



**SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2019-67**

SALARIED EMPLOYEE SICK & VACATION LEAVE POLICY

WHEREAS, the Board of County Commissioners met in a Regular Meeting on Tuesday, October 22, 2018 at 6:00 p.m. in the Socorro County Annex Building, 198 Neel Ave., Socorro, New Mexico; and,

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; 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, New Mexico Courts recognize that “[a]ll counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties” and “any municipality may establish by ordinance a merit system for the hiring, promotion, discharge and general regulation of municipal employees” see, Bd. of County Com'rs of County of Bernalillo v. Padilla, 1990-NMCA-125, ¶ 6, 111 N.M. 278, 282 (1990); and,

WHEREAS, on April 12, 2016, the Socorro County Board of County Commissioners enacted the Socorro County Personnel Ordinance 2016-02 (“Personnel Policy”) to establish consistent, basic policies and practices concerning relationships between the County of Socorro and its employees; and,

WHEREAS, under the Personnel Policy salaried FLSA exempt employees of Socorro County do not accrue annual or sick leave as they are paid a fixed amount and are required to work to complete their assigned tasks until the job is completed, not for a specific number of hours. Accordingly, salaried employees take vacation when their work conditions allow and when approved by their supervisors.

WHEREAS, salaried employee may need to take sick time off and are entitled to Family Medical Leave Act (FMLA) leave; and,

WHEREAS, while most health magazines and journals report that research has proven repeatedly that vacations are good for our physical and mental health and make better employees this Board finds that too often salaried employees do not take any vacation leave from their work as they are dedicated to their jobs and the County; and,

WHEREAS, NMSA1978 Sections 10-6-3 and 30-23-2 are hereby utilized as a guide in the creation of this policy; and,

WHEREAS, in order to improve the quality of life of the County salaried employees, who unlike hourly employees are not guaranteed annual leave accrual, and to improve performance in the workplace this Board hereby adopts the following salaried employee vacation & sick leave policy.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Socorro County that:

Section I. Vacation Leave

- A. Salaried FLSA Exempt employees are guaranteed 2 weeks (80 hours) of paid vacation time annually, each calendar year, which shall be scheduled with the employee's supervisor. It is the employee's responsibility to schedule and use the guaranteed vacation time. The 2 week vacation time guarantee does not prohibit the use of additional time however it does not roll-over to the next calendar year.
- B. While utilizing vacation time the employee shall utilize the County's Emergency Operation Plan chain of command for day to day operations and shall not continue to work remotely with the exception of actual emergencies.
- C. There is no requirement that the 2 week annual vacation time be taken consecutively. (Note: Any time off of a full workday or more will count toward the 2 week leave period and a leave request shall be submitted)

Section II. Sick Leave

- A. Salaried FLSA Exempt employees are guaranteed 2 weeks (80 hours) of paid sick leave annually, each calendar year, as needed. An employee's supervisor may require a note from a licensed medical provider.
- B. Salaried FLSA Exempt employees who qualify for 12 weeks of leave under the FMLA are guaranteed 4 weeks (160) hours of paid leave to be taken concurrently with FMLA leave.
- C. All applicable portions of the Personnel Policy regarding sick leave authorization and return to work are applicable

Section III. Cumulative Leave

- A. In no event shall a salaried FLSA Exempt Employee be paid for more than 20 work days of leave per year.
- B. Sick or Annual leave guaranteed time will not roll over into the next year.

Section III. General Provisions and Applicability

- A. This policy in no way requires salaried employees to account for time in a manner similar to hourly employees in contravention of the FLSA.
- B. This policy does not apply to elected officials or the positions of chief deputy assessor, chief deputy clerk, chief deputy treasurer, undersheriff or sheriff's administrative assistant except that in no event will Administration pay an individual listed in this paragraph more than 20 consecutive work days of leave due to absence from work.
- C. FLSA Exempt Employees may donate up to 5 days of paid leave to other Exempt Employees on FMLA Leave.
- D. Resolution 2018-77 is hereby repealed and replaced with the adoption of this resolution.

APPROVED, ADOPTED, AND PASSED on this 22nd day of October 2019.

Martha G. Salas
 MARTHA SALAS, CHAIR
 DISTRICT II

Not present
 MANUEL ANAYA, VICE-CHAIR
 DISTRICT III

Joe R. Gonzales
 JOE R. GONZALES, MEMBER
 DISTRICT I

Not present
 GLEN DUGGINS, MEMBER
 DISTRICT IV

Antonio R. Martinez
 ANTONIO RAY MARTINEZ, MEMBER
 DISTRICT V

ATTEST BY:

Betty Saavedra
 BETTY SAAVEDRA, COUNTY CLERK

