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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-11

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

TEMPORARILY MODIFYING THE CITY'S PERSONNEL RULES REGARDING SICK LEAVE AND ADMINISTRATIVE LEAVE TO ADDRESS A PUBLIC HEALTH EMERGENCY: COVID-19.

WHEREAS, the City of Santa Fe (City) has a set of personnel rules (Rules) that govern when sick leave may be used (Rules 13.30 and Rule 13.31) and the hours of administrative leave that may be granted (Rule 13.60); and

WHEREAS, Rules 13.30 and 13.31 do not contemplate use of sick leave for circumstances of a global pandemic and local health emergency, in which schools are closed, gatherings of over 50 are prohibited, gatherings of any size are discouraged, social distancing is paramount, and the City seeks to limit community transmission of Covid-19; and

WHEREAS, Rule 13.60 only contemplates five (5) days of administrative leave, which is not adequate to effectively allow an employee to self-quarantine after travel or in other circumstances recommended by NMDOH; and

WHEREAS, permanent revisions to the Rules require at least fourteen (14) days of

1 advance notice and consideration, while temporary modifications may be made “if it would be
2 reasonable, appropriate, lawful, and necessary for the orderly and efficient administration of the
3 City”; and

4 **WHEREAS**, the Public Health Emergency makes it reasonable to implement temporary
5 changes to the Rules immediately.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that the following changes to the Rules are adopted temporarily and
8 immediately, for the duration of New Mexico’s Public Health Emergency and as needed
9 thereafter to address self-quarantines by employees as recommended by NMDOH or a licensed
10 health care professional to address community spread of COVID -19:

11 1. Sick leave may be used for the following reasons, in addition to those listed in Rule
12 13.30 and Rule 13.31:

- 13 a. to care for a household member whose school or daytime care is cancelled
14 for public health reasons during a declared public health emergency; or
- 15 b. for an employee who is unable to telecommute and is also recommended by
16 the New Mexico Department of Health or a licensed health care provider to
17 self-quarantine due to risk of spreading COVID -19.

18 2. As an amendment to Rule 13.60, the City Manager may grant administrative leave to
19 employees who have run out of sick leave and non-essential employees who are not
20 able to telecommute, in order to increase social distancing and to decrease risks to
21 City employees and the public.

22 **BE IT FURTHER RESOLVED** that these changes, attached to this resolution as
23 Exhibits A and B, shall go into effect immediately.

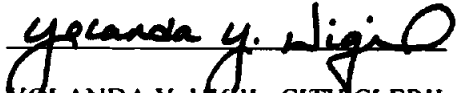
24 **PASSED, APPROVED, AND ADOPTED** this 16th day of March, 2020.
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ALAN M. WEBBER, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/2020-11 Temporary Personnel Rules Change

EXHIBIT A

RULE 13 LEAVE

13.30 Sick Leave.

This is a category of leave which shall include any period of approved absence with pay from regularly scheduled work resulting from an:

1. employee having an illness or injury which renders him/her unable to perform his/her duties, or an
2. employee having a medical examination, consultation, or treatment by a licensed practitioner; or an
3. employee's immediate family member requiring his/her presence because of injury, illness, medical treatment or death-; or an
4. employee's need to care for a household member whose school or daytime care is cancelled for public health reasons during a declared public health emergency.

13.31 Exempt Sick Leave.

This is a category of leave which shall include any period or approved absence with pay from regularly scheduled work resulting from an:

1. employee having an illness or injury which renders him/her unable to perform his/her duties, or an
2. employee having a medical examination consultation, or treatment by a licensed practitioner; or an
3. employee's immediate family member requiring his/her presence because of injury, illness, medical treatment, or death-; or an
4. employee's need to care for a household member whose school or daytime care is cancelled for public health reasons during a declared public health emergency.

EXHIBIT B

13.60 Administrative Leave.

A. The Director or a Department Director may authorize and employee leave with pay, under unusual circumstances, when it is in the best interests of the City to do so for a period not to exceed five (5) consecutive days with prior approval of the City Manager.

B. During the declared public health emergency due to the COVID-19 pandemic, the City Manager may authorize administrative leave for

1. employees who have run out of sick leave;
2. non-essential public employees who are unable to telecommute; and
3. employees for whom the NMDOH or a licensed healthcare provider recommends quarantine.

C. In accordance with the provision of Section 01-12-42, NMSA 1978, employees who are registered voters may absent themselves from work for up to two (2) hours for the purpose of voting between the opening and closing times of the polls.

1. The employer may specify the hours during this period in which the employee may be absent.
2. These provisions do not apply to any employee whose work day begins more than two (2) hours after the opening of the polls, or ends more than three (3) hours prior to the closing of the polls.
3. An employee who abuses administrative leave by requiring its use for purposes other than traveling to and from the polling place and voting may be charged with Leave Without Pay and subject to disciplinary action.

D. When, in obedience to a subpoena, an employee appears as a witness before a federal or state grand jury or court, or before a federal or state agency, the employee shall be entitled to leave with pay for the required period. Fees received as a witness, excluding reimbursement for travel and meals, shall be remitted to the Finance Department.

E. A person shall be entitled to leave with pay for serving on a federal or state grand or petit jury. Fees received as a juror, excluding reimbursement for travel, shall be remitted to the Finance Department.

F. An employee who is released from jury duty shall report to work upon release or contact their supervisor if it would not be feasible to return to work. Failure to adhere to this provision will be considered unauthorized absence and may result in disciplinary action.