CITY OF ALBUQUERQUE

AQD Exhibit # 11b

Richard J. Berry, Mayor

Vincent A. Yermal,
Human Resources Director

January 24, 2013

I, Mary Scott, Deputy Director for the City of Albuquerque, New Mexico, a Municipal Corporation, hereby certify that the attached, City of Albuquerque Personnel Rules and Regulations, Section 300, Conditions of Employment and Subsection 301, Code of Conduct; is a true and correct copy of the original document which is maintained in the Human Resources Department.

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Mary Scott

Mary Scott, SPHR
Deputy Director, Human Resources

300. CONDITIONS OF EMPLOYMENT

As a condition of employment, employees are required to comply with the provisions of the City of Albuquerque Merit System Ordinance, Labor-Management Relations Ordinance, Conflict of Interest Ordinance, Personnel Rules and Regulations, Executive Orders and Administrative Instructions and all relevant laws, statutes, ordinances, regulations and collective bargaining agreements governing employment with the City of Albuquerque.

Pursuant to the Conflict of Interest Ordinance, Article 3 (R. O. 1994), the Code of Conduct, Section 301, below, shall further govern the conduct of employees and if violated shall be grounds for disciplinary action including, but not limited to, termination, demotion, suspension or reprimand.

Additionally, department directors may promulgate, with the review by the Human Resources Department and approval of the Chief Administrative Officer, Codes of Conduct, rules, regulations and standard operating procedures for employees in their departments, which prescribe standards peculiar and appropriate to the function, and purpose for which the department was created and exists. Departmental Codes of Conduct shall further govern the conduct of employees and, if violated, shall be grounds for disciplinary action including, but not limited to, termination, demotion, suspension or reprimand.

301. CODE OF CONDUCT

301.1 Duty to the Public *(March 5, 2005)*

The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to the general public's safety and well-being. This obligation must be carried out within the framework of federal, state and local laws.

Employees shall serve the public with respect, concern, courtesy and responsiveness, recognizing service to the public is the reason for their employment. Telephone calls, correspondence or other communications should be answered promptly or referred to appropriate individuals for timely action.

It is recognized it is not always possible to fulfill all of the requests of the general public, however, employees are required to handle all requests and inquiries courteously, fairly, impartially, efficiently and effectively.

301.2 Professional Excellence

Employees are encouraged to strive for personal and professional excellence as a means of keeping current on relevant issues and administering the public's business with professional competence, efficiency and effectiveness.

301.3 Standards of Conduct

Employees shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of co-workers and the community.

Employees shall not use insulting, abusive or offensive language or actions toward the public or co-workers. Ethnic or sexist jokes, slurs and other comments or actions that might embarrass or offend others are prohibited. Employees shall not harass others by making sexual advances or by creating an intimidating or offensive working environment or by making false accusations regarding such conduct. Display of visual materials that may be sexually or racially offensive is also prohibited.

Employees shall not have in their possession during assigned work hours, including lunch periods, in any facility, vehicle or work site, illegal drugs, alcohol, drug paraphernalia, weapons or explosives, unless directly related to their city responsibilities. Additionally, employees may not use any product for other than its intended manufactured use.

Employees are responsible for notifying their immediate supervisor in writing of a conviction, entry of a "no contest" plea or imposition of a sentence if the infraction relates to the position held by the employee. Misdemeanor convictions will be considered based on job relatedness.

301.4 Equal Employment Opportunity

Employees shall comply with the provisions of Title VII of the United States Civil Rights Act of 1964, as amended, the State of New Mexico Human Rights Act, as amended, the City of Albuquerque Human Rights Ordinance and the City of Albuquerque Affirmative Action Plan. While not all inclusive, these laws and the Affirmative Action Plan legitimize the concept of merit, qualifications and performance in selection and career

advancement and prohibit discrimination on the basis of race, color, religion, sex, national origin or ancestry, age, physical or mental disability and Vietnam Era or disabled veteran status, sexual orientation and medical condition.

301.5 Violence in the Workplace

Workplace violence by employees is prohibited. Violent behavior directed toward a City employee by a member of the general public shall not be tolerated.

Prohibited workplace behavior includes intimidation, verbal threats, physical assault, vandalism, arson, sabotage, the unauthorized display, possession or use of weapons in the workplace, jokes or comments regarding violent acts which are reasonably perceived to be a threat, or any other behavior reasonably perceived to be a threat of imminent harm against an employee or member of the general public.

An employee who witnesses or is the subject of prohibited behaviors must report the incident to their immediate supervisor unless the supervisor is the one exhibiting the prohibited behavior, in which case the employee shall report the behavior to the next highest person within the organization.

A supervisor receiving the complaint must conduct an investigation of the incident and initiate appropriate action to eliminate the prohibited behavior. The supervisor shall prepare a written response to the employee reporting the incident. This response shall include an acknowledgment of the employee's complaint, a description of the investigation conducted, and the action that was initiated to eliminate the prohibited behavior.

Employees engaging in any prohibited behavior may be subject to mandatory referral for psychological/psychiatric evaluation, counseling or mediation, arrest and prosecution, and/or disciplinary action up to and including termination from City employment. Refer to applicable Administrative Instructions for further guidance.

301.6 Report of Abuse *(March 5, 2005)*

During the course of business, employees may become aware of instances of abuse of equipment, facilities, programs, city driving privileges, or other areas of official City business. As employees become aware of these instances, they are to report these events to

their immediate supervisor or directly to their department director. If an employee fails to report such events and it is determined later through an investigation that an employee had knowledge of the situation, the employee may be subject to disciplinary action up to and including termination.

301.7 Weapons

It is strictly prohibited for any employee, other than sworn law enforcement officers, to possess firearms (including handguns, regardless of any authorized permit); explosives or dangerous weapons on City premises, in City property or at City sponsored events. City premises include worksites and vehicles (owned, rented or leased), parking garages and parking lots.

The City may conduct searches when there is a reason to believe that a person is in possession of a firearm including handguns, (regardless of any authorized permit), explosives or any other weapon, device, instrument or substance, which in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

Any violation of this policy, including a refusal to consent to a search, will subject an employee to disciplinary action up to and including termination of employment.

301.8 Safety *(March 5, 2005)*

Employees are responsible for performing assigned duties in the safest possible manner, using all available safety measures and devices to prevent injury to themselves, coworkers or the general public and to report unsafe equipment, materials, or conditions to their supervisor and the Risk Management Division.

Because human dignity and the personal safety of each employee are of utmost importance, dangerous practical jokes, horseplay, and roughhouse activities are prohibited in the workplace.

301.9 False Statements/Fraud

No employee shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment with the City or in connection with the work-related conduct of any City employee.

301.10 Bribery, Gifts and Donations

No individual seeking appointment to, or promotion in the service

of the City shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, a test, appointment, proposed appointment, promotion or any personnel action. Payments to licensed employment agencies are exempted.

No reward, favor, gift, or other form of payment in addition to regular compensation and employee benefits shall be received by any employee for the performance or nonperformance of their duties from any vendor, contractor, individual or firm doing business with the City or who can reasonably anticipate doing business with the City in the future, or from any other source having or proposing to have any relationship with the City of Albuquerque.

Nothing in this section shall be construed to prohibit an occasional, nonpecuniary gift, insignificant in value; an award publicly presented in recognition of public service, participation in community events, acts of heroism or for solving of crimes; nor does it apply to a commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of the State to engage in the business of making loans.

301.11 City Funds

Employees are personally accountable for City money over which they have possession or control. All employees who are in control of City funds must maintain accurate and current records of all such funds. Employees must comply with all policies, practices, and procedures promulgated by the Department of Finance and Administrative Services and approved by the Chief Administrative Officer and in accordance with Generally Accepted Accounting Principles regarding the receipt, recording and disbursement of public monies.

301.12 City Property

Employees are responsible for preventing loss, damage, abuse, misuse or theft of City property or property entrusted to the City including, but not limited to: artifacts, vehicles, equipment, tools,

supplies and City records. All City property should be used only for City business. City property may not be used for personal gain or profit.

Office furniture, fixtures, vehicles and equipment including lockers and storage units are the property of the City or contain property of the City. The City has the right of access to such items at any time as determined necessary by the supervisor.

301.13 City Records and Accounting

All City records, including reports, vouchers, requisitions, payroll and personnel records must be prepared factually and accurately. It is the personal obligation of the employee completing such records as well as the supervisor to ensure that such records are accurate and comply with federal, state, and City record-keeping and accounting requirements.

301.14 Telephone Usage

City telephones are for official business use only and will be used in a professional manner. Abusive, threatening or obscene phone calls are strictly prohibited. Use of City telephones for personal calls during office hours is discouraged. A supervisor may permit the employee to make occasional calls if they do not interfere with the work duties and responsibilities of the employee, departmental operations, performance or services to the public.

Personal use of City telephones for toll or long distance calls is strictly prohibited unless the call is charged to the employee's personal credit card or home telephone. Employees are responsible for ensuring that toll or long distance calls made for legitimate business purposes are appropriately and accurately documented.

301.15 Automated Systems

All automated systems, including electronic mail; Internet usage, software and hardware are for official City business. All users will conduct themselves in a legal, professional and ethical manner. All automated systems are valuable and must be protected from misappropriation, abuse, misuse, theft, fraud, loss and unauthorized use or disposal. Misappropriation of computer time, hardware or software includes, but is not limited to, using a computer to create or run unauthorized jobs, operating a computer in an unauthorized mode or intentionally causing any kind of operational malfunction or failure.

Employees are required to terminate processing from their terminals/PCs using standard log-off procedures when not in use to prevent unauthorized use of such equipment. Employees are required to report violations or suspected violations to their department director or, if the computer is under the control of the Information Systems Division (ISD), to the Chief Information Officer.

Employees shall not use City computer time, hardware or software for any personal gain or profit. Employees are required to comply with all policies, practices, and procedures promulgated by the Department of Finance and Administrative Services and approved by the Chief Administrative Officer regarding the use and security of automated systems.

As used in this section, automated system and/or computer shall mean the City's mainframe computer and peripheral equipment, any terminal or desktop computer, which communicates with a computer, network or mainframe and any standalone personal computers.

301.16 Privileged Information

Employees shall protect privileged information to which they have access in the course of their official duties. Employees or former employees shall not disclose or use confidential information acquired through their employment with the City for the employees or another's personal gain or profit.

301.17 Supervision of Employees *(March 5, 2005)*

Employees with supervisory duties or responsibilities shall, in all instances, ensure that all supervisory actions comply with the provisions of the Merit System Ordinance, Labor-Management Relations Ordinance, Personnel Rules and Regulations, Administrative Instructions, City Operator's Permit, Substance Abuse Policy, applicable legislation, and relevant judicial/administrative decisions.

301.18 Sales by Employees

Employees are required to direct their attention to their duties and responsibilities during work hours. No employee shall conduct or operate a personal business, which includes promotion, sales, scheduling or any related activity during work hours. This includes the sale of goods or services for profit. Employees may

be allowed to conduct limited sales for fund raising activities during their lunch period or breaks.

301.19 Community Activities

As private citizens, employees may participate in public affairs and community oriented projects as a means of enhancing City

governments' contribution to the well being and quality of life of the citizens of Albuquerque. Employees are responsible for complying with leave policies for activities that occur during scheduled work hours.

301.20 Direct Deposit

All newly hired employees and reinstated employees are required to receive all employment wages through direct deposit. An employee may not begin work prior to complying with this requirement.

302. REGULAR WORK HOURS

Employees will perform their work in a responsible manner, observing scheduled work hours and complying with City policy governing paid and unpaid leave of absence. Employees are further responsible for complying with City policy concerning sick and vacation leave usage.

The department director shall specify the working time of their employees.

302.1 Lunch Periods/Breaks

Lunch periods are usually one (1) hour, and breaks, fifteen (15) minutes, one (1) break period permitted in the first half of the day worked and one (1) in the second half of the day worked. Supervisors shall be responsible for scheduling and may limit breaks if, in their opinion, continuous work is required because of an emergency or unusual condition. An unpaid lunch break of at least thirty (30) minutes will be provided. In the event a non-exempt employee is required to work during their lunch period, this time will be compensated in accordance with the Fair Labor Standards Act (FLSA). Lunch periods and breaks may not be accumulated and used at other times or for other purposes.

302.2 Overtime Work

As a condition of employment, employees may be required to