

CITY OF ALBUQUERQUE
MERIT SYSTEM ORDINANCE

Section

- 3-1-1 The merit system
- 3-1-2 Responsibilities of the chief administrative officer for personnel functions
- 3-1-3 Responsibilities of the director of human resources
- 3-1-4 Personnel board
- 3-1-5 Powers and duties of the personnel board
- 3-1-6 The classified and unclassified service
- 3-1-7 Employment by the city
- 3-1-8 Probationary period
- 3-1-9 Performance evaluations
- 3-1-10 Compensation
- 3-1-11 Work hours
- 3-1-12 Legal holidays
- 3-1-13 Vacation leave
- 3-1-14 Sick leave
- 3-1-15 Injuries in performance of duty
- 3-1-16 Leave with pay
- 3-1-17 Leave without pay
- 3-1-18 Layoff
- 3-1-19 Resignations
- 3-1-20 Disposition of awards

- 3-1-21 Political activity
- 3-1-22 Employee mediation
- 3-1-23 Disciplinary actions
- 3-1-24 The grievance resolution procedure
- 3-1-25 Appeal from suspension, demotion and discharge
- 3-1-26 Personnel hearing officer
- 3-1-27 Employee organization agreements

§ 3-1-1 THE MERIT SYSTEM.

In accordance with Article X of the Charter of the city, there is hereby established a merit system governing the hiring, promotion and discharge of employees and providing for the general regulation of employees. Pursuant to the Charter, the Mayor designates the Chief Administrative Officer of the city to be responsible for the administration of the merit system. The Chief Administrative Officer is authorized to establish Rules and Regulations to implement this article. If this article conflicts with any federal law, federal law will control.

('74 Code, § 2-9-1) (Ord. 52-1978; Am. Ord. 29-1998)

§ 3-1-2 RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER FOR PERSONNEL FUNCTIONS.

(A) The Chief Administrative Officer shall have the following responsibilities:

- (1) To exercise leadership in and encourage the development of effective personnel administration within the departments, agencies, and special programs in the city service;
- (2) To institute and consider recommendations for changes in this article;
- (3) To institute and approve Personnel Rules and Regulations prior to their publication by the Director of Human Resources as provided in this article;
- (4) To issue administrative instructions to provide policy and guidance in furtherance of

representative and the Director of Human Resources in adopting such Personnel Rules and Regulations as are considered necessary, appropriate or desirable to carry out the provisions of this article;

(2) To advise and assist the Chief Administrative Officer or his or her designated representative and the Director of Human Resources in the improvement of personnel standards in the classified service;

(3) To advise the Chief Administrative Officer or his or her designated representative and the Director of Human Resources upon problems concerning personnel administration and recommend corrective action; and

(4) To inquire, after consultation with the Chief Administrative Officer, into any matter which it may consider desirable concerning the administration of affairs of personnel.

(B) The Personnel Board shall render a decision upon the appeal of classified employees of the city who have been suspended without pay for more than five days, demoted for disciplinary reasons or discharged, as provided in § 3-1-25.

(C) Meetings of the Personnel Board, including hearings, shall comply with the New Mexico Open Meetings Act, §§ 10-15-1 et seq. NMSA 1978.

(D) The Personnel Board shall establish rules and regulations governing the conduct of its meetings and its grievance hearings.

(74 Code, § 2-9-5) (Ord. 52-1978; Am. Ord. 69-1988; Am. Ord. 29-1998)

§ 3-1-6 THE CLASSIFIED AND UNCLASSIFIED SERVICE.

(A) All employees in the city service shall be divided into unclassified service and classified service. Elected officials and members of boards, commissions and authorities who are not employees of the city shall not be covered by the classified or unclassified service.

(B) The classified service shall be comprised of all employees except those who are specifically placed in the unclassified service.

(C) The unclassified service shall be comprised of the following:

(1) The Chief Administrative Officer and Deputy Chief Administrative Officers;

(2) Assistants to the Mayor, assistants to the Chief Administrative Officer and the secretary to the Chief Administrative Officer;

- (3) The city's Public Information Officer and the secretary to the Mayor;
- (4) The City Attorney, Assistant City Attorneys, City Hearing Officer, City Clerk/Recorder, administrative heads of departments as established in the city's organizational structure, physicians, veterinarians, and the Internal Auditor;
- (5) Temporary and seasonal employees employed as such;
- (6) Part-time employees employed for less than 20 hours per week;
- (7) Administrative heads of agencies or special programs sponsored by the city and defined as unclassified by the Chief Administrative Officer;
- (8) The Director of Council Services and the Attorney for the Council; and
- (9) Any position designated as unclassified by the Chief Administrative Officer.

(D) Unclassified employees are employees at will and serve at the discretion of the Chief Administrative Officer, except for unclassified City Council staff, which serve at the discretion of the Director of Council Services. Such employees shall have no property interest in continued unclassified employment and may be dismissed for any or no reason.

(E) All employees, except as otherwise provided herein, in the classified service shall be entitled to all of the rights and benefits provided for by this article. All employees in the unclassified service shall be entitled to all of the rights and benefits to which classified employees are entitled except the benefits provided for in §§ 3-1-23, 3-1-24 and 3-1-25, and also such rights and benefits specifically contracted for in writing between the Chief Administrative Officer and an unclassified employee.

(1) Temporary and seasonal employees are not entitled to any of the rights and benefits of employment to which other employees are entitled under this article.

(2) Permanent employees employed for a regular work week of 20 hours shall be entitled to half the leave benefits authorized for full-time, permanent employees of the city; leave benefits shall be prorated for employees employed for a regular work week of more than 20 hours. Hours worked in addition to a regular work week shall not entitle an employee to additional leave benefits.

(3) Elected officials except as otherwise provided by this article or law, shall be eligible to participate in the retirement, paid life and medical insurance available to full-time, permanent employees of the city.

(F) The initial contract between the Mayor and the Chief Administrative Officer, including salary and benefits, shall be presented to the City Council for approval when the Mayor presents

his selection for Chief Administrative Officer to the Council for advice and consent pursuant to the City Charter. The Mayor shall notify the Council of subsequent changes in the contract. The Mayor's employment benefits shall be reviewed and approved by the City Council annually as a part of the city budget.

('74 Code, § 2-9-6) (Ord. 52-1978; Am Ord. 54-1987; Am. Ord. 69-1988; Am. Ord. 30-1989; Am. Ord. 29-1998)

§ 3-1-7 EMPLOYMENT BY THE CITY.

(A) Every effort shall be made to fill vacant positions in the city with the best qualified candidate. All vacancies in classified positions will be advertised to all city employees, except probationary police, fire and corrections officers, but applications from persons outside of city employment may be considered at the same time.

(B) Subject to preferences required by law, preference shall be given in filling a vacant position of the same or lower grade for which an employee is qualified according to the following order:

- (1) Employees reinstated as a result of administrative board or judicial action as ordered;
- (2) Employees returning from active duty in the military;
- (3) Employees transferred pursuant to § 3-1-2(C) of this article;
- (4) Employees returning from physical layoff;
- (5) Nonprobationary employees returning from layoff;
- (6) Employees notified of layoffs; and
- (7) Employees returning from authorized absence from work without pay.

(C) Employees who have held a classified position with the city for more than ten years prior to serving in an unclassified position shall be allowed to return to a classified position.

(D) The Director of Human Resources, with the approval of the Chief Administrative Officer, shall have the sole authority to place employees who are granted a preference in this section in positions for which they are qualified.

(E) Preference for placement, except for employees returning from active duty in the military or placement resulting from administrative or judicial action, shall end one year from the date that the preference was created.