ORDINANCE NO. 1997-1

# AN ORDINANCE ESTABLISHING RULES AND REGULATIONS GOVERNING THE PERSONNEL POLICY AND PERSONNEL PROCEDURES OF THE TOWN OF COCHITI LAKE

**Section 1. Short Title**. This ordinance may be called the "Personnel Policy Ordinance".

**Section 2. Effective Date and Repealer**. The adoption of this ordinance is necessary as an emergency measure for the preservation of the public peace, health and safety, for the reason that the absence of written procedures regarding personnel promotes confusion and is bad for personnel morale. This Ordinance shall take effect immediately upon its adoption by the Assembly and all other ordinances, resolutions, orders, rules and regulations of the Town in conflict herewith shall be and the same are hereby amended and repealed as of the effective date of this Ordinance.

**Section 3. Definitions.**

A. "Town" means the Town of Cochiti Lake, a political subdivision of the Pueblo de Cochiti.

B. "Assembly" means the Town Assembly.

C. "Town Charter" means the Charter of the Town of Cochiti Lake approved by the Council of the Pueblo de Cochiti on August 18, 1970, and on behalf of the Secretary of the Interior August 25, 1970, as it may be amended from time to time.

D. "Supervisor" means the person charged by the Assembly with responsibility for coordinating personnel, work schedules or the budget of any department.

**Section 4. General Provision**. With the consent of the Assembly, the Mayor or any member of the Assembly may serve as Personnel Director or as a supervisor of one or more departments, offices or agencies of the Town.

**Section 5. Hiring and Promotion**.

A. Hiring. All hiring of employees of the Town shall be by the Assembly or as the Assembly shall direct or delegate.

B. Performance Reviews. All employees shall receive periodic performance reviews.

C. Merit Principle. All appointments and promotions of Town offices and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

**Section 6. Prohibited Hiring.**

A. Relationships Prohibited. Persons within the following relationships by either blood or marriage shall not be employed by the Town in departments where they will be supervised by other Town employees within said relationship: Mother, father, sister, brother, husband, wife, aunt, uncle, cousin, niece or nephew. Town employees who come into such relationships to each other after their employment shall not be affected by this section.

B. Relationship to Town Assembly. Persons within the relationships set out in the above section shall not be employed by the Town in any capacity whatsoever when such relationship is between such person and any member of the Town Assembly, provided that no persons shall be affected by this section if already employed at the time such related person is elected or appointed to the Town Assembly. Employees coming within the relationship set forth when such relationship is with a member of the Town Assembly shall not be eligible for raises in salary except when such raises are blanket increases covering all Town employees or departmental increases covering all employees in a particular department.

C. Declaration of Relationship. Persons seeking employment with the Town shall be required to declare any relationship to a Town employee or member of the Town Assembly. Falsification or failure to make declaration shall be grounds for immediate termination.

**Section 7. Discipline and Discharge.** An employee may be discharged or disciplined by the employee's supervisor for any of the following reasons:

A. Refusal or inability to follow orders.

B. Inefficiency

C. Violation of departmental regulations, general regulations, ordinance or laws.

D. Drinking alcoholic beverages on the job or working under the influence of alcohol.

E. Excessive tardiness.

F. Willful destruction of Town property.

**Section 8. Discharge Procedure**. Before discharging an employee, the Mayor shall present in writing to the employee a statement, signed by the supervisor, which specifies the reason or reasons given for discharge. The Mayor shall, at the same time, set a date no later than five (5) days after the delivery of notice, at which the employee may respond to the reasons given for discharge and at which the Mayor will hear the response. A written record shall be made of the proceedings at this hearing. Following the hearing the employee shall have the right to an appeal hearing before the Town assembly. The employee may be represented by counsel at all hearings. A written record shall be made of all proceedings. At the conclusion of an appeal hearing, the Assembly shall record its decision in the minutes of such meeting and a detailed record of every discharge procedure shall be maintained in the office.

**Section 9. Severability.** The provisions of this Ordinance are severable. If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application.

This ordinance amends and replaces Ordinance 1974-2.

ADOPTED this 13th day of January, 1997 by the Assembly of the Town of Cochiti Lake, at a meeting thereof, at which a quorum was present, 4 voting for and 0 opposed.

Steve Dennis, Mayor

Attest:

Sharon Alexander, Town Clerk