



SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2011-44

PURCHASE AND/OR 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, 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 conversion of sick leave from its employees in fiscal year 2010/11 and that the purchase of sick leave from its employees in fiscal year 2010/11 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 for the June 29, 2011 payday.
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 May 11, 2011. 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 June 22, 2011 on a form prescribed by the County Manager for such a purpose; and

BE IT FURTHER 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 for the June 29, 2011 payday.
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 May 11, 2011. 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 Human Resources Officer for the sale by June 22, 2011 on a form prescribed by the County Manager for such a purpose.

APPROVED, ADOPTED, AND PASSED on this 10th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS



DANIEL P. MONETTE, CHAIR



PAULINE JARAMILLO, VICE-CHAIR



PHILLIP ANAYA

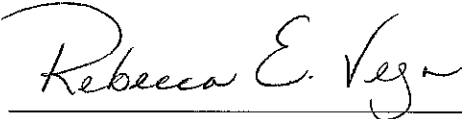


RUMALDO J. GRIEGO



JUAN JOSE GUTIERREZ

ATTEST BY:



REBECCA (BECKY) VEGA, COUNTY CLERK

