluation to inform the employee that performance needs improvement. Employee's performance should be monitored on a continuing basis. If this is done, problems or difficulties which will lead to a low rating will be recognized and dealt with as they occur. However, if the supervisor rates the employee's performance as unsatisfactory or needs improvement, the supervisor should follow these procedures:

- Specifically describe those areas and functions that need improvement or are unsatisfactory, citing examples wherever possible.
- Counsel the employee in an effort to understand and resolve the problem(s) creating the unsatisfactory performance.
- Inform the employee of what is required to attain full performance and be certain that the employee understands the requirements.
- Set a reasonable date by which acceptable improvement must be made and advise the employee.
- Document the above steps and provide the employee with a copy.
- Work with the employee during the interim period to give the employee every opportunity to succeed

(2) While it is recognized that some employees consistently perform at a high level, it should be kept in mind that a top rating allows no room for employee improvement.

Such a rating should be used with discretion and shall be justified by describing performance.

D. Confidentiality: Performance evaluations, being matters of opinion, are not open to public review. They are protected as confidential documents under New Mexico State Statutes. However, such performance evaluations are considered a necessary part of each employee's employment history; such documents may be reviewed by appropriate supervisory personnel.

7. PROMOTIONS/TRANSFERS

A. The Municipal Court encourages employees to apply for any open position within the court structure. In-house promotions minimize the time and expense of training and familiarization with court policies, procedures, and methods.

B. The Court Administrator will post all vacancies in a prominent and specified space available to all employees. The notice will be displayed for three (3) working days, excluding the day posted. Interested employees must apply to the Court Administrator.

C. Employees who apply for such vacancies will be tested, where applicable, and interviewed by the Court Administrator and supervisor of the division.

D. To be eligible for the open position, an employee must have demonstrated a satisfactory work record in their present job. Among the areas to be considered will be job performance, attendance, work habits and relationships with others. In addition to the above, the employee must meet the minimum qualifications for the job posted.

8. TERMINATION OF EMPLOYMENT

A. **Retirement**: A retiring employee should contact the immediate supervisor stating the intent to retire six (6) months prior to the effective date except under emergency conditions where such prior notice would be impossible.

B. **Resignation**: An employee may voluntarily terminate employment by submitting a letter of resignation at least ten (10) working days prior to their last day of work. The Court Administrator may elect to have the employee work the notice period or to pay the employee not to exceed two (2) week's pay and have the employee leave immediately. The Court Administrator will conduct an exit interview with the employee.

C. Discharge: An employee may be discharged for unsatisfactory performance, misconduct, or other reasons deemed appropriate by the Court Administrator. See Section 9 of this Policy for discharge procedures.

D. Lay Offs and Abolition of Position: In the event of lack of funds, lack of work, or reorganization it may be determined that one or more positions will be abolished. The selection of the employee(s) affected will be at the discretion of the Court Administrator and will be based on length of service with the Court and overall job performance. Employees whose positions are abolished will be given notice of not less than ten (10) working days. Affected employees will be given every consideration for transfer to available positions. No position will be abolished solely as a method of removing a person from employment.

E. Return of City Property: At the time of termination, employees must return all tools, uniforms, keys, identification badge and any other items of City property issued to them. Deductions from the employee's final pay may be made if City property is not returned.

9. DISCIPLINARY ACTIONS

A. While never required, the Municipal Court promotes a system of progressive counseling to be used with employees who violate or fail to comply with Municipal Court Personnel Policies or who have job performance problems. The Court's goal is to correct the problem rather than penalize the employee.

Each situation which requires some form of corrective action should be judged on its own merits. It is not mandatory to follow the types of progressive action as outlined below. The appropriate action should be determined based upon the circumstances surrounding the situation and the severity of the infraction. Situations may arise, for example, in which immediate discharge is warranted.

Employees must be aware that repeated violations of rules and policies will not be tolerated, and that unacceptable performance may result in discharge. Documentation is required to accurately record the facts of the situation while they are fresh in the minds of all concerned, in case future reference becomes necessary. Any situation requiring corrective or disciplinary action must be documented in writing, signed by the employee, and placed in the employee's personnel file. If the employee refuses to sign, another employee should be called in to sign the form and witness the fact that the counseled employee received the documentation, but refused to sign it.

B. Types of disciplinary action:

(1) **Verbal Warnings** - This would be considered a first warning and **may** be given by an immediate supervisor but **must** be reported to the Court Administrator who may make a notation in the employee's personnel file.

(2) **Written Warning** - An employee **may** receive a written warning for an infraction of Court policy after one or more verbal warnings, written warnings must be dated and signed by the employee and supervisor as well as the Court Administrator.

(3) **Suspension** - In the event of serious misconduct, the Court Administrator may suspend an employee without pay for a period of time not to exceed ten (10) days. The notice of suspension must be in writing and include specific reasons for such action citing dates and times of infractions where possible. The employee will have five (5) working days to respond in writing to request a hearing with the Court Administrator. Following the final hearing, a Notice of Final Action will be served to the employee, within five (5) days, which must include the action to be taken, incidents causing such action, a discussion of the employee's defenses as stated in hearing(s), and the date and signature of employee and Court Administrator. Any appeal of the Administrator's decision will be to the Municipal Judge. In case of suspension of the Court Administrator, the Municipal Judge will fill the roles above.

(4) **Demotion** - A demotion may occur voluntarily or for disciplinary reasons. The Court Administrator may implement a demotion to a different position at a lower pay grade when an employee would function more effectively in a less demanding position. Notice must be given in writing and must include specific reasons involved in the decision. The employee will have five (5) working days to respond in writing to request a hearing with the Court Administrator. Following the final hearing, a Notice of Final Action will be served to the employee, within five (5) days, which must include the action to be taken, incidents causing such action, a discussion of the employee's defenses as stated in hearing(s), and the date and signature of employee and Court Administrator. Any appeal of the Administrator's decision will be to the Municipal Judge.

(5) **Termination** - When all other corrective/disciplinary actions have failed, the employee will be discharged. Immediate discharge may also be warranted if the infraction is

deemed serious. A written notice must be served to the employee. The notice of discharge must cite specific reasons including all efforts at correction and previous disciplinary actions taken, if applicable. The employee will have five (5) working days to respond in writing to request a hearing with the Court Administrator. Following the final hearing, a Notice of Final Action will be served to the employee, within five (5) days, which must include the action to be taken, incidents causing such action, a discussion of the employee's defenses as stated in hearing(s), and the date and signature of employee and Court Administrator. Any appeal of the Administrator's decision will be to the Municipal Judge.

C. Administrative Leave

Administrative leave with pay may be granted or directed by the Court Administrator in those instances in which the nature of the employee's conduct may warrant immediate intervention or action. This administrative leave may be granted or directed for a period of time until the written notice of final decision of the disciplinary action is issued, but not to exceed ten (10) working days, unless for good cause shown further time is needed.

10. GRIEVANCE PROCEDURE

In the event any employee of the Municipal Court is aggrieved by any action of any supervisor, aggrieved by the application of any rule or policy contained herein, or aggrieved by any action of a fellow employee, the aggrieved employee has the right to a grievance procedure. The complaint must be presented in writing to the Court Administrator and must state specific incidents with dates and times. A hearing will then be set with the Court Administrator and the employee notified in writing of the date and time. If the employee seeks further satisfaction, or if the grievance is with the Court Administrator, he or she may request a hearing with the Municipal Judge. The results of that hearing will be final and a written notice will be submitted to the employee stating any actions taken.

11. RULES FOR EMPLOYEE CONDUCT

The orderly and efficient operation of the Municipal Court requires that certain rules be established. Such rules cover personal standards of conduct as well as standard operating procedures and are intended to protect the health and safety of all employees. The Municipal Court expects the

behavior of each of its employees to be above reproach. Conduct that interferes with the Court's operations, that brings discredit to the Court, or that is generally offensive to the public or fellow employees will not be tolerated. The Court Administrator will be responsible for the administration and periodic revision and implementation of the rules for employee conduct.

A. Attendance and Punctuality: Unless otherwise specified, the regular work day is from 7:00 A.M. to 6:00 P.M. Monday through Thursday. Employees are entitled to one lunch break one hour in length and one non-cumulative rest break not to exceed 15 minutes in the first five-hour work period and another rest break for the second five-hour work period. Non-exempt employees must clock in and be at their designated work area on time and ready to work. They must clock in and out for lunch.

There may be times when employees will be unable to report for work or to report on time due to illness, accident, or an emergency situation. In the event a situation develops suddenly, making it impossible for the employee to report to work, the supervisor must be notified as soon as possible, but no later than one (1) hour after the employee's starting time. Requests for time off for other than emergencies should be made to the employee's supervisor, in writing, a minimum of 48 hours before the requested time off.

An employee is considered tardy if he or she is not ready for work at the scheduled starting time. Three (3) instances of tardiness within a thirty (30) day period will be considered excessive and subject to corrective action.

Any absence of one full day that has not been pre-approved or that was not reported to a supervisor no more than one hour after the start of the employee's work day will be considered unexcused and will be cause for disciplinary action. An unexcused absence of more than two (2) working days may be cause for automatic termination.

B. Safety Practices: All employees shall perform their duties in a safe and careful manner and shall follow all safety precautions and all federal, state, and local regulations, so as not to endanger themselves or their co-workers.

An employee involved in a work-related accident shall report it to the supervisor immediately. The employee shall prepare, or request the supervisor to prepare for the employee's signature, a report to the Court Administrator. Failure to report an accident in a timely manner may

result in the loss of benefits to the employee and corrective action.

An employee having knowledge of an accident shall, whether personally involved or not, similarly report the facts. The supervisor or Court Administrator shall investigate all known accidents to determine the facts.

C. Telephone Usage: Employees using the telephone in the performance of their duties must exercise common courtesy and good telephone manners. Excessive personal telephone calls or the conduct of personal business during working hours will not be permitted.

D. Dress Code: Employees will report for work neatly groomed and appropriately dressed as determined by the Court Administrator and will maintain that condition and appearance throughout the day.

- 1. Acceptable Attire:** Blazers, suits, sport coats, dress slacks, Chinos, Dockers, Ties, dress shirts, with buttons and collars, dress shoes, Polo shirts with collars, loafers, sweaters and cardigans, Oxford button-down shirts, dresses, skirts – mid thigh or longer, dress slacks, blouses, nylons or stockings.
- 2. Unacceptable Attire:** Plain or pocket t-shirts, cutoffs, t-shirts with logos, athletic wear, flip-flops of any kind, blue denim jeans, spandex or lycra such as biker shorts, tennis shoes, tank tops, tube tops, halter tops with spaghetti straps, deck shoes, underwear as outerwear, beach wear, midriff length tops, provocative attire, off-the-shoulder tops, workout clothes or shoes, evening wear, tight revealing clothes of any kind, and hoodies.

E. Code of Conduct: The public image of the Municipal Court is determined by the appearance and attitude of the employees; therefore, it is imperative that each employee is patient, courteous and helpful with all customers. Additionally, all employees will conform to the following rules:

- (1) Employees will keep their work areas neat and orderly.
- (2) Idle conversations should be avoided so as not to disrupt the work of other employees.
- (3) Employees will not conduct personal or commercial business while on duty or use Court supplies or equipment for such activities.
- (4) Employees will not engage in immoral conduct, fighting, horseplay, gambling, gossiping, or use of abusive or offensive language while on duty.

(5) The possession of unauthorized firearms, weapons, drugs, or intoxicating beverages is prohibited while on Court premises.

(6) Employees will not engage in political activity while on duty; nor will any employee use his or her position to coerce or influence another person.

(7) No employee will engage in any activity conflicting with his or her Municipal Court employment. Any employment outside the Municipal Court must be approved by the Court Administrator.

(8) Employees will hold any information or communications derived through their Court employment as confidential and will not share, reveal, or use such, unless it is necessary to conduct Court business or to prevent death or serious bodily injury.

(9) Employees will not accept any gift, gratuity, or hospitality for the performance or non-performance of duties.

(10) Employees will not commit any dishonest or fraudulent act including falsifying any Court documents, records or reports particularly time sheets, records or claims of illness.

(11) Employees will notify the Court Administrator as soon as practical whenever there is a change in personal status; i.e., address, telephone, marriage etc.

(12) The code of judicial conduct is included in work rules as relates to personal conduct of private lives.

Any employee who neglects duties and responsibilities or refuses to perform assigned work or who violates any of the rules of conduct set forth may be subject to disciplinary action.

12. EMPLOYEE BENEFITS

A. Vacation: Municipal Court employees will follow the policies for vacation leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

B. Holidays:

The Municipal Court will observe ten (10) paid holidays each year:

New Years Day

Martin Luther King Day

President's Day

Labor Day

Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day
Independence Day
Memorial Day

The holiday schedule will be determined at the beginning of each year by the Court Administrator and the Municipal Judge and will be posted in the Municipal Court Offices.

C. Sick Leave: Municipal Court employees will follow the policies for sick leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

D. Medical Leave: Municipal Court employees will follow the policies for medical leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

E. Military Leave: Municipal Court employees will follow the policies for military leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

F. Funeral Leave: Municipal Court employees will follow the policies for funeral leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

G. Voting Time: Municipal Court employees will follow the policies for voting time contained in the City of Rio Rancho Personnel Policies and Work Rules.

H. Court Leave: Municipal Court employees will follow the policies for court leave contained in the City of Rio Rancho Personnel Policies and Work Rules.

I. Leave With Pay: Municipal Court employees will follow the policies for leave with pay contained in the City of Rio Rancho Personnel Policies and Work Rules.

J. Leave Without Pay: Municipal Court employees will follow the policies for leave without pay contained in the City of Rio Rancho Personnel Policies and Work Rules.

K. Tuition Assistance: Municipal Court employees will follow the policies for tuition assistance contained in the City of Rio Rancho Personnel Policies and Work Rules.

L. Physical Fitness Leave: Municipal Court employees may be granted up to three (3) hours per week to participate in a program of physical fitness. Such leave shall be at the sole discretion of the Court Administrator and may be denied based on scheduling, educational leave

already being taken and any other factor deemed necessary to the operation of the court.

M. Other Benefits: Municipal Court employees are entitled to all other benefits, including but not limited to, retirement plans, insurance, and worker's compensation, as are provided to all city employees in the City of Rio Rancho Personnel Policies and Work Rules. When eligible, Municipal Court employees shall receive service awards at the same time and in the same manner as all city employees.

Updated April 28, 2014.

s/G. Robert Cook
Municipal Judge