

SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2009-73  
PURCHASE OF EMPLOYEE SICK LEAVE FOR FISCAL YEAR 2009/2010

**WHEREAS**, 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**, NMSA 1978, Section, 4-38-19 (A) provides that a “board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . .”; and,

**WHEREAS**, an employee benefit plan established by contract as part of the compensation for services rendered would not violate Article IV, Section 27 of the New Mexico Constitution, the Anti-Donation Clause. See, e.g. Att’y Gen. Op. 1977-8; and,

**WHEREAS**, a county personnel policy constitutes an employment contract. See, e.g. *Garcia v. Middle Rio Grande Conservancy Dist.*, 1996-NMSC-029, ¶¶ 14-20, 121 N.M. 728, 918 P.2d 7; and,

**WHEREAS**, the Board of County Commissioners of Socorro County enacted Ordinance 05-001, the Socorro County Personnel Policy; and,

**WHEREAS**, Section, 9.10 of Ordinance 2005-001 declares in pertinent part that “[e]ach year, during its budgetary review, the Board of County Commissioners will review the purchase of sick leave for the next fiscal year. It may adopt by Resolution the method(s) and time(s) annually by which it may purchase employee sick leave. The County is not mandated to buy sick leave. To be eligible for the sale of sick leave an employee must at the designated time set by the Board of County Commissioners, have in excess of two-hundred eighty (280) hours of accumulated sick leave. The eligible employee may apply to sell sick leave hours over the designated two-hundred eighty (280) hours. The rate of sale will be two to one, i.e., two hours of sick leave for one hour of pay. A maximum of eighty hours of sick leave can be sold at one time.”; and,

**WHEREAS**, the Board of County Commissioners has as a result of its budgetary review determined that the purchase of sick leave from its employees in fiscal year 2009/2010 is in the best interest of the County; and,


**NOW THEREFORE, BE IT RESOLVED**, by the Socorro County Board of County Commissioners shall purchase sick leave in the following manner:

1. The County Manager and her staff will determine the final availability of funds to make the purchase, and will not exceed \$4,000.00.
2. The County shall purchase employee sick leave on the December 30, 2009 payroll cycle.
3. To be eligible for the sale of sick leave an employee must have in excess of two-hundred eighty (280) hours of accumulated sick leave on December 11, 2009. An employee may only sell his/her accumulated sick that is in excess of two-hundred eighty (280) hours.
4. The rate of sale will be two to one, i.e., (two hours of sick leave for one hour of pay.) A maximum of eighty hours of sick leave can be sold at one time.
5. Employees desiring to sell sick leave may apply to the County Manager for the sale by December 18, 2009 on a form prescribed by the County Manager for such a purpose.

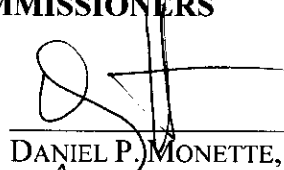
**APPROVED, ADOPTED, AND PASSED** on this 24<sup>th</sup> day of November, 2009.

**BOARD OF COUNTY COMMISSIONERS**

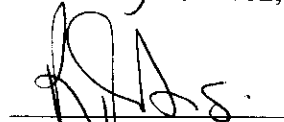
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ROSALIND F. TRIPP, CHAIR



PHILLIP ANAYA




DANIEL P. MONETTE, VICE-CHAIR



RUMALDO J. GRIEGO

  
JUAN JOSE GUTIERREZ

ATTEST BY:

  
REBECCA (BECKY) VEGA, COUNTY CLERK

