



VILLAGE OF CORRALES ORDINANCE 24-10

AN ORDINANCE IMPLEMENTING AN EMPLOYEE RELATIONS ORDINANCE FOR THE VILLAGE OF CORRALES; ENACTING RULES FOR HIRING, PROMOTION, DISCHARGE, AND GENERAL REGULATION OF VILLAGE EMPLOYEES; AND REPEALING AND REPLACING CHAPTER 28 PERSONNEL POLICY AND ALL AMENDMENTS THERETO

WHEREAS, the Village Council and Mayor of the Village of Corrales (Village), constitute the duly authorized Governing Body (Governing Body) of the Village of Corrales, a New Mexico Political Subdivision; and

WHEREAS, the Governing Body has the duty and responsibility to adopt ordinances for the Village pursuant to §3-17-1, NMSA 1978 and the duty and responsibility for the management of the government of the Village pursuant to §3-12-3 NMSA 1978, *et. seq.*; and,

WHEREAS the Governing Body is authorized by §3-13-4 NMSA 1978 to adopt an Ordinance governing the relations between the Village and its employees; and,

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES AS FOLLOWS:

- I. TITLE AND AUTHORITY.** This ordinance may be cited as the “Village of Corrales Employee Relations Ordinance”.
- II. REPEAL AND REPLACEMENT OF CHAPTER 28.** Chapter 28, entitled “Personnel”, of the Village Ordinances is hereby repealed and replaced in its entirety by this Ordinance, the Employee Relations Ordinance.
- III. PURPOSE AND POLICY.** The purpose of this Ordinance is to establish a system for hiring, promotion, discharge and general regulation of Village employees based on merit and not political patronage pursuant to Section 3-13-4 NMSA (1978). All Personnel Policies and employment rules promulgated pursuant to this Ordinance shall be adopted by resolution of the Governing Body except as otherwise provided.

The Employee Relations Ordinance of the Village shall be implemented as follows:

- A. Decisions affecting the employment relationship will be based on merit principles designed to recruit, hire and advance employees based on ability, knowledge and skill;
- B. To provide equitable and adequate compensation to promote efficiency and economy in the operation of Village government;
- C. To retain employees based on performance and separate employees whose inadequate performance cannot be corrected;
- D. To ensure that employees are not coerced to support or oppose candidates or electoral issues;

- E. Strive to maintain a system wherein the rights and interests of employees are consistent with the best interest of the public, the Village and consistent with all state and federal laws relating to the employment relationship.

APPLICABILITY.

- IV. The Classified employees of the Village shall be covered by all provisions of this Ordinance. Unclassified employees are not covered by the merit provisions of this Ordinance, are terminable at will, and may not avail themselves of the disciplinary or dispute procedures as set forth in any Village Personnel Policy.
 - A. **Classified Employees:** The Classified service of the Village is made up of all full-time regular employees. All individuals regularly employed in the Village service on the effective date of the Ordinance who hold Classified positions shall retain their Classified status until they resign, voluntarily accept an Unclassified position, or until they are terminated in accordance with the procedure established in the Village Personnel Policy. All appointments to Classified positions on and after the effective date hereof shall be made in accordance with this Ordinance, the Village Personnel Policy, and any other policies or work rules for employment relations promulgated under this Ordinance.
 - B. **Unclassified Employees:** Unclassified employees are those employees at will and/or subject to the specific laws that govern them. Unclassified employees are Elected Officials, Appointed Officials, Department Heads, Probationary Employees, casual, temporary, grant-funded positions, and Part time/Temporary employees. Unclassified employees do not have a probationary period, are in an “at-will” status and serve at the pleasure of the Village. An Unclassified employee does not have access to the disciplinary or dispute procedures outlined in the Village Personnel Policy. Department Heads who are currently classified employees shall remain classified until their termination of employment, at which time their successor shall be hired as Unclassified Employees.
 - C. **Officials:** Elected Officials hold office pursuant to state statute and are only considered employees as defined by State law and Appointed Officials hold their appointed positions pursuant to State Statute as well. However, elected and appointed officials are subject to the requirements of State and Federal law as well as how those laws are incorporated in Village Personnel Policies as they relate to conduct while holding office. Conduct by Elected Officials that constitutes harassment or discrimination in the workplace is prohibited, and they are bound by the requirements of the Governmental Conduct Act.
 - D. **Volunteers:** Volunteers are not employees of the Village and maintain no rights, privileges, or duties under this Ordinance. However, Volunteers of the Village are bound by Federal, State and Village prohibitions of harassing or discriminatory behavior and the requirements of the Governmental Conduct Act
 - E. **Independent Contractors:** Independent Contractors are not employees of the Village and have no rights, privileges, or duties under this Ordinance. However, Contractors of the Village are bound by Federal, State and Village prohibition of harassing or discriminatory behavior and the requirements of the Government Conduct Act.

F. **General Provisions.** Continued employment of employees covered by this Ordinance shall be subject to the satisfactory performance of their duties and the availability of funds. Village Personnel Policies, and rules and regulations that govern employees of the Village, do not create a contract of employment or an offer to enter a contract of employment, but establish the standards to be followed for employer-employee relations. All such policies shall be approved through a Resolution of the Governing Body including any Department Policies. Any employee of the Village who violates this Ordinance or any policy, rule or regulation adopted pursuant hereto shall be subject to disciplinary action, up to and including termination.

V. **EQUAL OPPORTUNITY EMPLOYER, DISCRIMINATION AND HARASSMENT PROHIBITED.** The Village is an equal opportunity employer. Discrimination by any employee is expressly prohibited. If such discriminatory acts occur, the person committing these acts is subject to dismissal from Village employment or other appropriate disciplinary action.

VI. **ADMINISTRATION OF EMPLOYMENT AND PERSONNEL POLICIES.**

- A. The Village Administrator shall oversee the administration of the personnel system of the Village and shall administer the requirements of this Ordinance, and implement the Personnel Policies adopted in accordance herewith. The Administrator's authority over personnel matters is hereby adopted and authorized pursuant to Section 3-13-3 NMSA (1978).
- B. The Administrator shall appoint a Personnel Officer who will ensure that employment decisions, including but not limited to, recruitment, selection, promotion, reassignment, corrective action, compensation and other conditions or privileges of employment are based on the individual's ability to perform the essential functions of the job and follow the employment rules of the Village and the law.
- C. The Personnel Officer, along with and under the supervision of the Administrator, shall establish programs to develop, implement, and maintain procedures to govern the conditions of employment.

VII. **VILLAGE PERSONNEL POLICIES.**

- A. The Personnel Officer, with approval of the Administrator and the Governing Body by Resolution, shall establish, maintain, and publish the Village Personnel Policies to implement the policies of this Ordinance. The Village Personnel Policies will be reviewed periodically and may be modified or discontinued at any time by the Governing Body by Resolution.
- B. The policies authorized to be implemented include, but are not limited to, the classification of all Village positions based on duties, authority and responsibilities of each position; provisions for reclassification, assignment, transfer, and layoff of any person whenever warranted by changed circumstances; methods for determining the qualifications of candidates for appointment or promotion; policies and procedures regulating corrective action, up to and including termination, of employees; the hours of work and attendance; regulations and provisions for benefits; policies regarding

training and other programs; and other practices and procedures, including interpretation of applicable provisions of the policies.

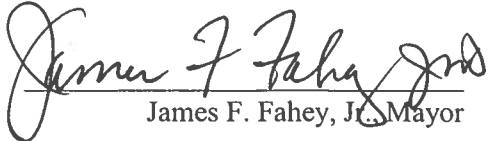
- C. The Administrator and Department Heads are authorized to promulgate operational procedures specific to operational needs and department functions, subject to the review and approval of the Governing Body by Resolution and provided such procedures do not conflict with the terms of this Ordinance or the Village Personnel Policy.
- D. A compensation plan shall be adopted that consists of wages, salaries, and all other benefits that result in a cost to the Village. The Personnel Officer, with approval of the Governing Body, by Resolution, will establish, maintain, and publish a compensation plan. The compensation plan shall group all positions into classes, based on duty, responsibility, authority, and other qualifications required for satisfactory performance. Experience, education, license, certifications, skills, and other specifications shall be established for each class. The compensation plan will include a salary schedule consisting of a pay scale with grades or ranges containing a minimum, midpoint, and maximum salary grade and step range for each job, and factors for determining the appropriate rate of pay for each. The compensation plan, including the salary schedule, is subject to the availability of funds and the financial condition of the Village

VIII. PROHIBITION AGAINST STRIKES AND SLOW DOWNS. It is unlawful for any person to authorize or impliedly consent to a strike or slow down by one or more employees of the Village. It is unlawful for any employee of the Village to strike, or to cause, instigate, encourage, support, or participate in a strike, slow down, or sick out. A violation of this section shall constitute just cause for termination.

IX. EFFECTIVE DATE. The provisions of the Village Employee Relations Ordinance shall take effect five (5) days after its publication by the Village Clerk.

X. SEVERABILITY CLAUSE: Should any section, paragraph, clause, or provision of this Ordinance held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Corrales this 9th day of July 2024


James F. Fahey, Jr., Mayor

ATTEST:


Melanie L. Romero, Village Clerk

(SEAL)