Town of Edgewood

Agenda
Regular
Tuesday, January 30, 2024 @ 6:00 PM
Townhall of Edgewood Commission Chambers - 171A State Rd. 344

This meeting will be in person; however, we welcome members of the public to listen in and participate by joining online at: Commission Agendas/Minutes/Audio | Town of Edgewood (edgewood-nm.gov) The meeting will also be live streamed on the Town of Edgewood Facebook Page at: https://www.facebook.com/TownOfEdgewoodNM.

If you are an individual with a disability who needs a reader; amplifier; qualified sign language interpreter; or any other form of auxiliary aid or service to attend or participate in the hearing or meeting; please contact the Clerk at the Town Offices located at 171 A State Rd. 344 at least three (3) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Town Clerk at (505) 286-4518 or by e-mail at clerk@edgewood-nm.gov if a summary or other type of accessible format is needed. The complete Commission packet may be viewed on the web, visit https://www.edgewood-nm.gov/index.php and click on Government, then Agendas and Minutes.

Page

I. WELCOME, INTRODUCTION, & ROLL CALL

A. Invocation

B. Pledge of Allegiance

C. NM Flag Salute
"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures."

II. AGENDA APPROVAL

III. PUBLIC COMMENTS ON AGENDA ITEMS

IV. MATTERS FROM THE COMMISSIONERS

A. Sterling Donner

B. Patrick Milligan

C. Jerry Powers

D. Phil Anaya

E. Ken Brennan

V. CONSENT AGENDA

A. Minutes - December 12th, 2023 4 - 13
12-12-23_Minutes

B. Minutes - January 8th, 2024 14 - 16
01-08-24_Minutes

C. Minutes - January 16th 2024

D. Planning and Zoning Department Report 17
P Z Report to Commission 1.4.24

E. Parks and Recreation Department Report 18
Monthly Report for December-P&R

F. vi. Maintenance Department Report and Compressor Donation 19 - 29
Maintenance Report December 2023
NCRDT Compressor Donation

G. Library Department Report 30 - 32
Library Report December FY24

H. Police Department Report 33 - 35
EPD Monthly Report December 2023

I. Animal Shelter Report 36 - 40
Dec. 2023 Stats-Animal Shelter

VI. MATTERS FROM THE CLERK

VII. MATTERS FROM THE CHIEF OF POLICE

VIII. MATTERS FROM THE TOWN MANAGER

IX. DISCUSSION AND ACTION ITEMS

A. Resolution 2023 - 042 Donations of Real Property. Item was voted to be postponed to the second Commission Meeting in January at the October 10th, 2023 Commission Meeting (Former Commissioner Jaramillo). 41 - 48
Resolution 2023 - 042 Donations of Real Property (10.5.2023)

B. Resolution 2023 - 043 Public Gifts and Donations. Item was voted to be postponed to the second Commission Meeting in January at the October 10th, 2023 Commission Meeting (Former Commissioner Jaramillo). 49 - 51
Resolution 2023 -043 Public Gifts, Donations, and Fundraising (10.5.2023)

C. Public Hearing on Ordinance 2023-013 - Cell Tower Ordinance (Commissioner Donner, Commissioner Milligan, and Manager McCracken) 52 - 55
Ordinance 2023-013 Cell Tower Ordinance_Final Draft

D. Approval of Replacing the Animal Welfare Specialist Job Title with Animal Shelter Manager (Manager McCracken and Chief Jimenez) 56 - 59
Animal Shelter Manager Job Description

E. Discussion and Breakdown of the Town of Edgewood's plan for Venus Park Improvements (Commissioner Donner and Commissioner Milligan)

F. Reappointment of Diana Williams to the Planning and Zoning Commission for a four-year term (Manager McCracken and Planning and Zoning Manage Brad Hill)

G. Reappointment of Cheryl Bonino to the Planning and Zoning Commission for a four-year term (Manager McCracken and Planning and Zoning Manage Brad

Hill)

H. Approval of Procurement for Electrifying Exterior Doors at Town Hall, Library, and Two Doors at Animal Control for Key Card Access and ADA Compliance (Manager McCracken and IT Manager Noah Miller) — 60

Edgewood 15 Access Control Quote without install 1YR

I. Discussion, Consideration, and Action on the changes to the Town of Edgewood Personnel Policy (Manager McCracken and Commissioner Donner) — 61 - 99

Town of Edgewood Personnel Policy Manual 1.24.23

J. Discussion on Department of Transportation Funding and Other Types of Funding Applications (Commissioner Anaya)

X. CLOSED SESSION

A. As per Motion and Roll Call pursuant to NMSA 1978 Section 10-15-1(H)(2) - Discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Specifically, Finance Department (Manager McCracken)

XI. PUBLIC COMMENTS

XII. FUTURE MEETINGS

A. Regular Commission Meeting February 13th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

B. Regular Commission Meeting February 27th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

XIII. FUTURE EVENTS

XIV. ADJOURN

Town of Edgewood
Regular Minutes
Tuesday, December 12, 2023, 6:00pm

The Town of Edgewood Commission met in regular session on Tuesday, December 12, 2023, at 6:00pm in the Townhall of Edgewood Commission Chambers - 171A State Rd. 344.

I. WELCOME, INTRODUCTION, & ROLL CALL

The meeting was called to order at 6:00pm.

Roll Call
Present: Commissioner Anaya, Commissioner Donner, Commissioner Jaramillo, Commissioner Powers, and Commissioner Brennan.
Absent: None
Staff Present: Town Manager Nina McCracken, Clerk Rachel Martinez, Police Chief Rodger Jimenez, and IT Administrator Noah Miller.

II. AGENDA APPROVAL

Motion: Commissioner Jaramillo made the motion to approve the agenda moving Item X. from item 10 to item 13 after Public Comment so the public doesn't wait for the Closed Session.
Second: Commissioner Donner

Motion: Commissioner Powers made the motion to strike moving the Closed Session and to postpone indefinitely items 9E, 9F, 11C, and 11D.
Second: Commissioner Anaya
Discussion: The Commission discussed these items being major policy changes and whether or not these items should wait for the new Commission.

Motion: Commissioner Anaya made the motion to call the question.
Second: No Second
The Motion dies due to lack of a second.

Discussion Continued: The Commission discussed the Ordinance being in the Call for Public Hearing.
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye

Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

III. PUBLIC COMMENTS ON AGENDA ITEMS

The Commission heard public comment from the following citizens:

Steven Morilla - Commented on unleashed dog issues and homeless issues in Edgewood.
Tom McGill - Commented on the Pubic Relations position being proposed and Wastewater Reports.
Louise Abraham - Commented on Commission Manager form of Government regarding the Mayor and Mayor Pro Tem.

IV CONSENT AGENDA

.

A. Approve/Amend/Disapprove Minutes

i. November 14th, 2023

ii. November 28th, 2023

Motion: Commissioner Powers made the motion to approve the consent agenda.
Second: Commissioner Anaya
Discussion: The Clerk presented changes that need to be made to the November 28th, 2023 minutes. The Commission discussed removing this item for separate discussion and whether a motion needs to be made to do so.
Vote: Commissioner Anaya - Nay
Commissioner Donner - Nay
Commissioner Jaramillo - Nay
Commissioner Powers - Nay
Commissioner Brennan - Nay
The Motion failed 0 to 5.

Motion: Commissioner Jaramillo made the motion to approve only the November 14th minutes.
Second: Commissioner Donner
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

Motion: Commissioner Jaramillo made the motion to approve the November 28th minutes with the changes as stated by the Clerk.
Second: Commissioner Donner
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye

Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

V. MATTERS FROM THE COMMISSIONERS

A. Audrey Jaramillo

Thanked the public for supporting her and the Town during her service.

B. Jerry Powers

Commented on how roads get designated within the Town of Edgewood and the traffic count study that was done in 2022.

C. Phil Anaya

Commented on the decisions made by the Commission for the Town. He also commented on the communication between the Governing Body and the public and how a public relations position can improve that communication.

D. Sterling Donner

Commented on his appreciation for all of the feedback from the public.

E. Ken Brennan

Commented on the Comp Plan Survey that is currently available and the Planning and Zoning Department is currently working on. He also Commented on the NCRDT meeting he recently attended.

VI. MATTERS FROM THE CLERK

Clerk Martinez commented on scheduling conflicts with the December 26th, 2023 meeting and how a decision needs to be made by the Commission regarding this meeting.

VII. MATTERS FROM THE CHIEF OF POLICE

Chief Jimenez introduced Mike Dube' who presented on the Santa Fe County OEM Task Force working with the Town of Edgewood. Mike Dube' and Chief Jimenez both stood for questions.

A. Santa Fe County OEM Task Force Presentation by Mike Dube'

VIII. MATTERS FROM THE TOWN MANAGER

Manager McCracken commented on the Christmas Tree Lighting event; Wastewater; the hard work of the Roads, Maintenance, and Planning and Zoning Departments on the recent abatements; and the use of Go Bond funds and the process the Town will need to go through to use them. She also thanked Linda Burke and K.R. Scott for all of their hard work with the Town.

IX. DISCUSSION AND ACTION ITEMS

A. Public Hearing: Ordinance 2023 -010 An Ordinance Setting Compensation of the Town of Edgewood's Governing Body Members, Planning & Zoning Commissioners, and Municipal Judge; Repealing and Replacing Ordinances 2004 -1 [Mayor Pay] and 2012 - 02 [Councilor and Judge Pay]. (Manager McCracken).

Manager McCracken presented the Ordinance 2023-010.

The Public Hearing on Ordinance 2023-010 began at 7:02pm.
Commissioner Jaramillo pointed out that there were issues with publication of the Public Hearing for this Ordinance, and therefore cannot take place tonight.

Motion: Commissioner Brennan made the motion to have a Special Meeting on December 29th, 2023, at 10am to hold a Public Hearing on Ordinance 2023-010 - this being the only item on the Agenda.
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

B. Selection and approval of dates for a Special Meeting for swearing-in ceremony for Commissioners Elect. (Commissioner Powers)

Motion: Commissioner Brennan made the motion to hold the Swearing In of the newly elected Commissioners on Tuesday December 19th, 2023 at 5:30pm.
Second: Commissioner Powers
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

C. Approval for the Town of Edgewood to begin Procurement for Security Camera System for Edgewood Police Department, Edgewood Animal Control, and Edgewood Community Library. (Commissioner Powers)

Motion: Commissioner Powers made the motion to commence procurement for Security Camera System for Edgewood Police Department, Edgewood Animal Control, Edgewood Community Library, and any other areas in which we need security cameras.
Second: Commissioner Anaya
Discussion: The Commission discussed whether this procurement would be a lump sum or by department and concerns with the cameras. They also discussed that any other cameras necessary would fall under the Police Department camera system.
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

D. Approval of Reclassification of Program Manager Position to Community Outreach/Public Relations Position and Approval of Community Outreach/Public Relations Job Description (Commissioner Donner)

Motion: Commissioner Donner made the motion to approve the Reclassification of Program Manager Position to Community Outreach/Public Relations Position and Approval of Community Outreach/Public Relations Job Description.
Second: Commissioner Powers
Discussion: The Commission discussed the pay of this new position.

Motion: Commissioner Powers made the motion to amend the original motion to set the pay for this position to $26-$34 per hour.

Manager McCracken stated there is a pay band, pay band 49, within the Town of Edgewood Position Classification Pay Scale that would reflect this pay.

Commissioner Powers withdrew his motion.

Motion: Commissioner Powers made the motion to make the pay band for this position pay band 49 as stated by the Town Manager.
Second: Commissioner Donner
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

E. Call for Public Hearing 2023 - __ Ordinance of Prohibition and Disclosure of Financial Interests and Conflicts of Interests (Commissioner Jaramillo)
This item was postponed indefinitely for the new Commission during the Agenda Approval portion of the meeting.

F. NM Self Insurer's Fund No-Cost Mediation for Governing Body Members (re: 2-year term of Mayor Jaramillo etc.) (Commissioner Jaramillo)
This item was postponed indefinitely for the new Commission during the Agenda Approval portion of the meeting.

G. Public Hearing on Ordinance 2023-013 - Cell Tower Ordinance (Manager McCracken)

Motion: Commissioner Donner made the motion to move this item to the first Commission Meeting in January.
Second: Commissioner Powers
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

X. CLOSED SESSION

A. As per Motion and Roll Call pursuant to NMSA 1978 Section 10-15-1(H)(2) - Discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Specifically, Finance Manager and position (Manager McCracken)

B. As per Motion and Roll Call pursuant to NMSA 1978 Section 10-15-1(H)(2) - Discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Specifically, Town Clerk Contract (Manager McCracken)

C. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H)(7) - Meetings Subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant regarding pending litigation:
1.) McGill et. al. v. John Bassett et. al.
2.) Town of Edgewood v. Moriarty-Edgewood School District No. D-101-CV-2022-01955
3.) IPRA Violation Huppertz Case
(Commissioner Powers)

Motion: Commissioner Powers made the motion to go into Closed Session
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

The Commission entered into Closed Session at 7:53pm.

Motion: Commissioner Powers made the motion to return to Open Session.
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye

Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

Commissioner Brennan so affirmed that only items under Closed Session were discussed, and no decisions were made.
Commissioner Anaya so affirmed.
Commissioner Donner so affirmed.
Commissioner Jaramillo so affirmed.
Commissioner Powers so affirmed.

The Commission returned to Open Session at 9:17pm.

XI. DISCUSSION AND ACTION ITEMS

A. Discussion and Action on Closed Session Items Above

Motion: Commissioner Powers made the motion to approve the revised Clerk's contract as presented in Closed Session.
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

B. Reappointment of Kevin Reid Scott to the Parks and Recreation Advisory Committee for the Term of 2024-2026 (Manager McCracken)

Motion: Commissioner Donner made the motion to reappoint Kevin Ried Scott to the Parks and Recreation Advisory Committee for the Term of 2024-2026.
Second: Commissioner Powers
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

C. Resolution 2023-048 Process of Formulating the Governing Body Commission Agenda (Commissioner Jaramillo)
This item was postponed indefinitely for the new Commission during the Agenda Approval portion of the meeting.

D. Resolution 2023-033 Operating Resolution (Commissioner Jaramillo)
This item was postponed indefinitely for the new Commission during the Agenda Approval portion of the meeting.

E. Approval of the Venus Park Improvements (Manager McCracken)

Manager McCracken presented the Venus Park Improvements.

Motion: Commissioner Powers made the motion to approve the Venus Park improvements as presented by the Town Manager and to authorize the Town Manager to investigate and assess the cost of fencing for the dog park.
Second: Commissioner Donner
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

F. Resolution No. 2023-047 Signatory Authority (Manager McCracken)

Motion: Commissioner Donner made the motion to approve Resolution No. 2023-047.
Second: Commissioner Powers
Discussion: Commissioner Jaramillo commented on the segregation of duties and signature authority moving forward.
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

G. Re-separation of Clerk and Treasurer Appointed Positions (combined July 2023) (Manager McCracken)

Motion: Commissioner Powers made the motion to keep these positions together until all issues with the Finance Department are solved.
Second: Commissioner Donner
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Nay
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 4 to 1.

H. Approval of the Restructuring of the Finance Department (Manager McCracken)
Manager McCracken stated she will bring this item back at a future meeting.

I. Discussion and Action on Purposes of Old Town Hall (Manager McCracken)

Manager McCracken presented the possible purposes for the old Town Hall and informed the Commission that the old lease posting for the building has expired.

Motion: Commissioner Donner made the motion to post the old Town Hall with a broader net and not limiting it to specific uses for a 60-day window as soon as it is posted
Second: Commissioner Powers

Motion: Commissioner Anaya made the motion for proposals to include designs for the building without anything being done to the outside of the building.
Second: Commissioner Brennan
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

XII. PUBLIC COMMENTS

The Commission heard public comments from the following citizens:
D**iane Sterley** - Commented on the use of the old Town Hall for a welcome center.
Shelly Hutchensen - Commented on the Public Relations position and the potential uses for the old Town Hall.

XIII. FUTURE MEETINGS

A. Regular Commission Meeting December 26th, 2023 @ 6pm in the Town of Edgewood Commission Chambers

B. Regular Commission Meeting January 16th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

C. Regular Commission Meeting January 30th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

XIV. FUTURE EVENTS

A. Holiday Movie Bingo at Edgewood Community Library - December 16th, 2023

B. Pokémon Tournament at Edgewood Community Library - January 13th, 2024

XV. ADJOURN

Motion: Commissioner Powers made the motion to adjourn the meeting.
Second: Commissioner Anaya

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Jaramillo - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

The meeting was adjourned at 9:41pm.

PASSED, APPROVED, AND ADOPTED this 30th day of JANUARY 2024.

ATTEST:

Kenneth Brennan, Mayor

Rachel Martinez, Clerk

Town of Edgewood
Special Meeting Minutes
Monday, January 8, 2024, 9:00AM

The Town of Edgewood Commission met in a special session on Monday, January 8, 2024, at 9:00am in the TOWN HALL OF EDGEWOOD COMMISSION CHAMBERS - 171A State Rd. 344.

I. WELCOME, INTRODUCTION, & ROLL CALL

The meeting was called to order at 9:03am.

Roll Call:
Present: Commissioner Anaya, Commissioner Donner, Commissioner Milligan, Commissioner Powers, and Commissioner Brennan.
Absent: None
Staff Present: Town Manager Nina McCracken, Clerk Rachel Martinez, Police Officer Travis Brown, and IT Administrator Noah Miller

II. AGENDA APPROVAL

Motion: Commissioner Powers made the motion to approve the agenda.
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

III. DISCUSSION AND ACTION ITEMS

A. Approval of Resolution 2024-001: A Resolution of the Town of Edgewood Directing the Town Clerk to Issue a Proclamation Calling for a Referendum Vote by All Mail In Ballot, the Question to be Wether Voters are for or Against the Abortion Ordinance No. 2023-002 (Commissioner Powers)

Motion: Commissioner Powers made the motion to approve Resolution 2024-001: A Resolution of the Town of Edgewood Directing the Town Clerk to Issue a Proclamation Calling for a Referendum Vote by All Mail In Ballot, the Question to be Wether Voters are for or Against the Abortion Ordinance No. 2023-002
Second: Commissioner Anaya
Discussion: Commissioner Powers explained the petition done by the citizens of Edgewood, and the duty of the Commission to call for this special election. The Commission discussed the all mail in ballot election, and the cost. The Commission also heard comments from the Town Attorney, Frank Coppler, on these issues.

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

B. Approval of Town of Edgewood All-Mail in Ballot Special Election Proclamation to put the adoption of the Ordinance 2023-002 up to a vote of the people of Edgewood by special election pursuant to NMSA 1978 1-24-2 (Commissioner Powers)

Motion: Commissioner Powers made the motion to approve the Town of Edgewood All-Mail in Ballot Special Election Proclamation to put the adoption of the Ordinance 2023-002 up to a vote of the people of Edgewood by special election pursuant to NMSA 1978 1-24-2
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

IV. PUBLIC COMMENTS

The Commission heard public comment from the following citizens:

Audrey Jaramillo - Commented on the prematurity of the resolution, division in the community due to it, and the court system and legislature regarding this issue.
Frank Coppler - Commented on the referendum law and the right of the citizens to petition to call for this referendum vote.

V. ADJOURN

Motion: Commissioner Powers made the motion to adjourn the meeting.
Second: Commissioner Anaya
Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye
The Motion carried 5 to 0.

The Meeting was adjourned at 9:25am.

PASSED, APPROVED, AND ADOPTED this 30th day of JANUARY 2024.

ATTEST:

Kenneth Brennan, Mayor

Rachel Martinez, Clerk

TOWN OF EDGEWOOD
PLANNING & ZONING REPORT

REPORT for MONTH of December 2023

BUSINESS LICENSES and DEVELOPMENT REVIEW

Issued licenses to 1 new business.

New Business Registrations:
Orange Rose, LLC (Tax Preparation)

Processed 9 Development Reviews:

New single-family construction – 2
Manufactured homes - 1
Accessory Buildings – 3
Addition - 1

In development:

Vehicle Service Center
Manufactured Home Display Center
Tap Room

PLANNING and ZONING COMMISSION MEETING

The P&Z Commission meeting was canceled due to the weather.

CODE ENFORCEMENT / COMPLIANCE

Notice to Abate issued – 1

Hearings Held on December 5th
Examiner (Jim Jacobson) heard 3 matters.

Abatements Open -9
Completed – 1

Courtesy Letters Sent – 1

Hearing Matters scheduled for December - 2

Monthly report for December

December 2

Tree lighting

- Decorations – tree, ornaments, garlands lights, and lights for metal tree, and candy canes $670.08.
- Hot chocolate, napkins, hot cups, tablecloths, gloves, and cookies – Sam's club $161.89
- Propane for 4 heaters - $50.17
- Diane Nolen $100.00
- James Strickland $100.00

December 17

Sirens with Santa and Friends

- Decorations used from Tree lighting event
- Hot chocolate, cookies, and candy canes used from Tree Lighting event

Upcoming Monthly Report for January

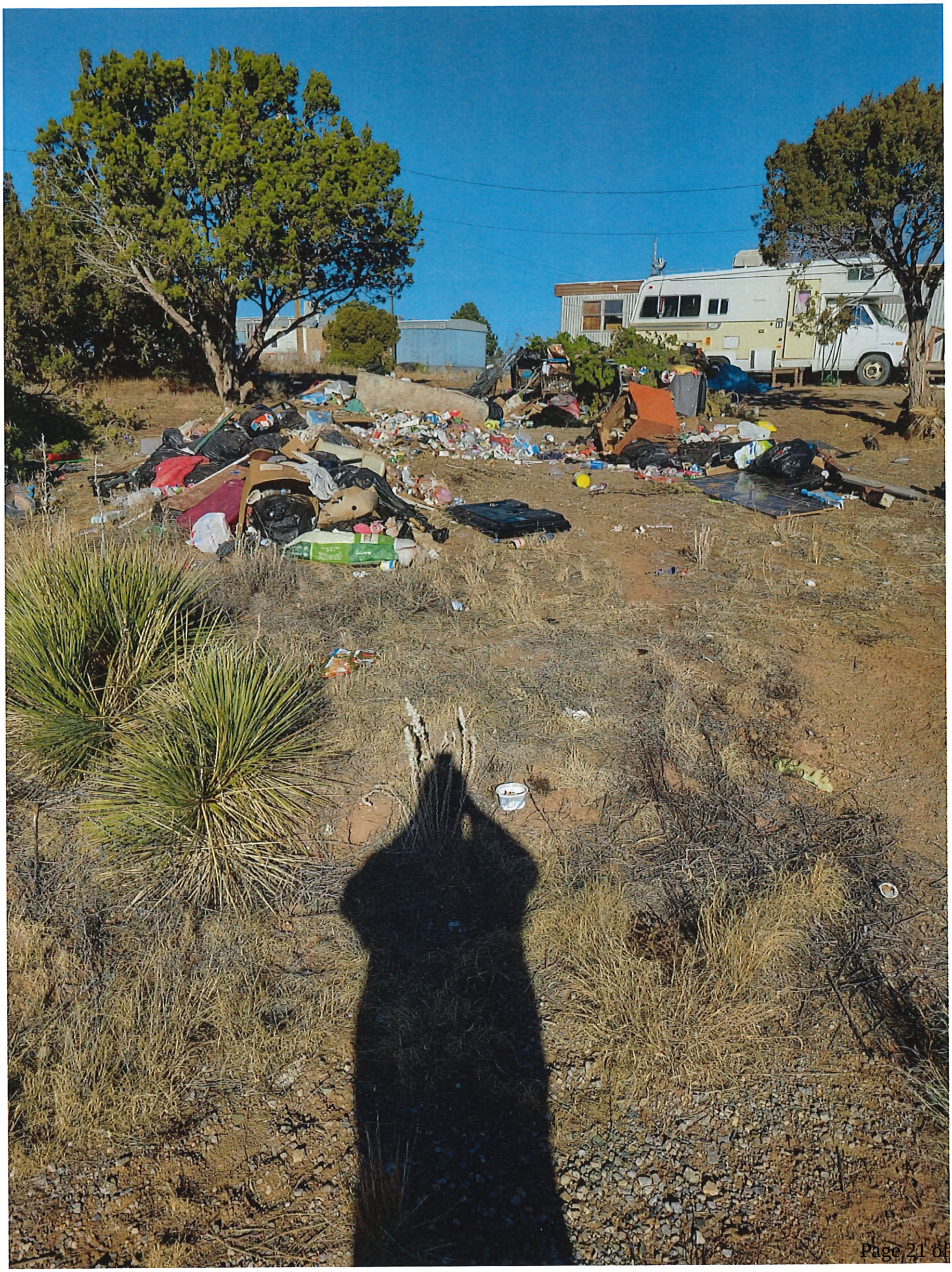
No events scheduled for this month

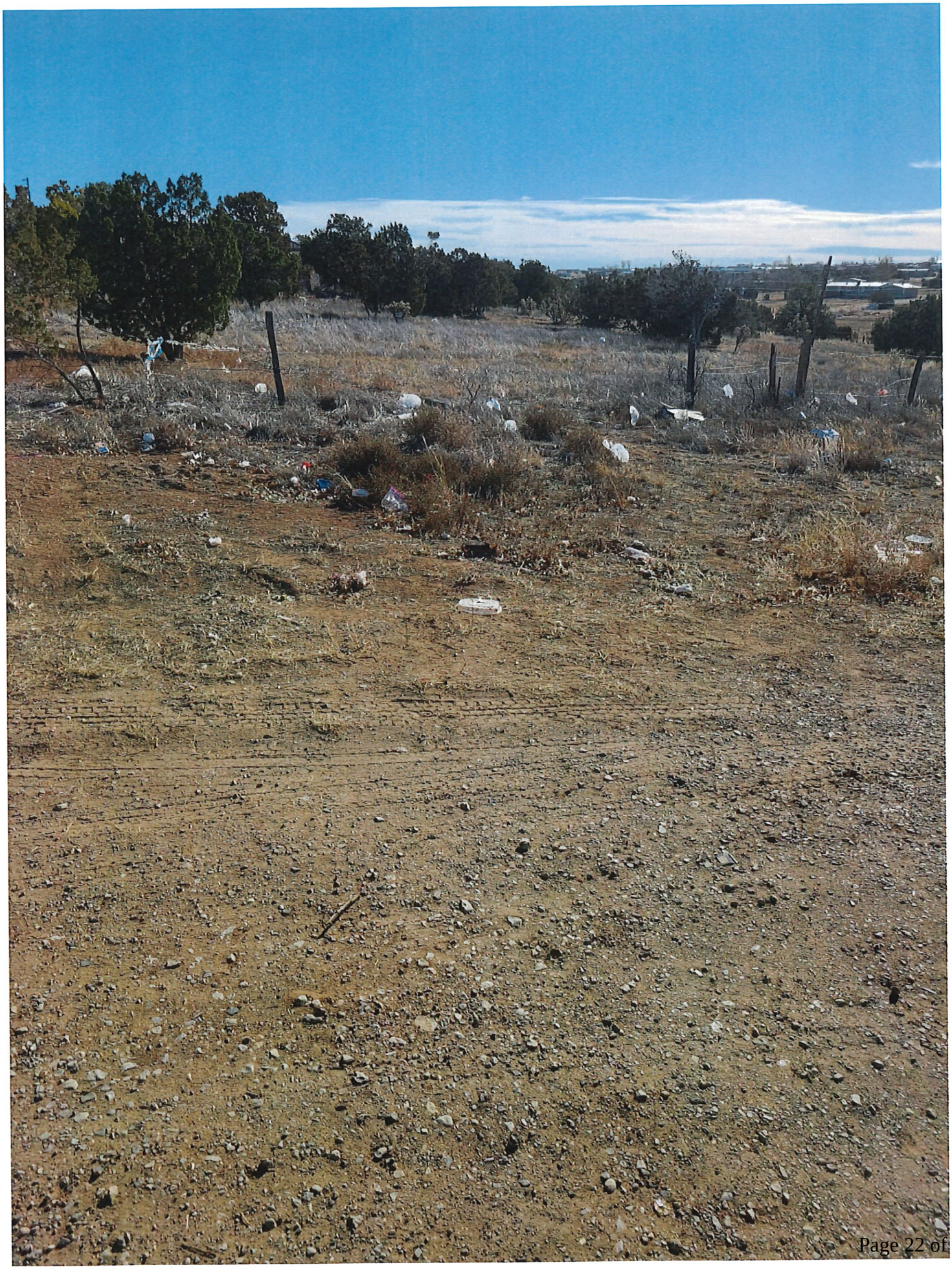
Monthly Maintenance Report for December ,2023

- Bassett Park And Venus Park is checked daily for litter
- Edgewood community park is checked daily
- Minor Repairs, for the Town hall offices
- Picked up 10, 50-gallon trash bags, basset Park, Venus Park, Edgewood community park
- Service equipment weekly
- Trim trees on church street
- Trim trees on Edgewood 7
- Installed new shelves in library
- Cleaned sidewalks for snow removal 8 bags of salt
- Help wastewater dept
- Wash gazebo at Venus Park
- Clean Bear Spot Lane 8, 50-gallon trash bags and 40-yard dump container

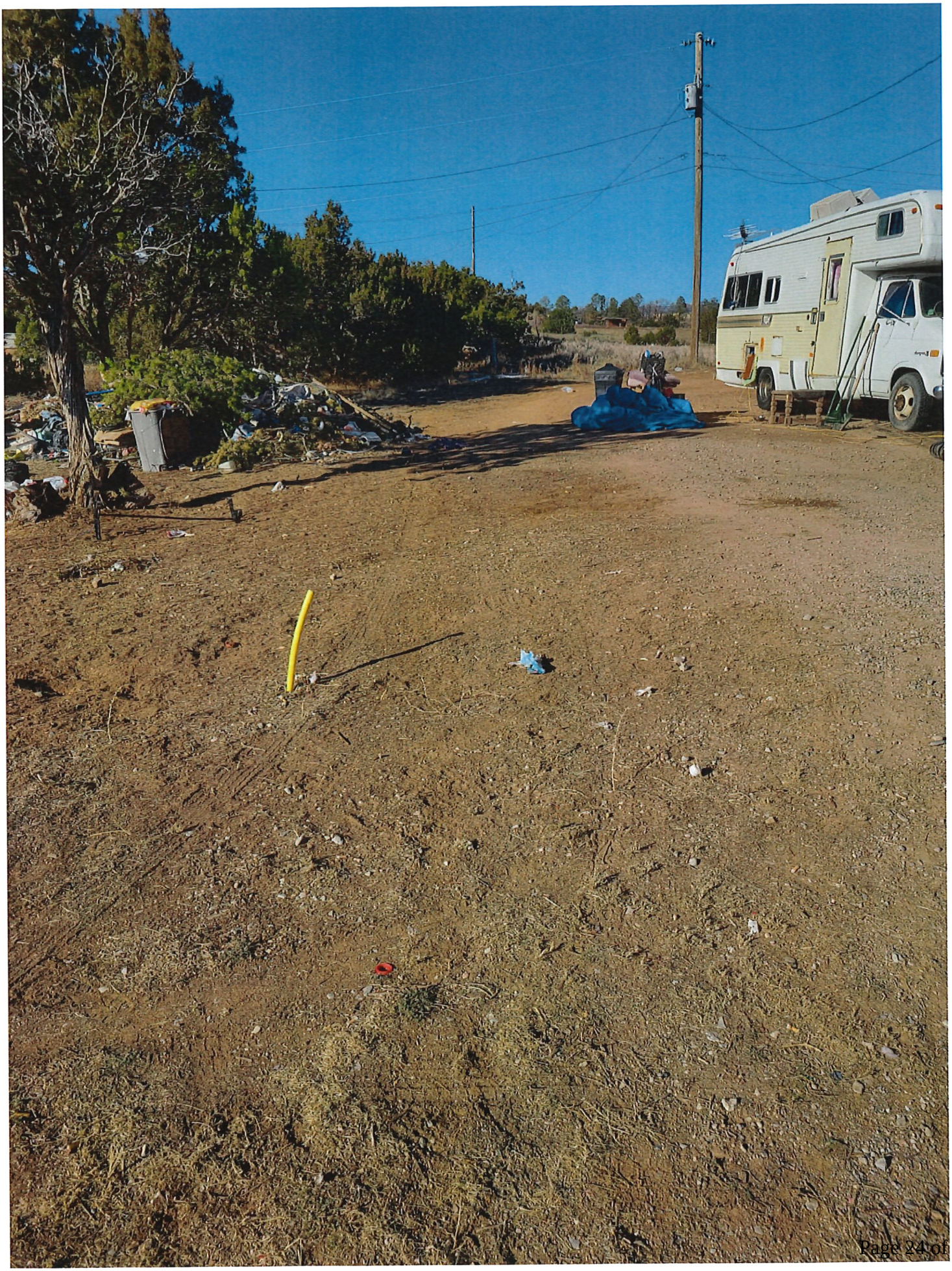
Manuel Madrid, Maintenance Supervisor
Mike Tenorio, Maintenance
Matt Valencia, Maintenance
Joann Sandoval, Custodian







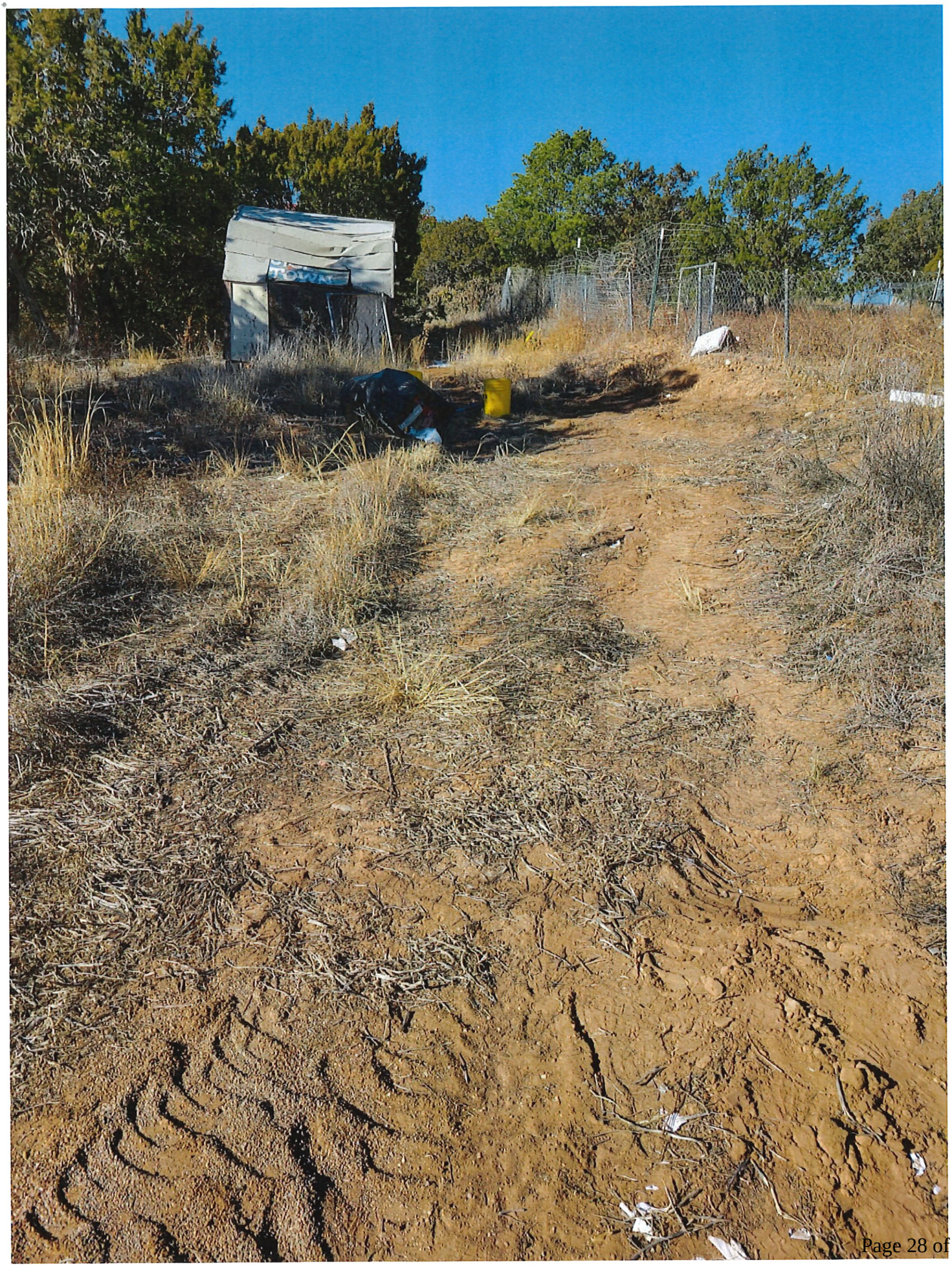












Thank you to NCRTD for the donation of this compressor to the Town of Edgewood Maintenance Department!





EDGEWOOD COMMUNITY LIBRARY

171B NM-344 • PO Box 3610 • Edgewood, NM 87015 • 505.281.0138 • www.edgewood-nm.gov

Town of Edgewood
Library Department Report
December FY24

Submitted by: Brandyn Burke

Programs/Events

Holiday Ornament Decorating

- The library hosted a holiday ornament decorating event and had a great turnout with 88 people in attendance! Patrons decorated wooden ornaments for their holiday trees at home.

Holiday Movie Bingo

- We hosted another teen only event with our Holiday Movie Bingo, where teens got to watch *How the Grinch Stole Christmas* (2000) and play bingo based on the movie. We had 5 teens in attendance! The first three to get bingo won prizes, including a Dominos gift card, holiday candy basket, and a trinkets bag.

Story Time

- Story time was the first two Wednesday's at 11am. Children listened to fun stories and made crafts. We had a total of 63 patrons at story time in December!

Statistics

Monthly Total

- Patrons: 662
- Internet Usage: 82
- Questions: 111

Monthly Averages

- Daily Patron Count: 41
- Daily Internet Usage: 5
- Daily Questions: 7

Monthly Total Circulation and Acquisitions

- New Library Cards Issued: 15
- Materials Added to Collections: 14
- Checkouts: 1,559
- Card Renewals: 29
- Amount Saved: $18,296.85
    - The total amount patrons saved this month by using the library instead of buying books.

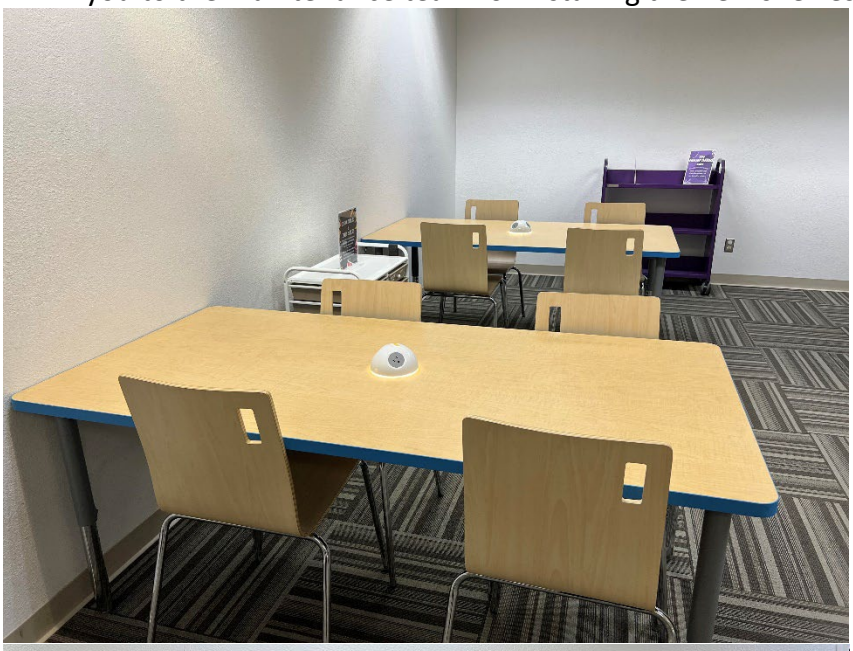
Volunteers

- Volunteers: 11
- Total Monthly Volunteer Hours: 143.25

Current Projects

Junior Bill

- The library has begun receiving furniture we ordered with the Junior Bill! Our new power tables are up and ready for patrons to use! We also have our new Adult Fiction New Acquisitions shelves up! Thank you to the maintenance team for installing the new shelves.





Adult Fiction Weeding & Relabeling

- We have finished weeding the Adult Fiction section! All the books we kept have cohesive labels and new genre stickers!

Town Website Updates

- The library's webpages are up to date and ready for the public to use.

Coming Up Soon

Library Advisory Board Meeting

- Anyone is welcome to attend the next Library Advisory Board meeting on January 18, 2024, at 6:30pm in the library Activities Room. The agenda and packet can be found here: https://www.edgewood-nm.gov/departments/library/library-advisory-board-agenda-minutes/

Stay Engaged in Your Library!

Cardholders still have 24/7 access to the library's digital collection and public Wi-Fi. More information about these and other municipal services can be found at www.edgewood-nm.gov . Want to receive automatic text and email notifications about newsworthy items, alerts, and posted agendas? Subscribe from the bottom of the homepage! You can also follow Town events and happenings from Facebook too! Just select the Facebook icon in the upper righthand corner from the homepage!

Edgewood Police Department

Making Edgewood Better Together

Roger P. Jimenez, Chief of Police

December 2023

Commission Report

Police Department Overall Statistics

December 2023

	Current Month	Last Month	Trend Month V. Month
Dispatched Activities	445	374	15.9%
From Dispatch	283	232	18%
Self-Initiated	162	142	12.3%
Traffic Stops	69	51	26%
Offense Reports	43	39	9.3%
Crash Reports	20	21	-5%
Arrest	6	3	50%
Response Times		See Log	
Animals Taken in	13	6	53.8%
Adopted	7	8	-14.2%
Calls for Service	48	30	37.5%
Reclaimed	0	3	-100%
Volunteer Hrs.	32.25	43	-33.3%

1. Edgewood Police Department teamed up with Legacy Church through Commissioner Sterling Donner to purchase Christmas gifts for several children at Route 66 Elementary.

COMMUNICATIONS

Events by Nature Code

Agency: EDPD, Event date/Time range: 12/01/2023 00:00:00 - 12/31/2023 23:59:59

Nature Code	Rpt Only	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
ABANDONED VEHICLE	0	1	1	2	0%	0:06:59	0:02:30	0:13:25	0:36:19	0:18:09
ASSIST FIRE DEPARTMENT	0	2	4	6	1%	0:00:53	0:06:30	0:46:01	4:18:13	0:43:02
ASSIST PUBLIC	0	4	1	5	1%	0:14:14	0:05:25	0:28:28	2:42:01	0:32:24
ASSIST WITH NEIGHBOR DISPUTE	0	0	1	1	0%	0:04:57	0:04:49	0:30:55	0:40:41	0:40:41
ASSISTANCE CALL	0	2	15	17	4%	0:15:22	0:14:44	0:34:36	16:20:17	0:57:39
ASSISTANCE WITH JUVENILE	0	0	3	3	1%	0:05:54	0:17:29	1:02:59	4:01:38	1:20:32
ASSISTING AMBULANCE	0	0	1	1	0%	0:00:31	0:11:16	0:24:27	0:36:14	0:36:14
ATTEMPT TO LOCATE MOTOR VEHICL	0	0	3	3	1%	0:15:56	0:04:07	0:08:44	1:24:48	0:28:16
CARDIAC OR RESPIRATORY ARREST	0	0	1	1	0%	0:03:14	0:03:20	1:11:33	1:18:07	1:18:07
CHECK ALARM	0	0	2	2	0%	0:03:46	0:02:27	0:10:04	0:32:35	0:16:17
CHECK BANK ATM ALARM	0	0	1	1	0%	0:05:44	0:02:39	0:05:27	0:13:50	0:13:50
CHECK BUSINESS ALARM	0	0	21	21	5%	0:04:40	0:03:14	0:10:56	6:31:03	0:18:37
CHECK RESIDENTIAL ALARM	0	0	3	3	1%	0:11:55	0:04:22	0:04:24	0:57:18	0:19:06
CIVIL STAND BY	0	0	2	2	0%	0:04:53	0:00:15	0:25:56	1:42:57	0:51:28
CLOSE PATROL	0	17	27	44	10%	0:09:35	0:17:29	0:10:17	16:58:01	0:23:08
CRIMINAL DAMAGE TO PROPERTY	0	1	2	3	1%	0:05:14	0:00:00	0:20:58	1:11:54	0:23:58
CRIMINAL TRESPASS	0	1	1	2	0%	0:02:36	0:01:09	0:28:48	1:01:21	0:30:40
DISORDERLY CONDUCT	0	0	18	18	4%	0:10:50	0:08:44	0:20:31	11:11:18	0:37:17
DOCUMENTED INFORMATION	0	0	4	4	1%	0:05:41	0:02:33	0:21:12	1:48:09	0:27:02
DOMESTIC DISTURBANCE	0	0	3	3	1%	0:05:30	0:11:23	0:26:54	2:05:54	0:41:58
DRIVING UNDER THE INFLUENCE	0	0	1	1	0%	0:03:53	0:04:39	2:35:56	2:44:28	2:44:28
FIREWORKS	0	0	1	1	0%	0:08:09	0:00:00	0:00:00	0:15:06	0:15:06
FOLLOW UP INVESTIGATION	0	24	1	25	6%	0:01:04	0:04:06	0:21:12	9:05:13	0:21:48
FRAUD	0	1	1	2	0%	0:05:41	0:00:00	1:13:15	2:32:12	1:16:06

Nature Code	Rpt Only	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
GENERAL INFORMATION	0	0	1	1	0%	0:21:27	0:00:00	0:36:56	0:58:23	0:58:23
HARASSMENT	0	0	1	1	0%	0:19:04	0:00:00	0:06:57	0:26:01	0:26:01
ILLEGAL DUMPING	0	0	2	2	0%	0:16:12	0:05:25	0:35:42	1:55:06	0:57:33
ILLEGALLY PARKED VEHICLE	0	0	1	1	0%	0:15:46	0:00:00	0:00:00	0:24:08	0:24:08
MISSING PERSON	0	0	2	2	0%	0:28:05	0:08:08	0:34:44	2:21:55	1:10:57
NARCOTICS VIOLATION	0	0	1	1	0%	0:19:49	0:00:00	0:00:00	0:57:43	0:57:43
OFFICER ASSISTING OTHER DEPART	0	0	6	6	1%	0:02:28	0:12:54	0:51:49	6:35:48	1:05:58
OVERDOSE OR POISONING BY INGES	0	0	2	2	0%	0:06:26	0:40:49	0:36:20	2:47:13	1:23:36
PSYCHIATRIC ABNORMAL BEHAVIOR	0	1	3	4	1%	0:04:26	0:09:20	0:23:31	2:15:23	0:33:50
RECKLESS DRIVER CHECK	0	0	16	16	4%	0:08:37	0:04:41	0:11:09	5:10:10	0:19:23
RECOVERED STOLEN VEHICLE	0	1	1	2	0%	0:10:06	0:10:54	2:14:29	4:49:59	2:24:59
SPECIAL ASSIGNMENT	0	1	0	1	0%	0:00:00	0:00:00	8:28:25	8:28:25	8:28:25
STALLED VEHICLE	0	10	9	19	4%	0:08:39	0:07:57	0:11:43	6:44:05	0:21:16
SUSPICIOUS PERSON OR ACTIVITY	0	2	10	12	3%	0:05:23	0:07:38	0:31:08	6:25:51	0:32:09
SUSPICIOUS VEHICLE	0	5	5	10	2%	0:05:02	0:09:50	0:11:59	3:19:20	0:19:56
TRAFFIC DIRECTION	0	1	1	2	0%	0:03:56	0:00:00	1:05:26	1:26:52	0:43:26
TRAFFIC HAZARD DEBRIS	0	0	2	2	0%	0:05:22	0:00:00	0:00:00	0:30:19	0:15:09
TRAFFIC STOP	0	69	0	69	16%	0:00:01	0:00:00	0:08:11	9:25:42	0:08:11
UNLAWFUL TAKING OF MOTOR VEHIC	0	0	2	2	0%	0:11:24	0:06:09	1:26:57	3:29:01	1:44:30
WARRANT SERVICE	0	3	0	3	1%	0:00:00	0:00:00	3:16:56	9:50:49	3:16:56
WEAPONS OR EXPLOSION INFRACT	0	0	2	2	0%	0:04:39	0:11:45	0:02:52	0:38:34	0:19:17
WELFARE CHECK	0	5	25	30	7%	0:13:04	0:09:13	0:26:34	21:48:35	0:43:37
WRONG WAY DRIVER	0	0	1	1	0%	0:02:27	0:03:28	0:17:26	0:23:21	0:23:21
Subtotals for No Summary Code	**0**	**151**	**211**	**362**	**81%**	**0:08:13**	**0:08:02**	**0:48:45**	**192:02:20**	**0:56:54**
ANIMAL CALL	0	2	6	8	2%	0:26:01	0:01:25	0:31:59	6:21:57	0:47:4
ANIMAL WELFARE CHECK	0	0	6	6	1%	0:22:26	0:23:11	0:11:38	5:20:24	0:53:2
ANIMALS ON HIGHWAY	0	0	1	1	0%	0:21:42	0:00:00	0:12:56	0:34:38	0:34:3

Nature Code	Rpt Only	Self Init	CFS	Total	% Total	Avg Disp Time	Avg Resp Time	Avg Scene Time	Total Call Time	Avg Call Time
ANIMALS RUNNING AT LARGE	0	5	11	16	4%	0:13:57	0:24:13	0:25:10	12:36:21	0:47:16
BARKING DOG	0	0	3	3	1%	0:09:27	0:18:57	0:18:20	2:20:17	0:46:45
DEAD ANIMAL	0	0	1	1	0%	1:52:59	0:12:51	1:20:59	3:26:49	3:26:49
DOG BITE	0	0	2	2	0%	6:22:49	0:10:57	1:14:09	15:35:52	7:47:56
INJURED OR SICK ANIMAL	0	1	1	2	0%	0:12:36	0:00:00	1:13:36	1:42:00	0:51:00
STRAY	0	1	2	3	1%	0:12:31	0:14:25	0:43:31	3:18:54	1:06:18
VICIOUS ANIMAL	0	0	4	4	1%	0:13:38	0:12:55	0:32:52	3:20:54	0:50:13
WILDLIFE ASSIST	0	1	1	2	0%	0:03:38	0:06:39	0:31:29	1:23:34	0:41:47
Subtotals for ANIM	**0**	**10**	**38**	**48**	**11%**	**0:57:26**	**0:13:57**	**0:39:42**	**56:01:40**	**1:41:15**
AGGRAVATED ASSAULT	0	0	1	1	0%	0:01:57	0:07:46	0:57:44	1:07:27	1:07:27
SIMPLE ASSAULT	0	0	2	2	0%	0:15:10	0:04:49	0:43:52	2:02:54	1:01:27
Subtotals for ASLT	**0**	**0**	**3**	**3**	**1%**	**0:08:34**	**0:06:18**	**0:50:48**	**3:10:21**	**1:04:27**
LARCENY	0	1	10	11	2%	0:08:27	0:06:18	0:51:16	10:49:15	0:59:01
LARCENY IN PROGRESS	0	0	1	1	0%	0:00:52	0:05:21	0:48:34	0:54:47	0:54:47
Subtotals for LARC	**0**	**1**	**11**	**12**	**3%**	**0:04:40**	**0:05:50**	**0:49:55**	**11:44:02**	**0:56:54**
MV ACCIDENT HIT AND RUN	0	0	2	2	0%	0:35:56	0:10:53	0:17:19	1:57:23	0:58:41
MV ACCIDENT NON INJURY	0	0	15	15	3%	0:06:45	0:17:14	0:28:11	12:17:34	0:49:10
MV ACCIDENT PRIVATE PROPERTY	0	0	1	1	0%	0:12:38	0:03:17	0:10:41	0:26:36	0:26:36
MV ACCIDENT WITH INJURIES	0	0	2	2	0%	0:04:02	0:08:19	0:59:54	1:22:51	0:41:25
Subtotals for MVA	**0**	**0**	**20**	**20**	**4%**	**0:14:50**	**0:09:56**	**0:29:01**	**16:04:24**	**0:43:58**
Grand Totals	**0**	**162**	**283**	**445**	**100%**	**0:16:59**	**0:09:03**	**0:45:58**	**279:02:47**	**1:03:4**

COMMUNICATIONS

Response Time Report

Agency: EDPD, Call date/Time range: 12/01/2023 - 12/31/2023

			Time In Minutes				
Time of Day	Priority	# of Calls	Dispatch Delay	Travel Time	Response Time	At Scene Time	Service Time
0700-1059	P	1	0.52	11.27	11.79	24.45	35.72
	1	4	3.02	5.51	8.53	33.98	39.49
	2	7	14.82	18.00	32.82	21.14	39.14
	3 +	70	15.59	4.63	20.22	24.30	28.93
	Avg.	82	14.73	5.89	20.62	24.51	30.40
1100-1459	P	0	0.00	0.00	0.00	0.00	0.00
	1	6	1.59	5.45	7.04	23.99	29.44
	2	11	4.82	14.32	19.14	32.56	46.88
	3 +	84	8.40	4.74	13.14	28.96	33.70
	Avg.	101	7.60	5.82	13.42	29.05	34.87
1500-1859	P	0	0.00	0.00	0.00	0.00	0.00
	1	8	3.43	8.44	11.87	29.89	38.33
	2	13	9.70	6.36	16.06	19.41	25.77
	3 +	75	8.65	4.66	13.31	18.38	23.04
	Avg.	96	8.36	5.20	13.56	19.48	24.68
1900-2259	P	0	0.00	0.00	0.00	0.00	0.00
	1	7	3.05	3.59	6.64	30.57	34.16
	2	6	9.59	18.11	27.70	21.12	39.23
	3 +	43	1.88	4.59	6.47	23.02	27.61
	Avg.	56	2.86	5.92	8.78	23.76	29.68
2300-0259	P	0	0.00	0.00	0.00	0.00	0.00
	1	3	6.03	10.11	16.14	13.58	23.69
	2	1	4.57	0.00	4.57	21.37	21.37
	3 +	18	2.30	3.47	5.77	15.15	18.62
	Avg.	22	2.91	4.22	7.13	15.22	19.44
0300-0659	P	0	0.00	0.00	0.00	0.00	0.00
	1	2	0.00	0.00	0.00	10.39	10.39
	2	3	6.85	4.25	11.10	45.23	49.48
	3 +	19	3.04	6.22	9.26	10.22	16.44
	Avg.	24	3.26	5.46	8.72	14.61	20.07
ALL	P	1	0.52	11.27	11.79	24.45	35.72
	1	30	2.95	5.93	8.88	26.48	32.41
	2	41	8.92	11.89	20.81	25.42	37.31
	3 +	309	8.50	4.69	13.19	22.55	27.24
	Avg.	381	8.08	5.58	13.66	23.18	28.76

ANIMAL CONTROL NOVEMBER 2023

	CURRENT MONTH	LAST MONTH
ANIMALS TAKEN IN	13	6
RECLAIMED	0	3
ADOPTED	7	8
EUTHANIZED	1	1
VOLUNTEER HRS.	32.25	42.92

RESOLUTION NO. 2023 - __

A RESOLUTION FOR THE TOWN OF EDGEWOOD'S POLICY ON

DONATIONS OF REAL PROPERTY

WHEREAS, the Town of Edgewood has the fiduciary duty to ensure efficient and effective use of taxpayer funds and property while preventing fraud, waste, and abuse; and

WHEREAS, the Commission, as the governing body of the Town, shall control the finances and property of the municipality, NMSA 1978 Section 3-37-2; and

WHEREAS, the Commission has the vested power to pass all ordinances and other measures conducive to the welfare of the municipality; and

WHEREAS, the Commission's powers are exercised at public meetings with action duly recorded in its minutes; and

WHEREAS, the ownership of real property and the management of such real property has the potential of imposing unacceptable risks, financial commitments, and liabilities on the Town of Edgewood for example, if the property is private, remote, contains environmental hazards or has a clouded chain of title; and,

WHEREAS, the Town must ensure compliance with the Anti-Donation Clause of the NM State Constitution; and

WHEREAS, the Commission appoints a Town Manager and holds the manager responsible for the proper and efficient administration of the municipal government, NMSA 1978 Section 3-14-12; and

WHEREAS, the Town Manager shall be the Chief Administrative Officer and enforce and carry out all ordinance, rules, and regulations enacted by the commission, NMSA 1978 Section 3-14-14 (1); and

WHEREAS, it is the goal of the Commission with the Town's new commission-manager form of government to maintain transparency and substantial vigorous checks and balances between the Commission, its officers (Mayor and Mayor Pro Tem), and its Town Manager and other Executive Appointees; and

WHEREAS, the Town Commission of Edgewood has determined that it is in the best interest of the Town to adopt a resolution that embodies the policies and procedures to be employed by the Town regarding the acceptance of gifts of real property to safeguard the Town against accepting gifts of real property that are difficult to sell or are encumbered with defects that could put the Town at risk or financial burden once it is in the chain of title;

NOW THEREFORE BE IT RESOLVED, by the Town Commission that the following procedure for accepting donations of real property is hereby adopted:

SECTION I. GENERAL

Town of Edgewood shall consider accepting title to real property as a gift if the donated real property can be sold to realize its cash value realize its cash value for the Town or if the property is located in an area where the real property may be used to meet the operational needs of Town Government. Commissioners shall not be involved with negotiation and gifts of real property as donors may *appeal* decisions to the Commission and to prevent conflicts of interest that may arise during or after the gift.

SECTION II. PROCEDURE TO ACCEPT REAL PROPERTY

(A) Step 1. Establishing Town Interest:

The process of establishing Town of Edgewood interest in accepting a gift of real estate shall begin once the following information is provided to the Town Manager:

1. The name, address, telephone number, e-mail address and signature of the proposed donor submitted on the Application & Checklist for Accepting Property Donations.

2. A statement of the reasons for the donor's desire to make the gift.

3. A general description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.

4. Proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property. If the owner of record of the real property is deceased a copy of the Court's Appointment of the doner/applicant as Personal Representative/ Executor of the estate will be required.

5. A statement as to whether the contribution is of the donor's complete or partial interest in the property. Town of Edgewood will not accept as a gift a partial, fractional or minority interest in real property.

6. A list of any personal property to be included with the gift.

7. Copies of current real estate tax bills and special assessment bills.

8. Copies of title to real property.

9. Applicant will be required to satisfy the tax debt on the real property. NMSA 1978 Section 7-38-37(1973) provides that taxes owed remain the personal obligation of the owner even after the owner sells or donated the property.

(B) Step 2. Review By Town Departments

If based on the information obtained in Step 1 it is determined by the Town Manager that the Town will not benefit from the real property the Town Manager shall inform the donor, in writing, that the Town rejects the donation.

If the Town Manager determines, based on the information obtained in Step 1 that the Town may potentially benefit from this donation of real property, the following additional steps will be followed by Town Departments before the donation is presented to the Commission:

1. A recent legal description and survey of the property showing any easements and right of ways, an up-to-date appraisal report, and a chain of title report, if necessary, will be provided by the Assessor's Office.

2. A ten-year tax search will be provided by the Town Treasurer.

3. Site inspection for potential environmental hazards by Code Enforcement Department.

4. A community development potential review by the Planning and Zoning Department.

5. A health and safety risk and hazard evaluation by the Emergency Services Manager.

6. A road and utilities review evaluation performed by the Public Works Department.

7. The Town Manager reserves the right to request additional information from the donor as determined necessary for the Administrative Review.

(C) Step 3. Administrative Review

If after review, the Town Manager finds that accepting the property would be in the Town's best interest, the Town Manager shall recommend approval and submit a request for the item to be presented to the Commission at a regular Town Commission meeting.

(D) Step 4. Final Acceptance

The Town Manager will detail to the Board of Town Commissioners why accepting the property would be in the Town's best interest. The Town Manager shall explain why the real property will either be beneficial for Town Government use or why the real property can easily be sold for its cash value as well as a plan for the real property. After receiving the Town Manager's recommendation to accept the real property the Commission may, at its sole discretion, vote to accept the real property.

SECTION III. FINAL ACCEPTANCE

If the Commission votes to accept the property the donor must transfer the real property, by Warranty Deed, to the Town of Edgewood within 60 days of the vote or the acceptance will be considered null and void. The Town of Edgewood will not accept a Quit Claim Deed. If the Board votes not to accept the donation the Town Manager shall inform the donor, in writing, that the Town rejects the donation.

The donor is subject to and required to pay the taxes for the current year in which the transfer was completed. Town of Edgewood will be responsible for the taxes for subsequent years.

SECTION IV. APPEAL

Upon the receipt of a letter of denial a potential donor may request the denial to be re-considered at a regular meeting of the Town Commission.

ADOPTED AND APPROVED THIS 10TH DAY OF OCTOBER 2023

_____

ATTEST:

_____

Application & Check list for Accepting Property Donations

Step 1. Establishing Town Interest

Applicant/Owner Name:

Mailing Address:

Phone#: Email:

A statement of the reasons for the donor's desire to make the gift:

General description of the property including the exact location, any structures (above and below ground), past uses of the property, location characteristics and pictures.

☐ Enclose proof of donor's ownership of the property in the form of a copy of the donor's deed to the real property.

Is the contribution complete or partial interest in the property? ☐ Complete ☐ Partial – STOP HERE - Town of Edgewood will not accept as a gift a partial, fractional or minority interest in real property.

Please list any personal property to be included with the gift (i.e. mobile home).

☐ Enclose copies of current real estate tax bills and special assessment bills.

☐ Applicant acknowledges and understands that if taxes are owed on the property, donating the property to the Town does not remove or satisfy the tax debt. NMSA 1978 Section 7-38-37(1973) provides that taxes owed remain the personal obligation of the owner even after the owner sells or donates the property.

Donor Signature: _____ Date: _____

Step 2. Reviews by Town Departments

1. Completed by Town Attorney's Office

The following documents are enclosed with this application:

☐ A recent legal description and survey, if necessary, of the property showing any easements and rights-of-way.

☐ An up-to-date appraisal report performed by either an independent, professional real estate appraiser or by the Town Attorney's Office listing property market value and marketability.

☐ A chain of title report as to the ownership of the real property by the Town Attorney *(note: if there appears to be any inconsistencies in the chain of title the Town will require that the donor provide a title abstract).*

Town Manager's Signature: _____ *Date:* _____

*Comments:*_____

Forward this form to Treasurer's Office.

2. Completed by Town Treasurer's Office

(Evaluate based on current status)

☐ A ten-year tax search

☐ Taxes Current

☐ Taxes not current by $ _____

☐ Property flagged for State Sale

Town Treasurer's Signature: _____ Date: _____

Comments: _____ ***Forward this form to Code Enforcement Office.***

3. Completed by Code Enforcement Department

(evaluate based on current compliance status)

☐ Site Inspection complete. Do any potential environmental hazards exist? ☐ No ☐ Yes.

(Note: if "Yes", the donor will provide at his/her expense a Phase I Environmental Assessment of the property in a form and content which would be satisfactory to an institutional lender, together with a report of the physical condition of the property.)

☐ Recommend ☐ Not Recommended

Town Code Enforcement Officer's Signature: _____ Date: _____

Comments: _____

Forward this form to Planning & Zoning Office.

4. Completed by Planning and Zoning Department
(Evaluate based on Community Development potential)

☐ Recommend ☐ Not Recommended

Town P& Z Director's Signature: _____ Date: _____

Comments: _____ ***Forward this form to Fire Department Office.***

5. Completed by the Emergency Services Manager
(Evaluate based on health and safety risks & hazards).

☐ Recommend ☐ Not Recommended

Town Fire Chief's Signature: _____ Date: _____

Comments: _____

Forward this form to Public Works Dept. Office

6. Completed by Public Works Office
(Evaluate based on road and utilities review)

☐ Recommend ☐ Not Recommended

Town Public Works Director's Signature: _____ Date: _____

Comments: _____

Forward this form to Town Manager's Office.

Step 3. Administrative Review

Recommendation:

☐ Town Manager finds that accepting the property will not be in the Town's best interest.

☐ The Town Manager finds that accepting the property would be in the Town's best interest for the following reasons: **Forward this form to the Town Commission.**

- ☐ Beneficial for Town Government use: _____
- ☐ Real property can easily be sold for its cash value. Sales Plan: _____

Town Manager's Signature: _____ Date: _____

Step 4. Final Acceptance

After receiving the Town Manager's recommendation to accept the real property the Town Commission hereby accepts the real property this date. The donor must transfer the real property, by Warranty Deed, to the Town of Edgewood within 60 days of the vote or the acceptance will be considered null and void.

ADOPTED AND APPROVED THIS 10TH DAY OF OCTOBER 2023

_____

ATTEST:

_____

RESOLUTION NO. 2023 - __

A RESOLUTION FOR THE TOWN OF EDGEWOOD'S POLICY ON

PUBLIC GIFTS, DONATIONS, AND FUNDRAISING

WHEREAS, the Town of Edgewood appreciates support from Citizens, taxpayers, parents, volunteers, employees, officials, businesses, stakeholders, and community organizations; and

WHEREAS, such support is encouraged wherever appropriate as a means of involving the Public in the activities and goals of the Town; and

WHEREAS, the Commission, as the governing body of the Town, has the authority to accept gifts and donations as may be made to the Town, any Town event, and Town office or site; and

WHEREAS, any funds or tangible or real property become governmental public monies, inventory, or capital assets of the Town which then fall under all applicable state and local laws; and

WHEREAS, fund raising is for the betterment of the Town and shall comply with state and federal law, and in particular, shall assure compliance with any applicable provisions of the New Mexico Bingo and Raffle Act, NMSA 1978 Sections 60-2B-1 to 60-2B-14; and

WHEREAS, the Gift Act, NMSA 1978 Sections 10-16B-1 to -5 restricts gifts lobbyists and similar donors may make to legislators and other public officials; and

WHEREAS, the Governmental Conduct Act, NMSA 1978 Section 10-16, includes an absolute prohibition against payments and gifts to certain government officials and employees even if the gifts are not conditioned on the promised performance of an official act; and

WHEREAS, the Town of Edgewood Ordinance 2012-01 Code of Ethics defines "valuable gift" as any gift with monetary value in excess of $25 or series of gifts received within one calendar year with an aggregate value of $25 or more, excluding campaign contributions made within (60) sixty days of a municipal election; and

WHEREAS, preventing corrupting, ensuring transparency, and maintaining Public trust and confidence in the Town is vital;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Governing Body, the Inaugural Commission, of the Municipality of the Town of Edgewood, State of New Mexico, hereby sets the Town's policy on Public Gifts, Donations, and Fundraising as follows:

A. No official or employee shall knowingly accept any valuable gift, whether in the form of service, loan, thing, or promise from any person, firm, or corporation which to the official's knowledge is interested directly or indirectly in any manner whatsoever, in

business dealings with the body of which the official is a member, including donors who are unidentified.

B. Fund-raising activities by volunteers, employees, or elected officials on Town premises or elsewhere as representatives of the Town will be permitted only when connected with specific Town activities approved by the Commission.

C. To be acceptable, a gift must satisfy the following criteria:
    a. Have purpose consistent with those of the Town.
    b. Be offered by a donor acceptable to the Commission.
    c. Will not begin a program that the Commission would be unwilling to take over when the gift or grant funds are exhausted.
    d. Will not bring undesirable or hidden costs to the Town.
    e. Will place no restrictions on the Town's programs or operations.
    f. Will not Imply endorsement of any business or product.
    g. Will not conflict with any provision of the Town's laws, policies, procedures, or public laws.

D. All gifts, grants, and bequests shall become Town property upon acceptance by the Town Commission and subject to the policies of the Town.

E. The Commission reserves the right to refuse to accept any gift that does not contribute toward the achievement of the goals of the Town and/or the ownership of which would tend to adversely affect the Town.

F. Any gift accepted by the Commission shall become the property of the Town, may not be returned without the approval of the Commission, and is subject to the same controls and regulations as are other properties of the Town. The Town Manager shall be responsible for the maintenance of any gift the Commission accepts, unless otherwise stipulated.

G. The Commission will make every effort to honor the intent of the donor in its use of the gift but reserves the right to utilize any gift it accepts in the best interest of the Town's Master Plan, Comprehensive Plan, programs, budget, and operations.

H. In no case shall acceptance of a gift be considered to be an endorsement by the Commission of a commercial product or business enterprise or institution of learning.

I. The Town Manager shall:
    a. Encourage individuals and organizations considering contributions to the Town to consult with the Town Manager on the appropriateness of any such gifts.

b. Report to the Commission all gifts that have been offered to the District, for their review and action.
c. Acknowledge the receipt and value of any gift accepted by the Town, and prepare fitting means, as appropriate, for recognizing or memorializing gifts to the Town.
d. Develop and implement procedures as necessary for the guidance of Town personnel and volunteers who are involved with gifts, donations, or fundraising.

J. The Town Treasurer shall:
   a. Record gifts in appropriate accounting funds, inventory listing(s), and property records.
   b. Ensure internal controls over the security of Public Gifts and Donations.
   c. Ensure compliance with all applicable laws and regulations.
   d. Report to the Commission any concerns or potential violations.

K. All gifts, donations, and proceeds of fund-raising activities shall be deposited into the respective accounting fund for which it best corresponds to and must be budgeted to be spent. All revenues and expenditures must be kept in accurate and detailed records.

ADOPTED AND APPROVED THIS 10TH DAY OF OCTOBER 2023

_____

ATTEST:

_____

Ordinance 2023-013

Town of Edgewood Cell Phone Tower Ordinance

Purpose: The purpose of this ordinance is to establish a comprehensive regulatory framework governing the construction, placement, and maintenance of cell phone towers within the town of Edgewood. This framework is designed to ensure the responsible deployment of telecommunications infrastructure, safeguard public safety, protect the aesthetic character of the community, and promote the efficient use of land for such purposes. Additionally, this ordinance recognizes the importance of facilitating the deployment of 5G technology to meet the evolving needs of the community.

Section 1: Definitions

1. Cell Tower: Any structure, including but not limited to monopoles, lattice towers, or disguised support structures, constructed to support antennas and related equipment for wireless communication services.

2. Antenna: A device designed for the transmission or reception of radio frequency signals, typically mounted on a tower or structure.

3. Telecommunications Facility: An integrated system of equipment, including antennas, towers, base stations, and other supporting structures, used for the transmission and reception of wireless communications signals.

4. 5G Technology: The fifth generation of wireless technology that provides increased data speeds, reduced latency, and enhanced connectivity for mobile and internet-connected devices.

Section 2: Zoning and Land Use

1. Permitted Zones: Cell phone towers, including those supporting 5G technology, are permitted in designated Commercial (C-1 and C-2) Agriculture (A-G) and Special Use (S-U) zoning districts, as outlined in the Edgewood Zoning Map. Cell phone towers, including those supporting 5G technology, may be permitted in designated zone districts Master Plan (M-P) Residential / Institutional (R-3) with Conditional Use approval by the Planning and Zoning Commission.

Special Requirements: In residential zones, cell phone towers must adhere to strict design and placement guidelines to ensure compatibility with the surrounding neighborhood. Special considerations for 5G technology deployment may include small cell installations to enhance coverage and capacity in residential areas.

Setback Requirements: In residential areas, cell phone towers, including 5G installations, must maintain a setback as determined appropriate by the Planning and Zoning Commission. Additional setbacks may be required based on specific site characteristics and topography.

Section 3: Permitting Process

1. Application Procedure: Applicants must submit a comprehensive permit application to the Edgewood Zoning Commission, including detailed site plans, structural engineering reports, an environmental impact assessment, and a community impact statement. For 5G installations, the application must include specific details on the technology, equipment, and coverage area.

Permit Fees: The non-refundable application fee is $1,000 for traditional cell phone towers and $500 for 5G installations. These fees cover administrative costs, public notice requirements, and review processes associated with the permit application.

Approval Authority: The Edgewood Planning and Zoning Commission, following a public hearing, shall review and either approve or deny the permit application. The Commission may impose conditions to address community concerns or enhance the project's compatibility with the surrounding environment.

_____

Section 4: Design and Aesthetics

1. Guidelines: Cell phone towers, including those supporting 5G technology, must adhere to detailed design and appearance guidelines developed by the Edgewood Planning Department. These guidelines aim to ensure that towers complement the local landscape and architecture.

Camouflage: The ordinance encourages the use of innovative camouflage techniques, such as stealth designs, landscaping, or architectural treatments, to minimize the visual impact of cell phone towers and 5G installations and integrate them into the natural surroundings.

Height Limitations: In residential zones, cell phone towers, including 5G installations, must not exceed 100 feet in height, measured from the natural grade level to the highest point of the structure, to maintain visual harmony with the neighborhood.

_____

Section 5: Safety and Environmental Considerations

1. Safety Standards: All cell phone towers, including those supporting 5G technology, must comply with industry-accepted safety standards, including structural stability assessments, radio frequency (RF) emissions evaluations, and lighting requirements to ensure public safety.

Environmental Impact: Prior to approval, applicants must conduct a comprehensive environmental impact assessment, considering factors such as potential impacts on wildlife, vegetation, and cultural resources. The assessment should propose mitigation measures to minimize adverse effects. For 5G installations, an assessment of potential health impacts related to increased radio frequency exposure must be included.

Health Impact Assessment (5G): Applications for 5G technology must include a specific health impact assessment addressing potential concerns related to increased radio frequency exposure. This assessment should consider the latest scientific research on the health effects of 5G technology.

Section 6: Public Notification and Input

1. Public Notice: Notice of proposed cell phone tower projects, including 5G installations, must be published in a local newspaper, and adjacent property owners within a 500-foot radius must receive direct notification by mail at least 15 days prior to a public hearing.

Public Hearings: Public hearings will be conducted to provide an opportunity for residents, community organizations, and other stakeholders to express concerns, ask questions, and provide feedback regarding proposed cell phone tower projects, including 5G installations. These hearings aim to foster community engagement and address potential issues before final permit decisions are made.

Section 7: Maintenance and Removal

1. Maintenance Requirements: Cell tower operators must submit an annual maintenance plan detailing routine inspections, equipment upgrades, and landscaping maintenance to ensure the ongoing safety, functionality, and compliance of the cell phone tower, including 5G installations.

Removal of Inactive Towers: Inactive or obsolete towers, including 5G installations, must be removed within 180 days of becoming inactive. The removal process must adhere to safety protocols, and the site must be restored to its pre-tower condition, as approved by the Edgewood Zoning Commission.

Section 8: Insurance and Liability

1. Insurance Coverage: Cell tower operators, including those supporting 5G technology, must maintain comprehensive liability insurance coverage with a minimum coverage of $2 million to cover potential damages, liabilities, or injuries arising from the construction, operation, or maintenance of cell phone towers within the town of Edgewood.

Section 9: Compliance and Enforcement

1. Penalties: Violations of this ordinance may result in fines of up to $5,000 per offense, suspension of permits, or removal of non-compliant structures, as determined by the Edgewood Zoning Commission.

Enforcement Mechanisms: The town reserves the right to pursue legal action, including injunctive relief and cost recovery for any necessary corrective actions, to enforce compliance with this ordinance.

Section 10: Miscellaneous Provisions

1. Indemnification: Cell tower operators, including those supporting 5G technology, shall indemnify and hold the town of Edgewood harmless from any claims, damages, or liabilities arising from the construction, operation, or maintenance of cell phone towers within the town.

Amendments: This ordinance may be amended by the Edgewood Town Commission following a public hearing and proper notice to affected parties. Amendments should be made to address emerging technologies, changing community needs, or regulatory requirements. Proposed amendments must undergo the same public review process as new ordinances.

_____

Section 11. Corrections

1. The Town Clerk/Treasurer and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

_____

Section 12. Severability

1. Severability. The provisions of this Ordinance are severable. Should any part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance other than the part so declared to be unconstitutional or invalid.

_____

Section 13. Effective Date

This Ordinance shall take effect five (5) days after publication in accordance with State Law.

PASSED, APPROVED and ADOPTED this 30th day of January 2024

_____

Mayor, Town of Edgewood

(SEAL)

_____

Town Clerk

Town of Edgewood
Animal Shelter Manager

Position Purpose: Under the direction of the Director, the Animal Care Shelter Manager will oversee animal care and daily operations of the animal sheltering section. Ensures humane housing and care of animals pertaining to state statute, sheltering standards and department policies. Develops standard operating policy and procedures Manages and supervises personnel, manages inventory, coordinates assigned activities with other departments, external agencies, and the public. Prepares advanced and complex metrics data and gap analysis for the department. Employee supervision includes hire selection, training oversight, performance assessment, coaching, disciplinary and termination actions.

Essential Job Functions: *Essential functions as defined under the Americans with Disabilities Act, include any of the following tasks, knowledge, skills, and other characteristics. The list that follows is not intended to be a comprehensive list. Rather, it is intended to provide a representative summary of the major duties and responsibilities. The incumbent(s) may not be required to perform all duties listed and may be required to perform additional position-specific tasks.*

- Oversees and ensures compliance with all state and local statutes, New Mexico Sheltering Standards, Five Freedoms, and Town of Edgewood policy and procedures.
- Recommends, prioritizes, develops, establishes and implements section policies, procedures, goals, performance measures and objectives.
- Oversees day-to-day operations in the Sheltering Section to include behavior, enrichment, animal housing, evaluation, capacity for care, all section work areas, grounds, and equipment.
- Oversees Sheltering Staff and is responsible for hiring, training, assigning and evaluating staff's work. Administers disciplinary actions as needed and is responsible for employee reviews.
- Manages all Sheltering Section personnel, including assisting outside agency workers and trained volunteers.
- Ensures all employees and assistive personnel are adequately trained in animal sheltering methods, animal care and maintenance, safe animal handling, use of equipment, cleaning and sanitation methods, OSHA requirements and cremation unit use and maintenance.
- Oversees OSHA training for Sheltering Section staff, ensures compliance with all OSHA standards throughout the Sheltering Section, and updates Safety Data Sheets.
- Develops and coordinates the department's Capacity for Care work plan to effectively utilize space and systematically respond to fluctuations in the number of animals needing to be housed.
- Develops and implements work standards and training in shelter best practices, animal care and housing, animal handling, maintenance and operations, cleaning

and sanitation, use of equipment, enrichment, general animal illnesses and disposition of animals.

- Conducts daily inspections to ensure duties are completed and all aspects of animal care are being performed.
- Regulates inventory controls to ensure animal housing areas and animal related buildings are stocked with supplies and equipment, and that all equipment is clean and in operable condition for the safety of animals, staff and the public.
- Oversees the operation, scheduled use, and maintenance of the crematorium. Ensures licensing requirements are fulfilled and inspections are current. Responsible for ensuring appropriate training is completed for the organization and staff.
- Participates in the justification, development, and administration of the Sheltering Section's annual operating budget; provides data and assists in forecasting additional funds needed for staffing, equipment, materials and supplies; assists in monitoring and approval of expenditures, obtains quotes and provides necessary vendor forms for the Sheltering Section.
- Coordinates with other departments and vendors as needed for the upkeep of sheltering section building areas and equipment. Obtains quotes, provides information for RFP/RFQ's, and ensures compliance for approved contracts and purchase orders.
- Researches and submits grant funding requests, provides fiscal administration in conjunction with Administrative Manager on grant-funded programs and submits required reports to the Director.
- Responsible for responding and resolving citizen complaints concerning the care and disposition of animals at the BCACS Resource Center to include strays, PC, adopted, reclaimed and owner relinquished animals. May be asked to testify in court cases.
- Communicates with the Outreach Section regarding volunteer recruitment, performance, sustainability and recognition.
- Monitors the health of facility animals and relays concerns to the facility veterinarian or veterinary staff. Coordinates with facility veterinarian on isolation procedures, and health protocols.
- Participates in Animal Management Committee meetings to determine disposition of animals including, but not limited to, animal transfers and euthanasia decisions. Will participate in humane euthanasia once licensure obtained.
- Monitors the disposition and maintains statistical data of animals including live release, euthanasia, transfer, reclaim, intake and adoption rates; compiles related data and prepares complex reports.
- Promotes humane awareness towards the care and treatment of animals through training, education, public resource and intake diversion outreach programs and by example.
- Responsible for the organization, setup, function, and maintenance of emergency sheltering during disasters.
- Perform other job-related duties as required or assigned.

MINIMUM QUALIFICATIONS:

Education, Experience, Certifications, and Licenses:

1. Requires a Bachelor's Degree in Veterinarian Technology, Animal Science, Life Science, Business Administration, Public Administration, or related field, and six (6) years of work experience in an animal care facility with proven working knowledge of a wide variety of domestic animals and basic knowledge of farm animals and wildlife. Basic understanding of animal behavior with focus on positive, reward based training. Strong domestic animal handling skills and knowledge of companion animal behavior and care. Or related field, plus two (2) years in a supervisory role. Any equivalent combination related to education and/or experience may be considered for the above requirements.
2. Fear Free Shelter certified or ability to become certified within 60 days of hire.

Preferred Knowledge and Skills:

1. A record of good judgement/decision making skills, strong conflict resolution skills and the ability to remain positive and mission focused.
2. Ability to work well and communicate in a positive manner with co-workers, members of the public, volunteers, and community partners.
3. Provide strong leadership to maximize companion animal lifesaving while prioritizing public, staff, volunteer safety, animal quality of life while utilizing available resources.
4. Candidate must successfully complete the post-offer employment medical examination and background investigation.
5. Candidate must comply with the safety guidelines of the Town.
6. Candidate must have a valid New Mexico driver's license by employment date and maintain a valid NM license while employed in this position.
7. Candidate must complete and maintain FEMA Emergency Management certifications and in accordance with Town Animal Care Services.
8. Must be a NM licensed Euthanasia Technician or ability to obtain license with six (6) months.
9. Weekend and holiday work may be required.

Environmental Factor and Conditions:

1. Duties are performed primarily indoors, although the duties may be performed outdoors when supervising field operations or doing field investigations. When duties are performed outdoors, a Town vehicle may be used.
2. Indoor duties are performed in a temperature-controlled environment.
3. Worker is exposed to natural weather conditions while performing outdoor duties.
4. Indoor duties are performed in an office setting and throughout the sheltering facility with carpeted or tiled floors, or within a motor vehicle.
5. Outdoor duties are performed on surfaces which may be even or uneven, wet or dry. Stairs may be required in performing indoor or outdoor duties. Outdoor duties may be performed on natural ground, asphalt, concrete, snow, ice or mud.

6. Work hazards or potential work hazards include use of vehicle, stairs, exposure to extreme weather conditions, driving in adverse weather conditions.
7. Worker may be exposed to animals, aggressive animals, animal bites, disease, odors, animal dander, animal byproducts and chemicals.
8. Worker performs duties alone or as part of a select team.

Equipment and Tools Utilized:

1. Equipment used in performing duties includes computer, two-way radio, facsimile (fax) machine, photocopy machine, animal handling equipment, cameras or video equipment, sound equipment, tents and computer printer

Pay Band:

Minimum	Midpoint	Maximum
$	$	$

SALES QUOTE

PO Box 30905 Albuquerque, NM 87190
P: 505-881-6266 F: 505-588-2922

Sales Quote No: QT1063
Date: 1/26/24
Account No: CO26

Bill To:
City Of Edgewood
Attn: Noah Miller
171 State Rd. 344

Edgewood, NM 87015
USA

Ship To:
City Of Edgewood
Attn: Noah Miller
171 State Rd. 344

Edgewood, NM 87015
USA

Sales Person	P.O. Number	Ship Method	Payment Terms	Quote Expires On
Thomas Key		Drop Shipment	Net 30	2/25/24

Notes

Quote includes 15 Verkada AD33 Card Readers, 15 Single Door Controllers and 15 1 Year Licenses. Quote does not include installation. All equipment includes a 10 Year Warranty with 24/7 support.

Item No	Description	Quantity	UM	Price	Disc	Amount
AD33-HW	AD33 Multi-format Card Reader	15.00	Each	$349.00	0.23	$4,030.95
0003	AC12-HW AC12 1 Door Controller	15.00	Each	$699.00	0.23	$8,073.45
0003	LIC-AC-1Y 1-Year Door License	15.00	Each	$249.00	0.23	$2,875.95

Don't forget...you can now sign up for online access to your account. Just visit nubegrp.com and click on E-Info Customer Portal. You can self register and its free. Submit meter reads, pay invoices, view features of your account and much more!!

Subtotal	$14,980.35
Discount	$0.00
Freight	$375.00
Sales Tax	$0.00
Sales Order Total	$15,355.35

Town of Edgewood Personnel Policy Manual

Adopted 11/28/2023

Table of Contents:

Section I: Purpose 2

Section II: Scope 2

Section III: Applicability 2

Section IV: Recruitment and Hiring 3

Section V: Employment Categories and Probationary Periods 4

Section VI: Job Classification and Pay Plan 6

Section VII: Performance evaluation 7

Section VIII: Conditions of Employment... 8

Section IX: Leave 10

Section X: Overtime..... 22

Section XI: Political activity 24

Section XII: Gratuities -Solicitation 24

Section XIII: Rules of Employee Conduct and Disciplinary Action 25

Section XIV: Equal Employment Opportunity 34

Section XV: Harassment.....35

Section XVI: Drug and Alcohol Policy 37

Section XVII: Care and Use of Equipment and Facilities..... 38

Section XVIII: On Call 38

Section XIX: Temporary Light/Modified Duty.... 40

Section I: Purpose

The purpose of this Personnel Policy Manual is to establish policies and procedures in order to ensure, insofar as possible, uniform treatment and administration of personnel employed by the Town of Edgewood. This manual not only outlines the policies towards the various phases of employment, but it also indicates how policy is to be administered. These policies also aid in achieving fair and equitable interpretations of policy which require personnel action on a regular recurring basis. Moreover, it is our intent that all employees have a deeper understanding of their role in the organization.

The Town of Edgewood is committed to providing equal opportunities for all persons making application for employment and for equity in treatment and advancement opportunities for our employees. The importance of each employee's contribution cannot be overstated. It is the Town's goal to provide residents with the finest and most efficient service possible. The Town of Edgewood will make reasonable accommodations for qualified individuals with known disabilities when those disabilities are disclosed by the employee, unless doing so would result in an undue hardship to the extent required by law. This policy governs all aspects of employment, including but not limited to, recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with concerns or issues about any type of discrimination and/or retaliation in the workplace shall bring these issues to the attention of their immediate Supervisor/Department Director and/or the Human Resources Department as soon as they occur so that they may be appropriately investigated, documented and corrected. By the provisions of this adopted Personnel Policy and any other applicable provisions of federal and state law, employees of the Town of Edgewood are guaranteed that they can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or reprisal against an employee for reporting discrimination prohibited under this Policy will be subject to disciplinary action by the Town, up to and including termination of employment.

A determination by a court of competent jurisdiction that any provision of the City Personnel Policy is unconstitutional or invalid shall not adversely affect the constitutionality, validity or enforceability of the remaining provisions.

Section II: Scope

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. This policy shall not be amended by any future departmental procedures, directives and/or general orders in order to provide a uniform leave policy for all Town employees. Definite rules and regulations cannot be readily formulated for every possible problem, circumstance or situation. Therefore, the need may arise and the Town reserves the right to revise, supplement, or rescind any policies or portion of the Town Personnel Policy from time to time as it deems appropriate, by approval of the Town Commissioners and upon written notification of all affected employees.

Section III: Applicability

All positions in the service of the Town of Edgewood are covered under the provisions of

this manual and the rules proclaimed under this chapter, except as follows:

1 Elected officials or those appointed to fill vacancies in elected offices;

2 Members of Town boards and commissions who are not employees;

3 Independent contractors;

4 Temporary employees and employees working less than twenty hours per week;

5 Professional consultants.

6 Town Manager, Clerk, Treasurer, Chief of Police and additional appointed officials.

Copies of the Personnel Policy, the rules and regulations, and all amendments thereto shall be issued to all applicable employees. Directors shall maintain a copy in their respective departments. New employees shall be given a copy of the Personnel Policy and the rules and regulations at the time of their orientation and whenever the Personnel Policy is updated. Additionally, employees shall have access to the most recently adopted the Town Personnel Policy during regular office hours in the Human Resources Department and on-line through the Town Shared Drive and the Government/Town Ordinances of the Town website. Each employee shall be required to sign a form acknowledging they have received a copy of the Personnel Policy and that they both understand and will comply with all the provisions herein.

Section IV: Recruitment and Hiring

A. Purpose and Policy It shall be the policy of the Town to recruit, select and promote employees on the basis of knowledge, skills and abilities regarding their jobs, regardless of race, sex, age, creed, national origin or political affiliation.

B. Procedures

1 When a position becomes vacant or whenever a new position is to be created, the Town Clerk or designee will post the vacancy for a minimum of 10 work days. The notice of vacancy will be posted in the Town Offices and emailed to all employees.

2 Internal applicants and those required by law will be guaranteed an interview.

C. Application

1 Application Procedure. Each applicant for employment with the Town shall obtain the required form and fill it out completely. Any false statement made on the application shall be grounds for rejection or automatic dismissal from employment.

2 Application Retention. Applications shall be accepted only for vacant positions.

3 General Requirements. Evidence of job performance and capability, experience, education, training, skills and other abilities shall be carefully considered in evaluating the qualifications of applicants.

4 Basic Qualifications. Basic qualifications and other criteria for employment shall be contained in the job description for each position. Qualifications and criteria for employment shall include minimum requirements for training, education, skills and experience relating particularly to that individual position.

5. Testing. Performance or other tests may be required by the Town to ascertain competency for the position. Mastery of standards for operations may be required.

6. Interview. The Town Manager and, at least, one other administrative or supervisory employee of the Town will interview applicants to further determine qualifications for the position. The Town Manager may decline to interview an applicant who does not meet the minimum qualifications for the job.

7. Non-Discrimination. The Town is an equal opportunity employer.

I. The Town does not discriminate on the basis of race, age, handicap, color, sex, sexual orientation, sexual identity, religion, political affiliation, marital status or other legally protected status;

2. The Town does not grant special favors to any employee or group of employees.

8. Individuals will be considered for appointment on the basis of bona-fide occupational qualifications only. Once the recruiting process is closed, all applications, including references and employment history, will be reviewed/evaluated by the Town Manager to make sure they are complete and the applicants meet the requirements of the position.

9. Basis for Final Selection. Approval of the final selection for a position will be made by the Town Manager or vote of the Commission, after consultation with the interview committee member(s), the Town Manager and the supervisor, and will be based upon the following:

1. Qualification on skills and/or proficiency tests;

2. Education, backgrounds and experience;

3. Personal interview; and

4. Physical examination when required by the job description.5. Other job-related selection criteria.

10. Compensation. The Town Manager will set the compensation unless set by vote of the Town Commission. Such compensation shall fall with in the salary survey matrix and the Town's budget.

11.. Candidates selected for any position will be required to submit to, and successfully pass based on the current standard as set forth by the Town Manager, a post-offer drug and alcohol testing process. Failing or refusing drug testing will make it impossible to qualify the candidate, therefore resulting in a denial of employment.

All candidates selected for employment with the Town of Edgewood must agree to a thorough background check which may include previous employment verification, reference checks, motor vehicle driving history, proof of education level and professional certifications, criminal record check, and National Sex Offender Registry. Positions in the Human Resources and Finance Department, as well as public safety positions, will additionally require a full credit check. The Town is subject to the Criminal Offender Employment Act, Sections 28-2-1 to 28-2-6 NMSA 1978, and may take into consideration a conviction, but the conviction will not operate as an automatic bar to obtaining public employment.

All candidates who have accepted an offer of employment with the Town shall complete and sign the Employment Eligibility Verification 1-9 Form the first day of employment or no later than three (3) days of hire. On the form, an employee must attest to their employment authorization. Also, the employee must present to the Town Manager acceptable documents evidencing identity and employment authorization. The Town will examine the employment eligibility and identity documents an employee presents. This list of acceptable documents can be found on the last page of the 1-9 Form. The Town Manager will complete the 1-9 Form to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired for employment and will retain the 1-9 Form for three years after the date of hire or for one year after employment is terminated, whichever is later. 1-9 Form records retained by the Town will be made available for inspection by authorized government officials from the Department of Homeland Security, Department of Labor or Department of Justice, if necessary.

The Town of Edgewood participates in E-Verify and uses an internet-based system to compare information from an employee's Employment Eligibility Verification 1-9 Form to data from the U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

The Town of Edgewood also reports new hires and rehires to the New Mexico New Hires Directory through their internet-based system as required under New Mexico Law (Sections 50-13-1 to 50-13-4 NMSA 1978) and the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which requires employers to report newly hired and re-hired employees to a state directory within 20 days of their hire date.

D. Ineligibility Applicants will be considered ineligible for employment by the Town for any of the following reasons:

(1) Proof of fraud or intentional false statements in an application.

(2) Failure to complete the testing requirements;

(3) Failure to appear for processing or for work after notice of appointment.

(4) Applications submitted which are not complete, do not include all required information or materials, or are not submitted at or prior to the indicated deadline may, at the sole discretion of the Town, be rejected. Applications that include inaccurate or false information may be rejected or excluded from further consideration.

Section V: Employment Categories and Probationary Periods

A. Employees shall be assigned under the following categories for the purpose of this section:

1. Probationary. A probationary employee is one who, for a given period of time, is being observed and evaluated to determine whether he or she is qualified for

permanent employment with the Town of Edgewood. Probationary employees include all newly hired employees and/or employees promoted, transferred and/or reassigned to a new position. Probationary employees shall be subject to Section VI, herein below.

1 Regular Full-Time. Regular full-time employees are employees who have successfully completed their probationary period and who work regularly in excess of thirty-five hours per week.

2 Regular Part-Time. Regular part-time employees are employees who have completed their probationary period and who work less than thirty-five hours per week on a permanent basis.

3 Temporary. Temporary employees may be either full-time or part-time, depending on the nature of employment, but who are considered temporary employees if the work being performed has a specified duration, not to exceed six consecutive months, such as employment during peak periods, summer and students under vocational education programs.

4 Limited-Term. An employee whose employment term is for a continuous fixed period of time normally in excess of six (6) months and generally less than one (1) year and who works a basic work period. The employment term may only be extended upon the approval of the Town Commission. The term may be measured by the completion of a specific activity or funding, not necessarily by an ending date. Limited-term employees are not regular employees and do not have recourse to grievance procedures, however may participate in employee benefit plans otherwise afforded regular employees. Limited-term positions must be reviewed annually in the budget process to determine future status.

B. Probationary Period Purpose. The purpose of the probationary period is to give supervisors time to assess whether the employee's skill, performance, reliability and attitude fit the requirements for the position.

C. Probationary Period Considerations and Procedures.

1 The probationary period for all Town employees shall begin on the date of employment and shall continue for 12 months thereafter.

2 A probationary employee is an at-will employee and therefore may be terminated at any time during the probationary period by the Town Manager or vote of the Commission or Department Head with or without cause or notice.

3 A probationary employee who is dismissed during the probationary period is not eligible to utilize the Town's appeal procedures.

4 All probationary and non-probationary employees will be eligible for fringe benefits such as retirement and life and health insurance. Sick leave shall accrue from date of employment.

5 An Employee Evaluation Report, which shall be approved as to form by the Clerk Treasurer, shall be completed by the probationary employee's Department Head six (6) months before the end of the probationary period and again twenty (20) days before to the end of the probationary period.

6. In cases where the probationary employee's performance is marginal, neither clearly unsatisfactory nor clearly satisfactory, the probationary period may be extended for a period of up to one (1) year in three (3) month increments to allow further evaluation of the employee performance. If the probationary period is extended, the Department Head shall also place the probationary employee on a performance improvement plan (PIP) that is approved as to form by the Town Manager. The probationary period will only be extended in exceptional circumstances. Generally, a probationary employee whose performance is still marginal by their second evaluation will be terminated. The Town at its own discretion may extend probationary period.

7. Any time a decision is made to terminate a probationary employee; a notice of discharge shall be given in writing.

E. Promotional Probationary Period

1. An employee promoted to a higher level position or laterally transferred shall serve a six

(6) month probationary period from the initial promotion or transfer date.

2. This probationary period shall be an integral part of the evaluation of the employee's performance in the new position. At the end of the probationary period, the employee shall be removed from probation unless certification is made by the Department Head to the Town Manager that the employee's performance is unacceptable. An employee on probation who is unable to perform satisfactorily in the new position will be returned to the original title, pay grade, and salary, or if this is not possible, to a position at the original pay grade and salary occupied before the promotion or transfer.

F. Performance Reassignment Probationary Period

1. An employee reassigned to an alternative position due to an inability to satisfactorily or fully perform the duties of a position to which the employee was hired, promoted, or transferred shall serve a one (1) year probationary period from the reassignment date.

Section VI: Job Classification and Pay Plan

A. Job Classification Purpose: All positions shall be grouped into classes and each class shall include those positions sufficiently similar in character, difficulty, and responsibility considering:

1 The similarity of the worked performed ;

2 Comparable level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;

3 Comparable tests of fitness may be required of incumbents;

4 The same general range of compensation will apply with equity under substantially the same employment conditions.

B. Job Descriptions: The Town Manager shall maintain and publish a complete set of descriptions for all job classes. Such descriptions shall include title, typical duties and/or task statements, minimum qualifications, and working conditions. Such descriptions shall be reviewed regularly, but not less than once every four

(4) years to maintain their accuracy. The establishment of new or revised classes, or the abolishment of existing classes, shall be recommended or action taken as recommended by the Town Manager or approval of the Commission,

C. Position Classification Studies: The Town Manager shall make position¬ classification studies of individual positions whenever he/she deems it necessary, or whenever requested by the Town Commission, Department Head, or supervisors.

D. Pay Plan Purpose: The Pay Plan includes the basic salary schedule adopted by the Town Commission, together with the assignment of job classes to ranges or rates in the plan as approved by the Town Commission.

E. Pay Plan Provisions: The Pay Plan is intended to provide equitable compensation for all job classes in relation to the pay for other job classes, general rates of pay for similar employment, the financial condition of the Town, and other factors. To this end, the Town Manager shall regularly, but not less than biannually make comparative studies of all the factors affecting the level of pay and recommend such changes as may be justified. Such adjustments shall be made by increasing or decreasing the pay ranges provided in the basic pay schedule as approved by the Town Commission.

F. Pay Ranges: Pay ranges are intended to furnish administrative flexibility in recognizing job content differences among positions allocated to the same class, in providing employee incentive for growth and improved performance, and in rewarding employees for meritorious service.

Section VII: Performance evaluation

A. Purpose. The purpose of the performance evaluation is to establish a program of performance appraisal that will encourage objective, systematic review and analysis of each Town employee's performance.

B. Basic Policy. It shall be the responsibility of the supervisor to conduct performance evaluations. The Town Manager will provide that the performance of each employee is reviewed by the employee's supervisor at the end of each fiscal year. Failure to provide aperformance evaluation shall be reported to the Town Commission. This evaluation shall become part of the employee's permanent personnel record.

C. Performance Evaluation Procedures.

1. Responsibility. It shall be the responsibility of the Town Manager’s office to see that the performance evaluation program is operated as required by this chapter.

b. Supervisors shall conduct a performance evaluation of each employee as provided in this chapter. A complete performance evaluation form will be sent to Town Manager obey each supervisor each year. The Town Manager shall provide a status report of all Town employees at the first Commission meeting in July of each year.

c. Employees have the right to review their performance evaluation and review the contents of their personnel folder at any time. Employees must sign and may attach comments to the completed performance evaluation. Such signature shall not signify concurrence by the employee as to the contents of the evaluation, but only notice that the employee has read and been made aware of the evaluation's contents. If an employee refuses to sign the completed evaluation, the supervisor shall obtain a management witness to certify the employee has read and been made aware of the evaluation's contents.

d. All performance evaluations shall be confidential and the contents shall not be disclosed, except within the employee's chain of command including the Town Manager, or prospective supervisor and Department Head, in cases of internal transfers or as provided for under law, without the written consent of the employee.

e. Citizen's complaints should not be part of the employee's personnel record unless, after investigation, they have been determined to be founded on fact.

Section VIII: Conditions of Employment

A. Hours of Work

1 Regular full-time employees are expected to work forty (40) hours per week. Working hours may fluctuate at the discretion of Department Heads.

2 Breaks. Lunch breaks are normally one (1) hour, except for those departments with established thirty (30) minute lunch breaks. Such meal time shall be unpaid time unless the employee is required to remain at the work site, in which case the Department Head may authorize a meal period as part of time worked.

3 Remote work must be approved by the Town Manager and the IT Administrator. Remote work will be approved for extreme cases and as needed for managers to work on projects or directed by the Governing Body. Any remote workers will be provided with Town issued laptops and access with guidance of the IT Administrator.

B. Attendance and Absenteeism. Employees will be expected to report for work promptly and be in attendance as scheduled. Absence for any reason should be reported to the supervisor or Department Head one (1) hour before the time the employee is to report to work or as soon as practical. Unauthorized absence from work for three (3) consecutive work shifts will be considered abandonment of the job and automatic termination will result. Employees will be paid for time actually worked unless absences fall under leave provisions.

C. Dress and Personal Appearance. It is important that Town employees present the best possible image to the public. Employees should be as neatly dressed as work assignments allow. Departments that require uniforms will be provided with one pair of boots and 5 shirts at the beginning of the fiscal year. Replacement of items will follow the procurement process. Departments have the option to contract with uniform companies to maintain and clean provided items.

D. Pay Periods. Each pay period shall be bi-weekly, with checks issued every otherFriday. Under unusual circumstances checks may be issued early, but only upon the request of the Department Head and with the concurrence of the Town-Treasurer.

E. Time Sheets. Time sheets approved to form by the Treasurer, for each pay period shall be kept by the Department Head and shall be forwarded to the Town Manager on Monday morning before to the pay day.

F. Payroll Deductions. Deductions from an employee's check are mandatory for Federal Withholding, P.E.R.A. and State Income Tax. Employees may choose to have deducted from each check their contribution for medical health care, life insurance, credit union savings, or other benefits available to employees.

G. Transfers. Transfers must be approved by the Town Manager and will only be considered upon the approval of the receiving Department Head. Should an employee request a transfer, the employee's salary may be reduced, if necessary, to conform to the pay range appropriate to the new position. Any transfer which results in an over-all increase in salary and wage expenditure must be approved by the Town Manager or Commission. The employee shall be advised of any changes in pay that will occur as a result of the transfer.

H. Resignations. A Town employee who wishes to resign in good standing must submit a letter to his immediate supervisor at least fourteen calendar days before leaving. All Town equipment and property is to be turned in to the department upon termination. If this is not done, the employee's paycheck may be reduced by the value of the unreturned items.

I. Reductions in Force. It may, at any given time, be necessary and appropriate for the Town to reduce the number of its employees or abolish some positions because of economic conditions, reorganization, and/or lack of work.

When a position is to be discontinued or abolished, the Town Manager shall submit a written proposal shall contain a recommendation of an order of layoff based on:

1 A determination whether the employee whose position is being eliminated is qualified to perform one or more other jobs with the Town; and

If the immediate supervisor of the position determines this employee is qualified to perform one or more alternate jobs, the application of the rules used to determine reductions in force. When the Town wishes to reduce the number of employees without abolishing a position, the Town Manager or a member of the Town Commission shall submit a written proposal to the Commission for final approval containing recommendations for the order of layoff. In determining the order of layoff, the following rules shall apply:

1 Temporary and/or probation ray employees will be laid off first from positions for which a regular employee, subject to reduction in force, is at least as equally qualified;

2 Reduction of regular employees will be determined by department, based on ability to perform work, job performance, and seniority;

3 Regular employees to be terminated as a result of a reduction in force shall be provided written notice at least two calendar weeks in advance of the effective date of the termination or shall be granted equivalent severance pay;

4 A regular employee terminated as a result of a reduction in force or the elimination of a position shall receive preference in hiring for any position for which they are at least as equally qualified over external employment candidates.

a. Terminated Regular employees seeking reemployment must follow the established hiring procedures of the Town.

b. This privilege ends after six (6) months of after the employee declines an offer of employment from the Town, whichever comes first.

5. A regular employee rehired or reinstated within one (1) year of termination as a result of a reduction in force shall be entitled to service credit accrued prior to termination.

J. Outside Employment. All Town employees who wish to engage in outside employment are required to complete a request for permission to engage in outside employment on an annual basis and have it approved before such employment will be authorized. It shall be the responsibility of the employee's Department Head to assure compliance with this rule.

Section IX: leave

A. Vacation. All tenured and probationary employees earn and are eligible to use paid vacation from the date of hire as follows:

1 I . Eight (8) hours a month are accumulated for employees who have served less than five years in the Town. Ten (10) hours a month are accumulated for employees who have served more than five (5) years in the Town.

2 Four (4) hours a month are accumulated for part-time regular, temporary or limited term employees.

Employees may use accrued vacation leave in hourly increments. Every effort will be

made to grant an employee vacation at the time requested. However, vacations cannot

interfere with the Town's essential operations and therefore must be approved by the

Department Head well in advance.

Town employees, including Police Department employees, may carry a balance of not more than ~~200~~ 100 hours of vacation per calendar year. Excess hours will be forfeited at the beginning of the calendar year. The purpose of this provision is to encourage employees to take time off and to avoid imposing a significant liability on the Town to payout unused vacation leave when an employee separates from employment. Paid holidays which occur during vacation time are not counted as a day of vacation. Probationary, temporary and limited-term employees shall not be paid for accrued vacation time upon separation from employment. Regular employees who separate from employment will be paid for unused vacation time.

~~Annually, on December 1, the Town may offer to buy back unused vacation leave hours at 100% of the employees' respective base hourly rates of pay. The number of hours the Town may offer to buy back is discretionary. Employee participation is voluntary. An employee's vacation leave accrual balance cannot be reduced below 24 hours as a result of the buy-back.~~

The FLSA administrative exemption requirement shall be reviewed and determined by the Town Manager.

Time worked in excess of 40 hours by non-exempt employees during the designated workweek shall be compensated in accordance with the provision of the Fair Labor Standards Act (FLSA).

~~With the permission of the Town Manager, Department Directors may, at their discretion, permit non-exempt employees to use award Compensatory Time on a case by case basis, where meetings, training, or other approved work related assignments require an employee to work extended hours outside of their normal work day, in lieu of pre-authorized Overtime. The Compensatory Time rate shall be one and one-half (1.5) hours Compensatory Time leave for each hour of overtime worked when a non-exempt employee works more than forty (40) actual work hours in a normal work week. Compensatory Time hours must be used within sixty (60) days, unless otherwise approved by the Town Manager in writing and in advance.~~

The Department Director shall determine the need for employees to work Overtime, and be responsible for authorizing Overtime work in advance and in writing approved before and after by the Town Manager. Employees working Overtime without proper authority will be subject to disciplinary action. The Overtime rate shall be one and one-half (1.5) times regular pay for each hour of Overtime worked

when a non-exempt employee works more than forty (40) actual work hours in a normal week. Hours in excess of forty (40) per week will not be subject to PERA contributions. Police Department shall refer to their SOP on Overtime pay.

All time spent in training, at workshops, meetings, and related travel when such attendance is made mandatory (non-voluntary) by the Town shall constitute hours worked and shall be used to calculate overtime eligibility under the FLSA.

Time spent attending authorized and voluntary training, workshops, conferences, meetings, seminars, etc. shall not count towards Overtime and shall count as work time only if it occurs during an employees' normal work day and work time (i.e., for a traditional Monday through Friday work schedule) (Voluntary attendance at functions listed above on Saturdays and Sundays is not counted as work time, nor shall any other time not identified above, unless directed or approved in advance for compensation by the Town Manager or the Commission).

The special exemptions under Section 207 of the Fair Labor Standards Act (FLSA) allowed for law enforcement and fire protection personnel with regard to Overtime will be applied as follows:

For those employees engaged in law enforcement activities (defined by the Town of Edgewood as Patrol Officers/Police Officers) who have a work period of at least seven (7) but less than twenty-eight (28) consecutive days, no overtime compensation is required under 29 USC §207 (k) until the ratio of the number of hours worked exceed the number of hours which bears the same relationship to one hundred seventy-one (171) as the number of days in the work period bears to twenty-eight (28) consecutive days.

B. Holidays.

1 The holiday schedule shall be designated by the Town Commission each year.

2 Regular full and part time, and limited term employees shall be paid for the holiday the same amount the employee would have earned for a regularly scheduled workday~~.~~

3 Employees scheduled to work an approved Town Holiday shall be paid the same amount of time they would have earned for a regularly scheduled workday at straight time, and shall receive pay at one and one-half (1.5) times their regular hourly rate for actual time worked during the Holiday. Worked hours on a holiday will be calculated as a regular work day to meet 40 hours or 80 hours(for Law Enforcement). The holiday will be recognized for shifts beginning at 5AM before the designated holiday and until 5AM after the designated holiday. Any additional hours will be at the discretion of the Town Manager.

4 If a paid holiday falls on the employee's regular day off, the employee may float the paid holiday. Departments that are not able to float the paid holiday will be paid for one regular shift in observance of the holiday.

C. Personal Leave Day. Regular employees are entitled to one (1) personal leave day each calendar year. The personal leave day will be consistent with the employee's normal workday. Such leave must be requested and approved in advance. The personal leave day must be taken during consecutive hours. The personal leave day must be taken by December 31 or it will be lost. Employees who do not take the personal leave day shall not be paid for it upon separation from Town employment.

D. Sick Leave. Sick leave benefits are accrued at the rate of eight hours per month. Part-time employees accrue sick leave at the rate of four hours per month. Unused sick leave shall be accumulated from year to year. Employees on probationary status shall be credited with sick leave for each pay period worked.

Sick leave should only be used as needed, and abuses of sick leave will be grounds for disciplinary action. If an employee has used all accrued sick leave, the employee may choose to use his accrued vacation as sick leave with approval of his supervisor. The employee must be able to justify the use of vacation leave as sick leave.

Employees using sick leave shall notify the Town Manager before the start of their scheduled work shift. Sick leave of more than three days duration may require certification by a physician as to the nature of the illness be submitted to the Town Manager . Persons on sick leave for more than five (5) consecutive work days may be required to have a physical examination but shall be required to be certified fit to return to work by a physician. Physical examinations performed at the insistence of the Town will be paid for by the Town.

An employee may use accrued sick leave to care for members of the employee's immediate family (employee's spouse or ex-spouse, live-in partner, children, step-children, parents, step¬parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, aunts, uncles, first cousins, nieces, nephews, and the like relations of the employee's spouse. This definition shall cover any person so related to the employee by birth, adoption or marriage). A doctor's certification may be required stating the family member's condition before to sick leave being granted.

Regular, Probationary, temporary and limited-term employees shall not be paid for accrued sick leave time upon separation from employment with one exception. Regular employees who retire from the Town will be paid for unused sick time up to 200 hours at a rate of %50.

Conversion of sick leave: Employees who have accrued sick leave may convert a total of 100 hours of accrued sick leave as follows:

a. An employee may convert up to 100 hours of sick leave to vacation leave at the rate of 50%. (maximum conversion 50 hours)

b. An employee may convert up to 100 of sick leave for cash at the rate of (maximum conversion 50 hours) c. These conversions may be made annually during the month of December.

d. All requests for conversion must be submitted to the Town Manager. .

D. Donated leave. There are occurrences brought about by medical conditions that cause employees to exhaust leave and therefore be placed on leave without pay. It is recognized that employees forced to go on leave without pay could be without income at a most critical point in their life. Employees who want to assist their fellow workers by donating leave can do so through this provision of the policy manual.

For the purpose of this section, "medical conditions" shall be interpreted to include a serious illness or injury which is monumental, unusual, immediate in nature and which is expected to preclude the employees from returning to work for an extended period of time. This shall involve but is not limited to:

1 Any period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or

2 A period of incapacity requiring absence of more than three calendar days from work that involve continuing treatment by (or under the supervision of) a licensed health care provider; or

3 Any period of incapacity due to pregnancy, or for prenatal care; or

4 Any period of incapacity or treatment due to a chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or

5 A period of incapacity that is permanent or long-term due to a condition for which treatment may be effective (e.g. Alzheimer's, stroke, terminal disease, etc.) or

6 Any absence to receive multiple treatments (including any period of recovery) by, or referral by, a licensed health care provider (e.g. chemotherapy, physical therapy, dialysis, etc.)

General Guidelines:

1 Leave may be donated from vacation or sick leave.

2 An employee cannot donate from either the vacation or sick leave if the balance will fall below one-half what can be earned in 12 months.

3 Leave donated will be added to the recipient's sick leave balance limiting its use for sickness only.

4 The minimum donation allowable is four hours.

1 Leave shall be donated on a one-to-one personal basis. Establishment of a leave "pool/bank" is expressly prohibited.

2 The donation and receipt of leave shall be completely voluntary, and anyone who interferes with an employee's right to choose whether to donate or receive leave shall be subject to disciplinary action on the basis of personal misconduct.

3 Individual leave records are confidential and only involved individuals may reveal their donation or receipt of leave.

4 The employee donating leave cannot receive compensation for the leave donated.

5 Upon return to work the recipient will be allowed to retain up to 40 hours in their sick leave account.

6 Any additional unused donated leave beyond 40 hours will be returned to the donor(s) on a pro-rated basis and credited to the leave account from which it was donated. Fractions of the hour shall not be returned to an individual donor.

7 If a recipient of donated leave separates from Town of Edgewood employment, the donated leave remaining in the recipients account shall be returned to the donors' accounts on a pro-rated basis.

Recipient Requirements:

1 When requesting donated leave, the employee or the immediate supervisor must complete in writing, and forward the request for donated leave including the physician certification to the Town Manager . All medical information is confidential. When disclosing information about an applicant the Town Manager will state only that the requesting individual or the individual's family member has a "medical condition".

2 An employee must exhaust all types of leave before any donated leave will be used.

3 While using donated leave, the employee continues to earn vacation and sick leave. This earned vacation and sick leave should be used each month prior to any donated leave.

4 Upon return to work, an employee is allowed to retain 40 hours of the donated leave in his sick leave account. Any remaining leave over 40 hours will be prorated back to the donors in the leave reporting period immediately following the employee's return to work. This action is reflected in the adjustments column of the employee's monthly leave report.

5 An employee's participation in donated leave is limited to 520 hours either continuously or, if for the same condition, on a recurring basis. However, a continuation may be granted month by month for any amount of time that management would otherwise have granted leave without pay.

E. Family and Medical Leave of Absence. The purpose of Family Medical Leave is to balance the demands of the work place with the needs of families to promote the stability and economic security of families; to minimize the potential for employment discrimination on the basis of sex by ensuring that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

1. Employee Eligibility: Permanent employees who have been employed with the Town of Edgewood for at least 12 months and who have worked at least 1250 hours (half-time) during the previous 12-month period are entitled to a total of 12 workweeks of leave, paid or unpaid, during any 12-month period for one or more specified conditions which are covered under this Act.

For the purpose of this policy, the 12-month period is defined as 12 months from the date of the qualifying event.

2. Qualifying Conditions:

A. Birth of a child and care for the child after birth, provided the leave is taken within a 12¬month period following birth,

B. Care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12-month period following adoption.

C. Care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition.

D. A serious health condition that makes the employee unable to perform the essential functions of his/her position. Serious health conditions do not include short-term conditions such as illnesses that last a few days or out-patient surgeries that typically require only a brief recovery period. Employees may use Personal Leave to cover time off for these conditions.

3. FMLA Leave Options:

A. Eligible employees are entitled to 12 weeks of unpaid leave within a twelve-month period.

B. Eligible employees may choose to us paid leave in the form of vacation, sick, compensatory, or donated leave.

C. Eligible employees may choose to use the FMLA Leave on an intermittent basis or on a

Reduced work schedule. Page 15 of 41

4. Definitions: Parent -a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child. If an employee requests FMLA to care for an individual who stood in loco parentis, the employee must provide documentation verifying the relationship. If legal records are not available, the employee has the burden of proof and must submit written documentation explaining the relationship covering periods of residence, facts and circumstances. Someone who was in a position to know of the relationship must verify this documentation through signature and notary.

A. Child· a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Child would include: (a) biological, (b) adopted, (c) foster, (d) step-child, (e) legal ward, and (f) child of an employee standing in loco parentis as defined above.

B. Spouse -a husband or wife recognized by the State of New Mexico.

C. Serious Health Condition· (a) an illness, injury, impairment, and/or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by a health care provider; (b) any period of incapacity requiring absence from work of more than three calendar workdays that also involves continuing treatment by a health care provider; or (c) continuing treatment by a health care provider for conditions so serious that, if not treated would likely result in an absence of more than three calendar workdays. Prenatal care is also included. The period of actual physical disability associated with childbirth is considered a serious health condition and may be subject to family/medical leave regulations, whether as paid or unpaid leave.

D. Intermittent leave or Reduced Work Schedule· an intermittent work schedule is a schedule in which an employee works on an irregular basis and is taking leave in separate blocks of time, rather than for one continuous period of time. The leave period may not exceed the total of the allowed 12·week period.

5. Administration of Family Medical leaves:

A. An employee desiring to use Family Medical l eave needs to contact the Town Manager e prior to the requested leave period.

B. Requests for Flu leave must be supported by reasonable proof.

C. If an employee is unable to initiate the contact to the Town Manager for Family Medical leave, the department head is responsible for contacting Town Manager to investigate the designation of the leave period as paid or unpaid FMLA leave. The designation must be made on the Family Medical Leave Request Form and must be completed prior to the extension of FMLA Leave.

D. If an employee on paid leave has not provided sufficient information to determine whether it is designated as FMLA Leave the department head shall, after a period of 10 workdays, request that the employee provide sufficient information to establish a FMLA¬ qualifying reason for the needed leave. This does not preclude the department from requesting the information sooner or at any time an extension is requested.

E. Employees designated on FMLA Leave have the following options for charging leave:

1 For the birth of a child, the employee may choose to exhaust available compensatory, vacation, sick, and/or donated leave, or any portion, or go on leave without pay.

2 For the adoption or foster care of a child, the employee may choose to exhaust available compensatory, vacation, sick, and/or donated leave, or any portion, or go on leave without pay;

3 For the illness of an employee's child, spouse, or parents, the employee may choose to exhaust available compensatory, vacation, sick, and/or donated leave, or any portion, or go on leave without pay;

4 For the employee's illness, the employee shall exhaust available sick leave and may choose to exhaust available compensatory, vacation leave, and/or donated leave, or any portion, before going on leave without pay.

F. Employees desiring to work a reduced or intermittent work schedule under FMLA leave will need to contact the Town Clerk for further instructions. Employees approved for one of these options will experience a reduction in monthly earning rates.

6. Notice to Employer: It is the responsibility of the employee to explain the reasons for the FMLA Leave in sufficient detail to allow the Town to determine that the leave qualifies under the FMLA. If the employee fails to adequately explain or document the FMLA¬ qualifying reasons for the leave after a request by the Town, leave may be denied. Where the necessity for FMLA Leave for the birth or placement of a child is foreseeable, the employee shall give the Town at least 30 days' advance notice (before the date the leave is to begin) of the employee's intention to take such leave. In other cases, the employee shall provide such notice as soon as practical. As soon as practical means at least verbal

notification to the Town within one or two business days of when the need for leave becomes known to the employee. An employee shall at least provide verbal notice to the Town of the need for FMLA Leave and the anticipated timing and duration of the

leave. The Town may also require an employee to comply with the Town's usual and customary notice and procedural requirements for requesting leave. If the employee fails to give timely advance notice when the need for FMLA Leave is foreseeable, the Town may delay the taking of FMLA Leave until 30 days after the date the employee requested the need for the FMLA Leave. In some circumstances, employees may need to make the request for FMLA Leave after the fact. If this occurs, employees have two business days upon returning to work to provide the appropriate information in order to be entitled to the protections of FM LA.

1 Notice to Employee: Once the Town has received a request for a FMLA required reason, the Town shall promptly (generally within two business days, absent extenuating circumstances) notify the employee that the leave is designated and will be counted as FMLA Leave. The Town may give such notice in writing

2 Medical Certification: Any request for FMLA Leave for a serious health condition shall be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, and a parent of the employee or an individual who has acted in loco parentis to an employee as appropriate. Such medical certification should be attached to the employee's request for FMLA Leave, or in the case of unforeseen leave, generally within two business days after the leave commences. In the case of foreseeable leave, the Town may delay the taking of FMLA Leave to an employee who fails to provide timely certification after being requested by the Town to furnish such certification (within 15 calendar days, if practicable), until the required certification is provided. In the case of unforeseeable leave, if the employee does not provide the medical certification within a reasonable time, the Town may delay the continuation of FMLA Leave. If the employee never produces the required medical certification, or if the certification does not confirm the existence of a serious health condition as defined under FMLA, then the leave is not FMLA Leave. In any case in which the Town has reason to question the appropriateness of the leave or its duration the Town may request certification at some later date. If the Town has reason to doubt the validity of the certification provided the Town, the Town may require at its expense, that the eligible employee obtain the opinion of a second (or third) health care provider.

3 Confidentiality: All records and documents relating to medical certifications, re¬certification or medical histories of an employee's family members, shall be maintained in a separate medical file from the employee's personnel fi le, and shall be treated as confidential medical records in accordance with the Americans with Disabilities Act of 1990 (ADA) and The Health Insurance Portability and Accountability Act of 1996 (HIPPA).

10. Restoration to Work: Any eligible employee who takes approved FMLA Leave shall be entitled, upon return from such leave:

A. To be restored by the Town to the same position of employment held by the employee when the leave commenced; or

B. To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and condition of employment.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the Town will review such situations on a case-by-case basis under the ADA.

11. Group Health Plan Coverage:

A. The Town shall maintain coverage for the employee under the Town's group health plan for the duration of the 12-week FMLA leave period at the level and under the conditions coverage would have been provided if the employee had continued employment.

B. Any share of health plan premiums paid by the employee prior to leave must continue to be paid by the employee during the leave period.

C. The Town must give advance written notice to employees of the terms for payment of premiums during FMLA leave.

D. The Town's obligation to maintain dependent health insurance coverage stops if an employee's premium payment is more than 30 days late. The Town must provide the employee with at least 15 days' notice that coverage will cease.

E. If an employee's failure to make the premium payments leads to a lapse in coverage, the Town must still restore the employee, upon return to work, to the health coverage equivalent that employee would have had if leave had not been taken and premium payments had not been missed without any waiting period or preexisting conditions.

F. The Town may recover the premiums if the employee fails to return for a reason other than the continuation, recurrence, or onset of a serious health condition of the employee or the employee's immediate family member, or other circumstances beyond the employee's control.

12. Other Benefits: Maintenance of health insurance policies that are not a part of the Town's group health plan (where no contributions are made by the Town) is the sole responsibility of the employee.

Taking FMLA Leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

1. No Retaliation: The Town shall not interfere with an eligible employee's rights under the FMLA, shall not discharge or otherwise discriminate against employees who exercise such rights, and shall not retaliate against employees who file, initiate or otherwise assist in charges or investigation against the Town.

2. Rights and Obligation of Employees: When an employee provides notice of the need for FMLA Leave, the Town shall provide the employee with a Notice (within two business days, if feasible) detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations.

F. Leave Without Pay.

The Town Manager may grant a regular employee leave without pay for a period not to exceed one year. Leave without pay may be granted only when it is in the best interest of the Town, and only following consideration of the employee's performance and disciplinary history, and the potential disruption of Town operations.

1 For leave without pay a written request indicating the reason for the leave, duration, and dates of departure and return, must be approved by the Town Manager before leave is taken.

2 Employees on leave without pay shall not accrue annual or sick leave for those hours on leave without pay, nor be paid for observed holidays.

3 During an employee's approved leave of without pay, his/her position may be filled by temporary appointment, a temporary promotion, limited term employee or detail to another employee. At the expiration of a leave without pay, the employee has the right to and shall be reinstated in the position he/she vacated if the position still exists; or, if not, to any other vacant position of like seniority, status and pay. If no vacancy exists, the employee will be offered the first available position for which he/she qualifies. If no position is found within a period of one-hundred twenty (1 20) days, the employee will be terminated.

G. Bereavement Leave. In the event of a death in the employee's immediate family, (employee's spouse or ex-spouse, live-in partner, children, step-children, parents, step¬parents, siblings, grandparents, step-grandparents, grandchildren, step-grandchildren, aunts, uncles, first cousins, nieces, nephews, and the like relations of the employee's spouse. This definition shall cover any person so related to the employee by birth, adoption

or marriage)l1 the employee will be permitted three days leave with pay per occurrence

not chargeable under any benefits. After three days, bereavement leave will be charged

against the employee's sick leave. An employee must notify the employee's department

head before taking such leave.

H. Military Leave. Leave with pay will be granted for a period of two weeks per year to

permanent full time employees and permanent reserve part time employees enrolled in the National Guard or military reserve units to attend training camp or exercises. In cases where such leave is granted, the employee must furnish proof of duty orders before leave being granted. The equivalent of National Guard military reserve pay will be deducted from the employee's paycheck, and if the employee's regular income from the Military Reserve Service is in excess of the employee's regular income from the Town, then the employee shall not be entitled to any pay from the Town.

I. Unpaid Military Leave Regular employees who are members of the Armed Forces, the Army National Guard, the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty are entitled to re-employment after up to five years of service. PERA contributions may not be withdrawn when an employee begins military leave without pay. Upon re-

employment, such employees shall receive any necessary pay adjustment such as provided to other employees during the period of active duty.

1. Employees must apply for re-employment within fourteen days of the date of release from active duty where the active service was from 31 to 181 days.

2. Employees must apply for re-employment within ninety days of the date of release from active duty where the active service was more than 181 days.

3. For service of 90 days or less, the employee is entitled to the position he/she would have been employed in if continuous employment had not been interrupted or the position in which the employee would have been employed on the date of the commencement of service.

4. For service of more than 90 days, the employee is entitled to the position in which he/she would have been employed if the continuous employment had not been interrupted or the position of employment in which he/she was employed at the date of commencement of service, or a position of like seniority, status and pay.

J. Jury Duty Employees will be granted court leave for the purpose of serving as a juror or witness in any court. Court leave with pay will be authorized only during those days which would otherwise have been an employee's regular scheduled working days.

K. Occupational Injury leave

1 Purpose. Injury leave by a doctor's order shall be granted to any employee who sustains an injury as a result of or in the course of the performance of his or her job. Injury leave is intended to cover initial gaps in coverage of the State's Workman's Compensation Program. A doctor shall mean any qualified health care provider recognized under New Mexico's Workers Compensation Act as being qualified to provide such an order.

2 Injury Leave Granted. An employee who sustains an on the job injury shall receive paid injury leave equal to normal salary for all regularly scheduled working hours or up to seven working days until State's Workman's Compensation coverage commences. All benefits will accrue while an employee is on workman's compensation, and the Town will pay its share of an employee's hospitalization insurance for a period not to exceed three months.

3 Procedures. Any employee injured on the job shall immediately report the injury to his or her supervisor, who shall report the injury to the Town Manager’s office. An accident report shall be completed within forty-eight hours of the accident. If medical attention is required, the procedures set forth in administrative regulations shall be followed.

l. Voting leave Employees, who are registered voters, shall be given necessary time off to vote without loss of pay. Employees will receive up to two (2) hours on Election Day for the purpose of voting between the time of opening and the time of closing the polls; however, the Supervisor or Department Head may specify the hours during this period that the voter may be absent. The provisions of this subsection do

not apply to any employee whose work day begins more than two (2) hours after the polls open or ends more than three (3) hours before the polls close.

Section IX: Overtime

1 A non-exempt employee shall not work more than the regularly scheduled 40 ¬hour workweek without his/her supervisor's prior approval. Non-exempt employees who work in excess of the normal 40-hour workweek shall be compensated at the rate of I X times the employee's regular base rate of pay for each hour of overtime worked. Overtime work will be compensated in IS-minute increments. The exemption requirement shall be reviewed and determined by the Town Manager.

2 Working overtime without prior approval is just cause for disciplinary action, up to and including termination.

3 Payment for overtime may be in the form of cash ("overtime pay") ~~or compensatory time ("comp time").~~ In times of budgetary constraint, the Town of Edgewood, at its sole discretion, may elect to pay employees overtime in the form that best suits the Town.

4 An employee is not entitled to overtime pay ~~or comp time~~ unless that employee has actually worked more than 40 hours in a given workweek. The time an employee takes off from work for a holiday, vacation, personal leave, or an illness is not considered hours worked for purposes of calculating overtime, even if the employee is paid for that time with accrued leave or accrued comp time.

5 ~~All Town employees, including commissioned police officers, eligible for overtime compensation may accrue a maximum balance of 240 hours of comp time (or 160 hours of overtime worked). If an employee has reached the accrual limit for comp time set forth in this paragraph, any additional overtime worked by the employee shall be paid out in the form of cash.~~

6 ~~The Town strongly encourages all employees to use their accrued comp time within 6 months of earning it. Employees may use comp time at any time with the prior approval of the eligible employee's supervisor, unless the granting of such time would unduly disrupt the effective functioning of the employee's department. Mere inconvenience is an insufficient basis for denial of a request to use accrued compensatory time.~~

7 ~~At any time, an employee may request that the Town of Edgewood cash out his/her accrued but unused comp time balance, even if the balance is below the accrual maximum set forth in paragraph 6. The Town of Edgewood, at its discretion, may grant the employee's request, giving consideration to budgetary constraints and priorities. Such payment must be made at the regular hourly rate of pay received by the employee at the time of payment.~~

8 ~~The Town may, at any time, elect to payout some or all of an employee's accumulated compensatory time. Such payment must be made at the regular hourly rate of pay received by the employee at the time of payment. It is within the Town's sole discretion whether to payout some or all accrued comp time.~~

9 ~~Upon an employee's retirement, resignation or termination, the Town of Edgewood shall pay the employee for the balance of his/her accrued but unused camp time at a rate not less than the employee's final hourly pay rate or the employee's average hourly rate over the last three (3) years of employment, whichever is greater. In instances where the employee has less than three (3) years of~~

~~employment with the Town of Edgewood, the average pay rate for the entire period of employment shall be used instead.~~

11. Supervisors shall monitor overtime worked ~~and compensatory time accrued and shall encourage the use of compensatory time as the opportunity arises~~, in order to minimize the Town of Edgewood's overtime pay liability. The supervisors' monitoring of overtime ~~and encouraging the use of comp time~~ will be considered as part of the supervisors' performance evaluation.

Section X: Political Activity

Town employees shall not, during working hours, publicly support or endorse any person running for political office. Town employees should not be harassed for political support by any political candidate, Department Head or Elected Official. An employee cannot be fired or penalized for failure to support a particular candidate. This is to ensure the protection of the employee from any unnecessary interference with the employee's job. The employee's job does not depend upon political beliefs, but upon the employee's job skills and performance.

Section XI : Gratuites -Sollicitation

A. Gratuites. Town employees shall be prohibited from accepting gifts or other considerations from vendors where the value of such gifts or considerations is in excess of twenty-five dollars ($25.00). Any attempt to influence an employee's performance of the employee's duties by a vendor or other persons should be reported to the Town Manager.

B. Solicitations. No solicitation by employees or others will be allowed in a Town¬-owned building or on Town property. All legitimate proposals should be directed to the Department Heads or persons responsible for purchasing. Salesmen should not consult directly with employees without permission of the employee's supervisor.

Limited exceptions may be authorized by the Town Manager for charitable solicitations.

Section XII: Rules of Employee Conduct and Disciplinary Action

A. Rules of Employee Conduct. Reasonable rules of employee conduct are necessary for the orderly and effective operation of the Town. Some of the more obvious examples of unacceptable conduct are listed below. This list is not all inclusive and is not intended to refer to all possible policy infractions. Employees should contact the Town Manager with any questions regarding the Town's rules of employee conduct.

1. Violation of the Town personnel ordinance, policies or rules.

2. Incompetence, inefficiency or inadequate performance of an employee's duties.

3. Insubordination or uncooperative behavior.

4. Leaving work before the end of a workday or not being ready to work at the start of a workday without approval from the employee's supervisor; stopping work before the time specified for such purpose.

5. Failure to report an absence or late arrival; excessive absence or tardiness.

6. Use of official position or authority for personal profit or advantage, including a violation of the Governmental Conduct Act, NMSA (1978), §10-16-1, et seq. (as amended), which sets forth the ethical principles of public service and prohibits certain official acts. A copy of the Act is available from the Town Manager

7. Violation of security or safety practices.

8. Commission of a felony or misdemeanor related to the position held by the employee or conviction of a crime involving moral turpitude.

9. Violence or threats of violence toward anyone while on duty, on Town property, driving a Town vehicle or equipment, representing the Town or wearing a Town uniform. Fighting, horseplay or provoking a fight is prohibited.

10. Obscene, abusive or rude language or behavior toward any supervisor, employee or member of the public; any disorderly or antagonistic conduct.

11. Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same.

12. Misappropriation or personal use of Town funds, property or resources; theft or fraud.

13. Intentionally or negligently causing damage to Town tools, equipment or other property;

14. Failure to immediately report damage to, or an accident involving Town vehicles or equipment.

15. Violation of confidentiality or release of confidential information.

16. Deliberate falsification or omission of information on an employment application, resume, timecard/record or other Town documents.

17. Soliciting during work hours and/or on Town premises; selling merchandise or collecting funds of any kind for whatever purpose without the Town Manager's prior approval, or at a time or place that interferes with the work of another employee on Town property or at a Town worksite.

18. Conducting a lottery or gambling on Town premises or while on duty.

19. Failure to maintain a neat, clean and professional appearance or wearing unsafe clothing to perform employee's specific job duties.

20. Other acts or omissions, on or off-duty, that may result in disciplinary action include those that:

a. Call into question the employee's ability to perform assigned duties or job functions;

b. Harm public respect for the Town's employees or confidence in the operation of Town services; or

c. Impair the operation or efficiency of any Town function.

B. Just Cause for Disciplinary Action. Failure or refusal to meet the standards of employee conduct shall constitute just cause for disciplinary action. Regular full-time and regular part-¬time employees may be disciplined only for just cause. Unlike regular employees, probationary employees, temporary employees, limited-term employees and other at-will employees may be discharged without cause or for any lawful reason.

C. Progressive Discipline. Occasionally, disciplinary action is necessary to correct employee misconduct or performance that fails to meet expectations. The type of corrective or disciplinary action imposed will depend on the severity of the infraction and the employee's previous work record. Progressive discipline will normally be used; however, some infractions may be so serious that the first disciplinary action may require suspension without pay, demotion or even dismissal.

D. Documentation. In every situation involving any form of corrective or disciplinary action, documentation of such action shall be prepared. Any such documentation given to an employee should be signed by the employee to acknowledge receipt. If the employee refuses to sign the documentation, another employee should be called in to sign the form as a witness to the fact that the counseled or disciplined employee received the documentation, but refused to sign it.

E. Range of Counseling and Discipline. The range of counseling and discipline is as follows:

1. Verbal Counseling. A supervisor may verbally counsel an employee for minor infractions and to inform the

employee that behavior or conduct needs to change

or improve. The supervisor should inform the employee that the supervisor is

verbally counseling the employee. Verbal counseling should: (A) remind the

employee of pertinent policies and work rules; (B) provide examples of how the

employee's behavior or performance has fallen short of exceptions; (C) explain the

impact of the employee's deficiencies on the Town and coworkers; (0) describe

the actions the employee needs to take to correct the problem; and inform the

employee that failure to improve may result in more severe discipline. Supervisors

shall prepare a memorandum of the supervisor's own records indicating that the

employee has received a verbal counseling. Documentation of a verbal counseling

shall not be placed in the employee's personnel file. Verbal counseling is not

grievable.

2. Written Reprimand. A supervisor may issue a written reprimand to an employee in circumstances where the infraction is perceived to be of a greater consequence than that for which a verbal counseling would be used or if the verbal counseling was ineffective.

A written reprimand shall include the following information: (A) the date(s) on which the unacceptable performance occurred and a brief description of the incident(s);

(B) a reference to the policy(ies), rule(s) or directive(s) that were violated; (C) prior counseling or discipline, if any, imposed on employee during the employee's time with the Town; (0) a statement of the potential disciplinary consequences if performance does not improve; and (E) the goals of improvement and a time frame, if applicable, to accomplish these goals.

Written reprimands shall be placed in the employee's personnel file after providing the employee with a copy of the written reprimand. The employee shall be asked to acknowledge having received the reprimand by signing it. If the employee refuses to sign, another supervisory level employee (by his signature) shall attest that the written reprimand was presented to the employee for his signature and the employee refused to sign. A written reprimand is not grievable.

3. Suspension without Pay. The Town Manager or Commission may suspend an employee without pay for a single serious offense or for continued substandard job performance or misconduct after previous attempts to correct such behavior have failed. Such suspension shall not exceed thirty working days (30). A suspension without pay for a FLSA exempt employee shall be in workweek increments not to exceed six workweeks, unless otherwise provided by law. A regular, full-time or regular, part-time employee may appeal a suspension without pay pursuant to the Town's grievance procedures.

1 Demotion. The Town Manager or Commission may demote an employee in those instances where the employee is unwilling or unable to perform the responsibilities of his/her position. The employee may be moved from one position to another position with a lower pay rate for which the employee qualifies or, alternatively, the employee may be permitted to remain in the same position but will be subject to a reduction in his/her pay rate. Demotion is not to be used as a substitute for discharge from employment, when a discharge is warranted. A regular, full-time or regular, part-time employee may appeal a demotion pursuant to the Town's grievance procedures.

2 Dismissal. be made in the form of a Notice of Intent to Discipline, dismiss an employee when other forms of discipline have failed to improve unacceptable behavior or job performance, or the employee's conduct is severe enough to preclude corrective action. A regular, full-time or regular, part-time employee may appeal a dismissal pursuant to the Town's grievance procedures.

Probationary employees, temporary employees, limited-term employees and

other at-will employees may be discharged at any time without cause or for any

lawful reason by the Town Manager, Commission or supervisor. These employees may

not appeal a decision to dismiss them from employment pursuant to the Town's

grievance procedures.

F. Notice of Intent to Discipline. The Town Manager or Commission shall present the employee with a Notice of Intent to Discipline when suspension, demotion, or dismissal is contemplated. The Notice of Intent to Discipline shall include the following information: (A) the date(s) on which the unacceptable performance or conduct occurred and a brief description of the incident(s); (B) a reference to the policy(ies), rule(s) or directive(s) that were violated; (C) prior counseling or discipline, if any, imposed on employee during the employee's time with the Town; (D) a statement of the contemplated discipline; (E) a statement of the potential disciplinary consequences if performance does not improve; (F) the goals of improvement and a time frame, if applicable, to accomplish these goals; and (G) the employee's right to a pre-disciplinary hearing. The Notice of Intent to Discipline shall be hand-delivered to the employee and receipt acknowledged by him, or sent to the employee by certified mail, return-receipt requested. The Notice of Intent to Discipline shall be placed in the employee's personnel file after providing the employee with a copy. If the Notice of Intent to Discipline is hand-delivered and the employee refuses to sign it, another supervisory level employee (by his signature) shall attest that the Notice of Intent to Discipline was presented to the employee for his signature and the employee refused to sign.

G. Pre-Disciplinary Meeting and Notice of Final Action. Within three (3) working days of the receipt of the Notice of Intent to Discipline the employee shall notify the Town Manager , in writing, whether he/she will avail him/herself of the pre-disciplinary meeting. Such notice shall be hand-delivered with receipt acknowledged. If the employee does not avail himself of the pre-disciplinary hearing, Town Manager shall issue a Notice of Final Action to the employee which shall:

1. Specify the final action to be taken and the factual basis for the final action;

2. Specify the effective date of the disciplinary action; and

3. Inform the employee of his/her right to appeal.

In the event the employee wishes to avail him/herself of a pre-disciplinary meeting, the nature of the pre-disciplinary meeting will depend on the type of discipline being proposed.

If the contemplated discipline is a suspension or demotionthe Town Manager and/or Department Director will meet with the employee at a pre-arranged time. At the pre¬disciplinary meeting, the employee will be given the opportunity to respond to the allegations in the Notice of Intent to Discipline and offer explanations and/or present evidence and reasons supporting mitigation. No witnesses will be permitted at the informal meeting. This will not be an evidentiary hearing. Neither the Town nor the employee will not be permitted to have a representative present at the pre-disciplinary meeting.

If the contemplated discipline is termination, the Town Manager’s recommendation will be placed on the agenda for the executive session of the next regular meeting of the Town Commission. During the executive session, the employee will be given the opportunity to respond to the allegations in the Notice of Intent to Discipline and offer explanations and/or present evidence and reasons supporting mitigation. No witnesses will be permitted to address the Commission during executive session. This will not be an evidentiary hearing.. After hearing from the employee, the Commission will excuse the employee and discuss the proposed termination. A vote will be taken during the public portion of the meeting.

After taking the employee's response into consideration, a Notice of Final Action shall be issued to the employee if it is determined that discipline is warranted. The Notice of Final Action shall specify the final action to be taken, and the factual basis on which the final action is based, state the time, date, and location of the pre-disciplinary meeting, persons present, the effective date of the final action, and the employee's right to appeal the disciplinary action.

The Notice of Final Action shall be either hand-delivered to the employee and receipt

acknowledged by him or sent to the employee by certified mail, return-receipt requested. If

the employee refuses to sign, another supervisory level employee (by his signature) shall

attest that the Notice of Final Action was presented to the employee for his signature and the employee refused to sign. The Notice of Final Action shall be placed in the employee's personnel file. An employee who is dismissed for cause will not be considered for reemployment with the City.

H . Administrative leave with Pay Pending Investigation and/or Disciplinary Proceeding. The Town Manager or Commission may authorize administrative leave with pay when an employee is ordered to leave the premises or work site pending an investigation, while disciplinary action is being contemplated and/or pending issuance of the Notice of Final Action. Generally, this leave is authorized when the employee is disruptive or poses a threat of harm to himself/herself, others or Town property. During this period, the employee continues to accrue benefits as if he/she were still on duty.

Employees on paid administrative leave shall be available in person and telephonically between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Failure to comply or attend any scheduled meetings as directed by the employee's supervisor shall constitute an unauthorized leave without pay. Employees on paid administrative leave shall not obtain other employment. The supervisor will document the administrative leave and include expectations of the employee while on leave, including but not limited to the return of Town equipment.

Administrative leave with pay under these circumstances does not constitute discipline and may not be appealed under the Town's grievance procedures.

I. Grievance Procedure.

1 Applicability. A regular employee who has successfully completed his/her probationary period may pursue grievances according to the rules contained in this Section.

2 Attendance at Grievance Hearings.

A. Department Director Level. A formal Request for Dispute Resolution must be presented in writing to the employee's Department Director, with a copy to the Human Resources Director. The formal Request for Dispute Resolution shall set forth:

1) The employee's name, job title, and worksite;

2) Theieaddress, email address and telephone number;

3) A description of the problem or problems;

4) The relief or resolution requested;

5) The signature of the employee.

The Department Director shall respond in writing within five (5) working days of receipt of the Request for Dispute Resolution, and may, within this same period, request a meeting to discuss the Dispute and seek a resolution. If the Dispute is not satisfactorily resolved at this level, it may be filed with the Town Manager within five (5) working days after receipt of the written response or expiration of the time for response by the Department Director.

B. Town Manager Level. If the Dispute has not been satisfactorily resolved by the Department Director, the employee may submit the Dispute to the Town Manager. The Town Manager shall respond in writing within ten (10) working days of receipt of the Dispute and may, within this time period, request a meeting to discuss the Dispute and seek a resolution. The Town Manager's decision will be final and binding.

Employees who have filed grievances and employees required to give testimony as witnesses in a grievance hearing shall be given time off with pay if such meetings or hearings are scheduled during their regularly scheduled work hours. Former employees, or employees on suspension, layoff, or other unpaid status shall not receive pay to attend grievance hearings.

3 Conditions or Actions Not Grievable. The following conditions or actions are not grievable:

a. Whether an established Town policy or practice is appropriate.

b. In matters where a method of review is mandated by law or where avenues of statutory review are available such as review which may be obtained through the filing of charges with the N.M. Human Rights Bureau or Equal Employment Opportunity Commission or the filing of a Worker's Compensation Claim.

c. In matters where the Town is without authority to act or does not have the ability to provide a remedy.

d. Disciplinary action for a probationary, temporary, limited-term or other at-will employees.

e. Verbal counseling, written reprimand or job abandonment.

f. Transfers, assignments, removal from assignments, temporary upgrades and promotions.

g. Position evaluation/audit, job evaluations, performance reviews, or selection for vacant positions.

h. Denial or termination of self-employment / supplementary / outside employment.

I. Performance evaluations.

J. Disputes as to whether or not a Town practice or policy is good

J. Post-Discipline Appeal. A regular employee who has been suspended without pay, involuntarily demoted or terminated may appeal his/her discipline to a neutral hearing officer.

1. Notice of Appeal. Within five (5) business days of receipt of the Notice of Final Action, the employee must give written notice to the Town Manager of the employee's intent to pursue a post-disciplinary hearing. The written notice must be hand-delivered or mailed via certified mail, return receipt requested. This deadline is of the essence and strictly enforced. An employee's failure to comply with the provisions in this paragraph, including the deadlines will render the grievance null and void.

2. Hearing Officer. Within fifteen (15) calendar days of receipt of the employee's notice of appeal, The Town Manager will appoint a hearing officer who is a licensed New Mexico attorney or a person experienced in personnel administration.

3. The hearing officer shall recuse him/herself if, for any reason, he/she cannot afford a fair and impartial hearing to either party. The employee or Town may ask to disqualify a designated hearing officer for cause by filing an affidavit of disqualification within ten (10) calendar days of the hearing officer's designation or immediately upon subsequently learning of the grounds for disqualification. The affidavit must state the particular grounds for disqualification. The designated hearing officer shall rule on motions for disqualification.

4. No person shall discuss the merits of the appeal with the hearing officer unless both parties or their representatives are present.

5. Pre-Hearing Conference. The hearing officer shall schedule and conduct a pre-hearing conference by such method deemed appropriate. Each party shall submit a pre-hearing statement by the date set by the hearing officer, containing the following information:

a. A statement of the issues;

b. Proposed stipulations of fact;

c. A list of witnesses to be called and a summary of their testimony;

d. A list of exhibits;

e. Requests for discovery;

f. Requests for subpoenas; and

g. Estimated amount of time needed for the hearing.

6. Pre-Hearing Order.

The hearing officer shall issue a Pre-Hearing Order which shall contain:

a. The issue(s) to be heard;

b. Stipulations of fact;

c. Deadline for disclosure of all witnesses and documentary evidence;

d. Deadline for the close of all discovery;

e. Deadline for filing pre-hearing motions and the manner in which they will be heard or acted upon;

f. Deadline for filing proposed findings of fact and conclusions of law; and

g. Hearing location and date, which may be continued only for good cause.

7. Rules of Procedure for Hearing

a. All hearings shall be open to the public unless the parties mutually agree to the contrary.

b. The hearing officer shall follow the evidentiary standards for administrative hearings.

c. Either party may be represented at the hearing by a person of their choosing provided the representative has submitted a written entry of appearance prior to the hearing.

d. The Town shall be entitled to have an employee representative in the

i. The hearing officer may admit evidence if it is evidence upon which reasonable persons are accustomed to rely on for the conduct of serious affairs. The hearing officer may exclude immaterial, irrelevant or unduly cumulative testimony.

j. The hearing officer may take administrative notice of those matters of which the courts of this State may take notice.

k. A record of the hearing shall be made by a certified court reporter arranged by the Town. If a certified court reporter is utilized, the City shall pay only the court reporter's appearance fee. No transcript shall be produced, unless one is requested by a party and such requesting party shall be responsible for the cost of the transcript.

7. Appeal Hearing Decision

a. The hearing officer shall prepare a written decision upholding, reversing or modifying the disciplinary action within thirty calendar (30) days of the conclusion of the hearing or at a time mutually agreed upon by the parties at the close of the hearing. The decision shall contain findings of fact and

conclusions of law. The decision shall be served on the parties by electronic mail, fax or mail. The employee or the Town may appeal the hearing officer's decision to district court within 30 days after the date of the hearing officer's decision pursuant to NMRA 1-074.

b. In the event the hearing officer has reversed or modified the disciplinary action, the hearing officer shall have the authority to only award back wages and Town contributed benefits to the employee. The hearing officer shall have no authority to grant attorney fees, costs or interest in connection with any award of back wages or benefits. In the event the panel or hearing officer awards back wages, the employee shall file a sworn statement of gross earnings and unemployment compensation since the effective date of the disciplinary action. The Hearing Officer shall offset earnings and unemployment compensation received during the period against the back wages awarded. After a written decision is issued, the hearing officer shall retain jurisdiction of the case for the sole purpose of resolving any disputes regarding back wages and Town contributed benefits.

c. The Town shall pay the hearing officer's fees and expenses.

d. Each party shall pay all of its own attorney fees and costs.

Section XIV: Equal Employment Opportunity

Statement of Purpose: It is the policy of the Town of Edgewood to comply with all applicable federal and state laws and regulations relating to equal employment opportunity and that equal opportunity shall be practiced in the administration of all personnel policies and practices and shall include, but not be limited to:

A. Recruitment, hiring and promotion of any qualified person on the basis of merit without regard to race, religion, creed, color, ancestry, or national origin and without regard to age, sex, or disability where applicants or employees are otherwise able to perform the essential functions of the job.

B. Employment and promotion are administered in accordance with the principles of equal employment opportunity and based upon valid job requirements in the following order of priority:

1. Persons currently employed by the Municipality.

2. The general public as an equal opportunity employer.

C. Personnel actions shall be carried out without regard to race, religion, creed, color, ancestry or national origin or to age, sex, or physical or mental disability where employees are otherwise able to perform the essential functions of the job.

D. Management Responsibility. The Town Manager shall assume the responsibility for equal employment opportunity laws and regulations and is designated to assist and counsel department heads and investigate and resolve internal complaints of employment discrimination filed by Town employees or employment applicants. The Town Manager shall be the referral officer for the Town to receive notice of alleged unlawful employment practices from the equal employment opportunity commission or other

appropriate federal or state agency of jurisdiction. The Town Manager shall notify the Town Commission and the Town Attorney upon receipt of any complaints alleging violations under this section.

E. Applicant Complaints. Any job applicant, who has been denied employment with the Town of Edgewood and believes they have been denied employment on the basis of their race, religion, creed, color, ancestry or national origin, or to age, sex, or physical or mental disability, may petition the Town Commission to conduct an investigation into this matter.

F. Communication. The Equal Employment Opportunity policy shall be posted on Town bulletin boards and communicated to employees during new hire orientation, and by other means as determined to be appropriate.

Section XV: Harassment

Statement of Purpose: The Town of Edgewood provides a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional environment that promotes equal opportunity and prohibits discriminatory practices, including harassment on the basis of race, color, religion, gender, national origin, age or disability. The Town of Edgewood does not tolerate acts harassment is committed to enforcing this policy prohibiting harassment and sexual misconduct to provide:

1 A work environment free of all forms of harassment;

2 Appropriate corrective measures, up to and including dismissal and appropriate legal action, will be taken if this policy is violated;

3 A complaint procedure that is fair and, protect against retaliation for filing, or testifying as a witness to a complaint;

4 All complaints are investigated promptly, thoroughly, and fairly, and

5 That all Town officials, supervisors, and employees are aware of their responsibilities under this policy.

A. Coverage: This policy applies to Town officials, department heads, supervisors, employees, non-employees and volunteers subject to the control of Town authority and shall be actively enforced by Town management.

B. Definition: Harassment is any unwelcome conduct of verbal and/or physical conduct directed at an employee because of that person's sex, race, color, religion, national origin, age or disability when:

1 Submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment;

2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

3 Such conduct unreasonably interferes with an individual's work performance; or

4 Such conduct creates an intimidating, hostile, or offensive working environment.

C.

Examples of sexual harassment include, but are not limited to:

Sexual innuendo, suggestive comments, insults, threats, jokes; suggestive or insulting noises, staring, leering, whistling, and obscene gestures; propositions or pressures to engage in sexual activity; touching, pinching, cornering, or brushing up against the body, or sexual assault; inappropriate comments concerning appearance; sexual or sexually insulting written communications, or public postings, including electronic communications; employment decisions based on sexual relationship; harassing behavior directed toward another because of the persons gender.

Sexual misconduct is any conduct constituting a criminal sexual offense under the laws of the State of New Mexico or the ordinances of the Town of Edgewood.

D. Responsibilities of Employees: All employees shall be familiar with this policy, and shall, if asked, cooperate in the investigation or resolution of harassment complaints.

E. Harassment Complaint Procedures:

1 Any employee who makes a complaint of harassment or sexual misconduct will be asked to record the compliant in writing or to sign their allegations or to indicate their refusal to sign their allegations. The Town will investigate all complaints in accordance with this procedure. Any employee who provides false or misleading information in connection with a complaint of harassment or sexual misconduct shall be subject to disciplinary action, up to and including dismissal.

2 Individuals who believe they are being harassed are encouraged to promptly and firmly notify the offender that his or her behavior is unwelcome. If such confrontation is ineffective or impossible, a complaint should be made to the individual's supervisor or to the Town Manager. The supervisor or Town Manager shall document the complaint and provide a copy to the complaining employee. All such complaints shall be kept in a confidential file.

3 Notification of such complaints, including documentation of the complaint, shall be provided to the Town Commission as soon as possible after receipt of the complaint.

4 Town Manager, along with the Town Attorney, has the responsibility to investigate any complaints of harassment or sexual misconduct, either directly or through their designee. A report of the complaint, the investigation, the findings and disposition of the complaint shall be reported to the Town Commission.

5 If the allegation is substantiated, appropriate steps will be taken to remedy the situation. The supervisor shall apply an appropriate level of disciplinary action, up to and including dismissal from employment, for a person determined to have violated this policy.

6 Retaliation against an individual who makes a report of harassment or sexual misconduct, or testifies as a witness to a complaint is a serious violation of this policy and should be reported

immediately. Any person found to have retaliated against another for reporting harassment or sexual misconduct, or testifying, as a witness to a complaint shall be subject to disciplinary action, up to and including dismissal.

F. Responsibilities of Managers and Supervisors: Managers and supervisors shall;

1 Be familiar with the Town policy on harassment and sexual misconduct;

2 Not make statements or engage in conduct that could reasonably be construed as harassment or sexual misconduct;

3 Be alert to potential instances of harassment or sexual misconduct in the course of providing supervision;

4 Immediately notify their own supervisor upon receipt of an allegation of harassment or sexual misconduct;

5 Take immediate action to stop confirmed instances of harassment or sexual misconduct;

6 After a complaint of harassment or sexual misconduct has been substantiated monitor the situation to ensure the situation has stopped and;

7 Ensure that no retaliation is taken against the complainant(s) or anyone who or testifies as a witness to a complaint in a harassment or sexual misconduct compliant.

Section XVI: Drug and Alcohol Policy Statement of Purpose: It is the policy of the Town of Edgewood to provide a work environment that is free from the use, possession, sale or distribution of illegal drugs and from the misuse of alcohol and legal drugs by Town employees. Accordingly, the Town requires that employees and contractors alike will be subject to testing to determine the presence of unacceptable levels of illegal drugs, alcohol or inappropriately used legal drugs within their bodies while performing the Town's business. Therefore, this policy is to assure that only safe and alert employees are permitted on/in the Town premises, on the Town job site locations and at any time while operating Town vehicles, or using Town equipment. This policy establishes guidelines for consistent handling of alcohol and drug usage situations throughout the Town of Edgewood.

A. Prohibited Behavior:

1 Use of illegal drugs;

2 Abuse of legal drugs or alcohol;

3 Use of alcohol or illegal drugs on Town time or property, to include scheduled or unscheduled break periods, meal times, and at all other times when the employee is considered "at work" for the Town;

4 Sale, purchase, transfer, use or possession of illegal drugs or drugs obtained illegally;

5 Transport of alcoholic beverages in Town vehicles during Town time, break periods, or meal times;

6 Arrival for work under the influence of drugs or alcohol. An employee who is using prescription drugs or over-the-counter medications that could affect work performance must inform his/her supervisor. A doctor's statement may be required at the Town's discretion.

B. Implementation

The Town Manager shall adopt procedures required by all applicable federal and state mandates to ensure the effective implementation of this policy. In addition to setting out the procedures for pre-employment testing and the random drug and alcohol testing of those employees covered by the federal regulations, the procedures shall provide for reasonable suspicion testing for drugs and alcohol for all Town employees.

C. Employee Assistance Plan (EAP)

The Town Manager or designee shall establish and communicate the availability of an employee assistance program for all Town employees. The Town Manager or his/her designee shall for the benefit of all employees identify avenues for obtaining drug treatment and rehabilitation, outline available drug abuse counseling and educational programs, and describe any drug abuse rehabilitation benefits available through the Town's group health plan. Normal Town benefits, such as sick leave and the group medical plan, are available to aid in the rehabilitation process. If the available assistance fails or is obviously inappropriate given the nature of the drug use and the employee's position, the penalty for drug use or alcohol abuse may be termination of employment

Section XVII: Care and Use of Equipment and Facilities Statement of Purpose: All employees are required to properly maintain and utilize the Town of Edgewood property. Willful abuse or mishandling of any Town property including vehicles and/or technical resources will not be tolerated and may be grounds for disciplinary action up to and including discharge.

A. Town Vehicles. Some positions in the Town require the use of Town vehicles. These are Town-owned property and must be maintained in a proper fashion. Employees are responsible for maintaining vehicles and reporting problems to their Department Head. Any employee assigned a Town-owned vehicle must adhere to procedures established by the Town Manager, which may include a defensive driving course. Town vehicles may not be used for personal business.

B. Technical Resources. The Town of Edgewood's technical resources including any voice mail, fax or e-mail systems, cellular telephones, are provided for use in the conduct of Town business and are to be reviewed, monitored and used in that pursuit. Employees may transmit or receive messages in the course of their employment on the Town of Edgewood computer systems or other technical resources, those messages may be subject to investigation, search and review. In addition, any electronically stored communications that are received may be retrieved and reviewed without prior notice.

1. Employees may access those electronic files or programs that they have permission to enter. Unauthorized copying or use of computer software exposes both the Town of Edgewood and the employee to fines and/or imprisonment. Employees may not load personal software or download software from the Internet onto the Town of Edgewood's computer system and may not copy software from the Town of Edgewood for personal use.

2. Employees are responsible for the content of all text, audio, or images that they place or send over the Internet. All messages communicated on the Internet should include the employee's name. No messages may be transmitted under an assumed name or anonymously.

3. Any non-business e-mail or other electronic messages must be clearly identified as such in the subject line. Employees may not prepare or review non-business e-mail messages during work time. With regard to computer use, working time is defined as any time an employee is at his or her workstation and not on a designated break, regardless of whether the break is paid. Employees who encounter messages that are of a personal or non-business purpose during work time are expected to skip the messages and review them on ly before or after the workday or during designated break time.

Section XVIII: On Call

Purpose

To define terms and conditions for the Town of Edgewood to compensate employees on

unrestricted call-back status that are called back to the service of the Town of Edgewood

outside of their normally scheduled shifts.

Definitions

A. Employee -a person in a non-supervisory or non-management position.

B. Report to work -accomplishing the necessary task working on-site or remotely.

C. Unrestricted call-back status -Non-duty hours when an employee is required to report to work as soon as practical from the time contact is made.

Policy

A Town of Edgewood employee can be placed on unrestricted call-back status to be able to report to work whether in person or remotely. An employee on unrestricted call-back

status is not required to remain in any specific geographical area or required to work within a specific time period. Employees on such status may decline to return to work when contacted if they acknowledge they are not fit to report to duty, without penalty, discipline or other reprisal.

On Call Compensation

Town of Edgewood employees who are called back by management to report to work shall be guaranteed a minimum of two (2) hours of pay for actual hours worked at the applicable straight time or overtime rate. Employees shall be compensated in accordance with the provisions of overtime if the

time worked results in overtime; or be paid their hourly rates if the work does not result in overtime. On-call time for employees who return to work shall commence at the time the employee receives the call and ends at the completion of the call-back assignment.

Section XIX: Temporary Light/Modified Duty

Purpose To define terms and conditions for the Town of Edgewood to allow injured/disabled employees to return to work under temporary light/modified duty.

Definitions

A. Employee -a person in a non-supervisory or non-management position.

B. Temporary light/modified duty is defined either as performing the same job as the employee held before the injury, or as performing the duties of another position for which the employee is qualified, for fewer than eight (8) hours each day or having reduced physical requirements for the full day or for less than the full day.

Policy

A. An Employee returning from an injury/temporary disability may return to temporary light/modified duty if an appropriate position is available or if the employee's department can reasonably accommodate the employee by modifying the job requirements and the employee's physician certifies that the employee is capable of returning to temporary light/modified duty. If the employee's department does not have work available for the temporary light/modified duty, the employee may be assigned to another department.

B. If an employee returns to work on a part-time basis and is not receiving full salary while still on injury time, the Town of Edgewood shall continue to pay the employee's share of benefits contributed by the Town of Edgewood on a pro-rata basis, based on hours worked.

C. The terms and conditions of temporary light/modified duty shall be determined by the employee's Department Director in conjunction with the Town Manager.

Unless otherwise stated in this Personnel Policy Manual, the provisions of this Personnel Policy Manual are effective November 28,2023.

PASSED, APPROVED AND ADOPTED this 28 day of November-2023.

Mayor

ATTEST:

Clerk