

SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2009-79
CONVERSION OF EMPLOYEE SICK LEAVE

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 “Accrued sick leave greater than 240 hours may be converted to personal vacation leave at a rate of one (1) hour of vacation for each two (2) hours of sick leave. A maximum of forty-eight (48) hours of sick leave may be converted each fiscal year to a maximum of twenty-four (24) hours of vacation leave”; and,

WHEREAS, the Board of County Commissioners has as a result of its budgetary review determined that the conversion 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 offer employees the option to convert sick leave to annual leave in the following manner:

1. The County Manager and her staff will notify all employees with more than 240 hours accrued sick leave of the option to convert sick leave to annual leave.
2. The County shall convert employee sick leave by the December 30, 2009 payroll cycle.
3. To be eligible for the conversion of sick leave an employee must have in excess of two-hundred forty (240) hours of accumulated sick leave on December 11,

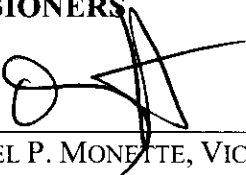
2009. An employee may only convert his/her accumulated sick leave that is in excess of two-hundred eighty (240) hours.

4. The rate of conversion will be two to one, i.e., (two hours of sick leave for one hour of annual leave.) A maximum of forty-eight hours of sick leave can be converted at one time.
5. Employees desiring to convert sick leave may apply to the County Manager for the conversion by December 18, 2009 on a form prescribed by the County Manager for such a purpose.

APPROVED, ADOPTED, AND PASSED on this 8th day of December, 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

