

SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION No 2009-38

DENIED

GRANTING COUNTY EMPLOYEES A PAID HOLIDAY ON THEIR BIRTHDAY

PREAMBLE

WHEREAS, the Board of County Commissioners of the County of Socorro is a body corporate and politic existing by and under the Constitution and Laws of the State of New Mexico; and,

WHEREAS, The Socorro County Commission met in a regular meeting on Tuesday April 28, 2009 at 6:00P.M. in the Socorro County Annex Building, 198 Neel Ave., Socorro, New Mexico 87801; and,

WHEREAS, Article XX Section 19 of the Constitution of the State of New Mexico declares that “[e]ight hours shall constitute a days’ work in all cases of employment by and on behalf of the state or any county or municipality thereof”; and,

WHEREAS, NMSA 1978, Sections 3-13-4 & 4-37-1 allow municipalities and counties to establish policies for the general regulation of municipal and county employees; and.

WHEREAS, the Board of County Commissioners set the holidays and working hours on January 5, 2009 by enacting Socorro County Resolution 2009-05 and amended that Resolution at a Special Meeting on Tuesday March 24,2009 by enacting Socorro County Resolution 2009-33; and,

WHEREAS, the Board of County Commissioners has deemed that, to show its appreciation for the County’s employees & for the efficient operation of County Government, employees shall be granted their “birthday” as a personal paid holiday, the additional holiday will afford a benefit to the employees while providing for a staggering of employee days off sufficient to allow County departments to remain open to serve their constituents.

NOW THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that the following Paid Birthday Holiday Policy for Employees is established:

Section 1. Employees who are eligible under Socorro County Ordinance 05-001 Section 9.1 (hereinafter “employee”) shall be granted an annual paid personal holiday to be taken on the employee’s birthday. The personal holiday shall consist of eight (8) paid hours.

Section 2. If an employee's birthday falls on a holiday, they will have the next working day off. If their birthday falls on a Saturday, they will be off the preceding Friday. If their birthday falls on a Sunday, they will be off the following Monday.

Section 3. If an employee's birthday falls on a regularly scheduled day off, they will have the next working day off.

Section 4. If an employee's regular work schedule consists of more or less than eight (8) hours that employee shall arrange with his/her department head to either:

- a. Come into work on his/her birthday to work the difference between that employee's regular shift hours and the eight (8) paid hours, or
- b. Schedule to work additional time on another work day(s) to make up the difference between that employee's regular shift hours and the eight (8) paid hours, or
- c. That employee may take annual leave to make up the difference for the eight (8) hour holiday pay.

Section 5. If a department head/ elected official determines that an employee's absence, due to a personal holiday granted under this policy, will disrupt the essential functions of that department, the department head/ elected official may with the approval of the County Manager require the employee to work on the employee's birthday. If the employee is required to work on his/her birthday according to this section then the employee may elect to:

- a. Take his/her personnel holiday the following available scheduled work day, or
- b. Receive eight hours of pay at the straight time rate

Section 6. To allow for efficient scheduling it is declared to be the duty of every employee to advise his/her department head/ elected official of his/her upcoming birthday at least seven (7) working days in advance of the date and submit a leave request for the paid birthday holiday. No vacation leave shall be deducted from employees under this holiday provision.

DENIED

APPROVED, ADOPTED, AND PASSED on this 28th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS

ROSALIND F. TRIPP, CHAIR

DANIEL P. MONETTE, VICE-CHAIR

PHILLIP ANAYA

RUMALDO J. GRIEGO

JUAN JOSE GUTIERREZ

ATTEST BY:

REBECCA (BECKY) VEGA, COUNTY CLERK

DENIED