



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
JANUARY 03, 2022
4:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR SPECIAL GOVERNING BODY MEETING

Attendance: In response to the State’s declaration of a Public Health Emergency, the Mayor’s Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, the Special Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe’s YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City’s YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Discussion Agenda* through 1:00 p.m. the day of the meeting, via the virtual comment “button” at <https://santafe.primegov.com/public/portal>.

To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/88289529805?pwd=dIJSYnFHMWlrZi9MV3BsMlkvaXprQT09>. **Passcode: 739642**

Attendees should use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.



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Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 882 8952 9805 - Passcode: 739642**
Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**

Councilor Rivera

3. **SALUTE TO THE NEW MEXICO FLAG**

Councilwoman Villarreal

4. **INVOCATION**

Councilor Cassutt

5. **ROLL CALL**
6. **APPROVAL OF AGENDA**
7. **APPOINTMENTS**

- a. Appointment of Signe Lindell as Mayor Pro-Tem
- b. Announcement of Appointment of Carol Romero-Wirth as Parliamentarian (No Vote Required)
- c. Appointment of City Council Committees

8. **DISCUSSION/ACTION ITEMS**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-__.** (Mayor Webber)
A Resolution Temporarily Modifying the City’s Personnel Rules Regarding Administrative Leave to Provide a Standard Framework for Issuing COVID-19 Administrative Leave. (Bernadette Salazar; Human Resources Director: bjsalazar@santafenm.gov, 955-6591)

Committee Review:

Governing Body: 12/08/2021 (Introduced)
Governing Body (Special Meeting): 01/03/22



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9. **ADJOURN**

GOVERNING BODY APPOINTMENTS

2022

| | |
|--|--|
| Mayor Pro Tem | Signe Lindell |
| Parliamentarian (No Vote Required) | Carol Romero-Wirth |
| Finance Committee | Carol Romero-Wirth (Chair) Signe Lindell Renee Villarreal Jamie Cassutt Chris Rivera |
| Public Works and Utilities Committee | Chris Rivera (Chair) Michael Garcia Lee Garcia Amanda Chavez Carol Romero-Wirth |
| Quality of Life Committee | Jamie Cassutt (Chair) Renee Villarreal Michael Garcia Lee Garcia Amanda Chavez |
| Airport Advisory Board | Chris Rivera (Chair) |
| Bicycle and Pedestrian Advisory Board | Michael Garcia (Chair) |
| Buckman Direct Diversion Board | Carol Romero-Wirth Renee Villarreal Amanda Chavez (Alternate) |
| Economic Development Advisory Committee / Small Business | Jamie Cassutt (Chair) |
| Community Development Commission | Renee Villarreal (Chair) |
| Mayor's Youth Advisory Board (Non-Voting City Councilor Liaison) | Amanda Chavez |
| Public Safety Committee | Chris Rivera |
| Community Health and Safety Task Force | Chris Rivera (Co-Chair) Renee Villarreal (Co-Chair) |
| Santa Fe Extraterritorial Land Use Authority | Michael Garcia Renee Villarreal Jamie Cassutt |
| SFMPO Transportation Policy Board | Renee Villarreal Jamie Cassutt Amanda Chavez Lee Garcia (Alternate) |
| Santa Fe Water Conservation Committee | Carol Romero-Wirth (Chair) |
| Solid Waste Management Agency Joint Powers Board | Chris Rivera Renee Villarreal Michael Garcia |
| North Central Regional Transit District | Lee Garcia |



City of Santa Fe, New Mexico

Memorandum



Date: January 3, 2022

To: Governing Body

From: Bernadette Salazar, HR Director *BS*
Jarel LaPan Hill, City Manager *JLH*

RE: Temporarily Modifying the City's Personnel Rules Regarding Administrative Leave to Provide a Standard Framework for Issuing COVID-19 Administrative Leave

EXECUTIVE SUMMARY:

This Resolution adopts a temporary change to the City's Personnel Rules to allow for a more efficient way for employees to be granted COVID-19 administrative leave with pay for city employees.

BACKGROUND:

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 Rules 13.31) and the hours of administrative leave that may be granted (Rule 13.60). In March of 2020, the Governing Body temporarily modified those rules to expand their permitted uses during the COVID-19 Pandemic and as needed thereafter. The temporary modification to the City's sick leave rule allows sick leave to be used to care for a household member whose school or daytime is cancelled for public health reasons during a declared public health emergency; or for an employee who is unable to telecommute and is also recommended by the New Mexico Department of Health or a licensed health care provider to self-quarantine due to risk of spreading COVID-19. The temporary modification to the rule governing administrative leave allowed the City Manager to grant employees administrative leave if they have run out of sick leave, non-essential employees who are unable to telecommute, employees for whom the NMDOH or a licensed healthcare worker has recommended quarantine. The increasing number of cases, and individualized approach to administrative leave have created a significant administrative burden for the City Manager to review each request for administrative leave. Temporary modifications to the rules may be made "if it would be reasonable, appropriate, lawful, and necessary for the orderly and efficient administration of the City". Creating a standard amount of "COVID-19 Administrative Leave" for each City employee to be used in 2022 is an equitable and less burdensome approach to administrative leave.

ACTION REQUESTED:

Approval of the Resolution Temporarily Modifying the City's Personnel Rules Regarding Administrative Leave to Provide a Standard Framework for Issuing COVID-19 Administrative Leave. Your consideration is greatly appreciated.



City of Santa Fe, New Mexico

Memorandum



ATTACHMENTS:

Resolution
Exhibit A to the Resolution
Fiscal Impact Report

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-__

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

TEMPORARILY MODIFYING THE CITY’S PERSONNEL RULES REGARDING ADMINISTRATIVE LEAVE TO PROVIDE A STANDARD FRAMEWORK FOR ISSUING COVID-19 ADMINISTRATIVE LEAVE.

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 Rules 13.31) and the hours of administrative leave that may be granted (Rule 13.60); and

WHEREAS, the Governing Body temporarily modified those rules in March of 2020 to expand their permitted uses during the COVID-19 Pandemic and as needed thereafter; and

WHEREAS, the temporary modification to the City’s sick leave rule allows sick leave to be used:

1. To care for a household member whose school or daytime is cancelled for public health reasons during a declared public health emergency; or
2. for an employee who is unable to telecommute and is also recommended by the New Mexico Department of Health or a licensed health care provider to self-quarantine due to risk

1 of spreading COVID-19; and

2 **WHEREAS**, the temporary modification to the rule governing administrative leave allows
3 the City Manager to grant employees administrative leave if they have run out of sick leave, non-
4 essential employees who are unable to telecommute, employees for whom the NMDOH or a
5 licensed healthcare worker has recommended quarantine; and

6 **WHEREAS**, prior to the temporary additions made in March of 2020, Rule 13.60 already
7 allowed a Department Director, with City Manager approval, to authorize up to five (5) consecutive
8 days of administrative leave under “unusual circumstances, when it is in the best interests of the
9 City to do so”; and

10 **WHEREAS**, the return to in-person services and facilities openings has resulted in
11 increased numbers of close contacts when a City employee is COVID-19 positive; and

12 **WHEREAS**, since vaccinations have become readily available, the rules and guidance for
13 quarantine and testing apply are different for vaccinated and unvaccinated persons; and

14 **WHEREAS**, in particular, certain vaccinated persons who are close contacts of persons
15 identified as COVID positive are not required to quarantine, while unvaccinated persons must
16 quarantine and test negative before returning to the workplace; and

17 **WHEREAS**, these disparate quarantine and testing requirements have resulted in
18 inequitable need for, and access to, administrative leave; and

19 **WHEREAS**, the increasing number of cases, and individualized approach to
20 administrative leave have created a significant administrative burden; and

21 **WHEREAS**, temporary modifications to the rules may be made “if it would be reasonable,
22 appropriate, lawful, and necessary for the orderly and efficient administration of the City”; and

23 **WHEREAS**, creating a standard amount of “COVID-19 Administrative Leave” for each
24 City employee to be used in 2022 is an equitable and less burdensome approach to administrative
25 leave than the expansions to administrative leave previously adopted in March of 2020.

1 ATTEST:

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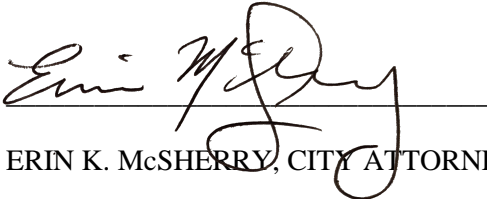
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4 KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2022/Resolutions/Temporary Personnel Rules Change for Admin Leave*

EXHIBIT A

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] B. 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] C. 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] D. 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] E. 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.

13.65 COVID-19 Administrative Leave

COVID-19 Administrative Leave may be used when an employee is sick with COVID-19 and unable to work remotely or is required to quarantine or isolate and unable to work remotely.

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Temporary Rules Change for Admin Leave

Sponsor(s): Mayor Webber

Reviewing Department(s): Human Resources

Staff Completing FIR: Bernadette Salazar Date: 1/3/2022 Phone: 955-6591

Reviewed by City Attorney: *Eric M. Kelly* Date: Jan 3, 2022

Reviewed by Finance Director: *Mary McCay* Date: Jan 3, 2022

Summary:

The Resolution adopts a temporary change to the City's Personnel Rules to allow for a more efficient way for employees to be granted COVID-19 administrative leave with pay for city employees.

Departments Affected:

All City departments.

Consequences of Not Enacting Legislation:

If the Resolution is not adopted, that situation could result in employees not receiving a benefit if they do not have access to submit requests or are too ill to submit requests. Not enacting the resolution will result in inefficient processing of administrative leave for employees, supervisors, the City Manager, HR and Payroll.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

None identified.

Performance and Administrative Implications:

If the resolution is adopted, the temporary rule change will require implementation from IT, Payroll and HR.

Fiscal Implications:

When employees are on leave, shifts that require another employee to fill in will result in overtime costs. The amount is unknown due to not knowing how many cases will arise. Although salaries are budgeted, this change will require processing from the relevant department, HR, and Payroll. In an effort to provide an average monthly cost of COVID-19 administrative leave based on previous months, the average fiscal impact of administrative leave is as follows: An average hourly rate of \$25.34, an average of 20 cases per month would result in approximately \$40,500 paid in COVID-19 administrative leave.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

| Expenditure Type | FYE 22 | FYE __ | FYE __ | Require BAR (Y/N) | Recurring (R) or Non-recurring (NR) | Fund | 3-Year Total Cost |
|------------------------------|---------------|---------------|---------------|--------------------------|--|-------------|--------------------------|
| <u>Personnel and</u> | \$ \$40,500 | \$ _____ | \$ _____ | _____ | NR | _____ | |
| <u>Benefits*</u> | | | | | | | |
| \$40,500 | \$ _____ | \$ _____ | \$ _____ | _____ | _____ | _____ | |
| <u>Capital Outlay</u> | | | | | | | |
| <u>Contractual/</u> | \$ _____ | \$ _____ | \$ _____ | _____ | _____ | _____ | |
| <u>Professional Services</u> | | | | | | | |
| <u>Operating</u> | \$ _____ | \$ _____ | \$ _____ | _____ | _____ | _____ | \$ _____ |
| <u>Total:</u> | \$ \$40,500 | \$ _____ | \$ _____ | | | | \$ \$40,500 |

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

| Revenue Type | FYE __ | FYE __ | FYE __ | Recurring (R) or Non-recurring (NR) | Fund |
|---------------------|---------------|---------------|---------------|--|-------------|
| General Fund | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Special Revenue | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| CIP | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Enterprise | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Internal Service | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Trust and Agency | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Federal | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Other | \$ _____ | \$ _____ | \$ _____ | _____ | _____ |
| Total | \$ _____ | \$ _____ | \$ _____ | | |

Revenue Narrative:

Signature: *Jarel Lapan Hill*

Email: jlapanhill@ci.santa-fe.nm.us

Signature: *Bernadette Salazar*

Email: bjsalazar@ci.santa-fe.nm.us