

THE NEW MEXICO

DISTRICT ATTORNEYS'

PERSONNEL & COMPENSATION PLAN

Revised in Part and Approved by District Attorney's
June 23, 2016

Revised in Part and Approved by District Attorney's
November 17, 2016

Revised in Part and Approved by District Attorney
June 15, 2017

Revised in Part and Approved by District Attorney
June 6, 2018

Revised in Part and Approved by District Attorney
August 11, 2020

District Attorneys Personnel & Compensation Plan

The District Attorneys' Personnel and Compensation Plan does not create or intend to create an implied or expressed employment contract.

The District Attorneys' Personnel and Compensation Plan is subject to change at any time and all conditions of compensation are contingent upon budgets as allocated by the legislature annually.

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**TITLE 10
CHAPTER 4
PART 1**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
GENERAL PROVISIONS**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorney

[10.4.1.1NMAC-N, 6/30/2010]

- 2. SCOPE:** This part sets forth general provisions for implementation of the district attorney personnel and compensation act and rules as they apply to all employees in the Offices of the District Attorneys and the Administrative Office of the District Attorneys, excluding the duly elected or appointed District Attorney. Duly elected or appointed District Attorneys are subject to rules and regulations as established by the New Mexico Constitution and New Mexico statutes.

[10.4.1.2NMAC-N, 6/30/2010 revised 08/11/2020]

- 3. ENFORCEMENT** All employees of the District Attorney's Office will familiarize themselves, as a part of their orientation training, with general rules and regulations, as contained in the District Attorney's Compensation and Pay Plan and with the more specific rules and regulations set forth by each District Attorney's Office.

[10.4.1.3NMAC-N, 08/11/20]

- 4. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.1.4NMAC-N, 6/30/2010]

- 5. DURATION:** Permanent.

[10.4.1.5NMAC-N, 6/30/2010]

- 6. EFFECTIVE DATE:** June 30, 2010

[10.4.1.5NMAC-N, 6/30/2010]

- 7. OBJECTIVE:** To establish for all district attorney's offices and the Administrative Office of the District Attorneys (AODA) a uniform, equitable and binding system of personnel administration.

[10.4.1.6NMAC-N, 6/30/2010 revised 06/23/2016]

- 8. DEFINITIONS:**

8.1 "Anniversary Date" means the date (month/day) which begins and ends an appraisal cycle. It is determined by the date of appointment or re-employment into an employee's current position and shall change with a lateral transfer between two District Attorneys'

Offices or a change in class due to a promotion, demotion, position reclassification or any other personnel action which affects an employee's job class. When employees are placed on Leave Without Pay, their anniversary dates may be extended by that same amount of time.

- 8.2** "Break in Employment" means a period of separation of one work day or more in which an employee is not officially on the hiring agency's payroll.
- 8.3** "Bereavement Leave" is leave that is approved by the District Attorney for the purpose of attending events surrounding the death of an immediate family member. Sick leave, annual leave, or administrative leave may be authorized for bereavement leave.
- 8.4** "Dismissal" means the involuntary separation from employment for disciplinary reasons.
- 8.5** "Immediate Family" means an incumbent's spouse, children, step children, parent, step parent, brother, sister, step brother, step sister, aunt, uncle, niece, nephew, grandparent, grandchild, great grandparent, great grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.
- 8.6** "Involuntary Demotion" means the involuntary placement of an incumbent in a position with a lower salary range than their current position. It involves a reduction in pay; and it must be the result of employee misconduct, unsatisfactory performance, or other disciplinary reasons.
- 8.7** "Job Evaluation" means the comprehensive review of the duties, responsibilities, and qualifications of a position. It is not a review or evaluation of any person holding the position being reviewed. As a result of a job evaluation, a position may be reclassified to a different job class. The reclassification may result in a reduction, an increase, or no change in pay grade at all.
- 8.8** "Local Public Body" means an entity which is under the auspices of a county or city government, public schools, and public institutions of higher learning.
- 8.9** "Suspension" means an enforced leave of absence, with or without pay, for a period not to exceed thirty (30) work days for disciplinary reasons or pending investigation of charges made against a covered employee.
- 8.10** "Voluntary Demotion" means the voluntary acceptance by an employee of placement in a position with a lower salary range. It may or may not entail a reduction in pay; and it may or may not be the result of disciplinary reasons.
- 8.11** "Written Reprimand" means a letter, memo or other written form of communication which serves to advise an employee of poor performance, inappropriate behavior, or other personnel rule violations; and it shall serve as a warning of more severe disciplinary action if the employee fails to take the appropriate action.
- 8.12** "Years of Service" means the total years of employment within either the Executive, Judicial, or Legislative branches of New Mexico state government or any local public body within New Mexico.

9 COVERAGE OF SERVICE

9.1 COVERED EMPLOYEES

- 9.1.1** Employees holding covered positions affected by the District Attorney Personnel and Compensation Act shall be recognized as covered employees if they have successfully completed the probationary period.
- 9.1.2** Once an employee in a covered position attains covered status, they shall retain that status as long as they remain in or are promoted into a covered position without a break in employment within the current hiring agency and within the Judicial District Attorney's Office. Nothing in the District Attorney Personnel and Compensation Act shall preclude the reclassification or reallocation of any position held by an employee.
- 9.1.3** In the event of budgetary shortfalls covered positions may be subject to reduction of pay after a public hearing of the Personnel Review Board.

9.2 "AT WILL" EMPLOYEES

- 9.2.1** The positions of attorney, district office manager and special program director are "at will" positions that serve at the pleasure of the District Attorney.
- 9.2.2** Such "at will" employees shall have no property interest in the continued position, shall not obtain covered position status and may be dismissed with or without cause.
- 9.2.3** Upon acceptance of an "at will" position, a previously covered employee retains no protection afforded under this plan due to previous status in a covered position.

9.3 PROBATIONARY EMPLOYEES

- 9.3.1** A probationary appointment is the placement of an applicant into a position designated as covered.
- 9.3.2** A probationary period of one (1) year from the date of hire is required of all employees in covered positions. If leave without pay is taken during the probationary period, the probationary period may be extended by the number of days of leave taken within the applicable one (1) year period.
- 9.3.3** Probationary employees may be terminated at any time by the District

Attorney, with or without cause.

- 9.3.4** Probationary employees have no rights to utilize grievance procedures and the appeals provisions in these rules.
- 9.3.5** The covered status of a probationer begins the day following the end of the probationary period.
- 9.3.6** All probationary employees shall be evaluated prior to the end of their probationary period utilizing the approved performance appraisal form.
- 9.3.7** The District Attorney is responsible for taking action on the status of probationary employees prior to the end of the probationary period.
- 9.3.8** A covered employee, transferring to another District Attorney's office will result in a new probationary period as defined in this subsection.

[10.4.1.8NMAC-N, 6/30/2010 revised 06/23/2016 revised 06/06/2018]

10 ADMINISTRATION OF THE PLAN

- 10.1** The responsibility for administration of the Classification Plan rests with the District Attorneys and/or the District Attorneys Personnel Review Board.

10.2 THE DISTRICT ATTORNEY PERSONNEL REVIEW BOARD

10.2.1 The District Attorney Personnel Review Board ("Board") shall consist of five (5) District Attorneys including the president, vice-president and secretary- treasurer of the New Mexico District Attorney's Association and two (2) additional voting members, all elected annually by the District Attorneys. Each Board member shall be reimbursed as provided in the Per Diem and Mileage Act when traveling on board business directly related to the District Attorney Personnel and Compensation Act.

10.1.1 As found in Section 7 of the District Attorney Personnel and Compensation Act [36-IA-7 et seq. NMSA 1978], the Board's responsibilities for the administration of the Classification Plan are as follows:

10.1.2 The Board shall recommend to the District Attorneys, as a group, regulations necessary or appropriate to implement and administer the District Attorney Personnel and Compensation Act.

10.1.2.1 The Board shall determine the qualifications for each class specification or classification series, including required levels of education, experience, special skills and legal knowledge.

10.1.2.2 The Board shall recommend salary grades and pay ranges to which class specifications and job classifications are assigned, subject to legislative appropriations.

10.1.2.3 The Board shall hear appeals solely involving suspension, demotion or termination of a covered employee and render its final decision.

10.1.2.4 The Board shall make periodic reviews of the personnel regulations, classification plan and compensation ranges that govern employees to ensure that all federal action, legislative mandates, and other substantive changes are incorporated into the regulations in a timely fashion and make recommendations thereon to the District Attorneys.

10.1.2.5 The Board shall consider other personnel matters as designated by the District Attorneys and they shall have the authority to override all actions based on a justification provided on a case by case basis. A quorum of the board shall consist of at least 3 members.

10.2 THE DISTRICT ATTORNEYS AS A GROUP

The responsibilities of the District Attorneys as a group shall be:

10.2.1. The adoption and promulgation of regulations to effectuate the provisions of the compensation plan for all employees;

10.2.2. Conducting periodic reviews of the regulations, classification series and compensation ranges to ensure that applicable federal action, legislative mandates and other substantive changes are incorporated in the compensation plan in a timely fashion;

10.2.3. The contracting of consultant services to re-evaluate the Classification and Compensation Plan to ensure their compatibility, subject to legislative appropriation, with classes covered by the Personnel Act and the Judicial Pay Plan; and

10.2.4. The preparation of an annual fiscal report specifying proposed changes, if any, to the compensation plan prior to each regular legislative session. Before any proposed changes are implemented, they shall be reviewed by the Legislative Finance Committee and approved by Department of Finance and Administration. Competitive market compensation levels shall be reviewed at least every five (5) years and incorporated into the report. Subsequent budget requests shall include this information.

10.3 EACH DISTRICT ATTORNEY

10.3.1 Primary responsibility for the day-to-day administration of the Classification Plan rests with each District Attorney or his/her designee.

10.3.2 Each District Attorney shall submit position change requests and personnel action requests to the Administrative Office of the District Attorney's for review. The Administrative Office of the District Attorney's will forward reviewed requests to the Department of Finance and Administration. These actions shall then be incorporated into a monthly personnel and classification report to be administered by the Administrative Office of the District Attorneys and distributed to the District Attorneys, the Department of Finance and Administration and the Legislative Finance Committee.

10.4 ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

10.4.1 The Administrative Office of the District Attorneys shall ensure that the Department of Finance and Administration and the Legislative Finance Committee receive a Table of Organizational Listing (TOOL) for all District Attorney positions and employees. This monthly report shall include each employee's position number, name, title of authorized job, status, pay grade and salary and shall reflect any DFA-approved position changes or AODA-approved personnel actions.

[10.4.1.9NMAC-N, 6/30/2010; Amending and placing here the former 10.4.2.9NMAC-Rp, NMDAA91- 1.12.01, Repealed 6/30/2010 revised 06/23/2016]

11 PERSONAL CONDUCT

11.1 Employees of the District Attorneys' Offices and AODA shall conduct themselves in a manner which reflects the highest professional ethics. Employees shall be loyal and devote their full working days to their duties and the business of the District Attorneys. Under no circumstances shall employees give rise to a conflict of interest or the appearance of a conflict of interest or act in such a way as to adversely affect any District Attorney's Office or adversely affect the employee's ability to perform his/her duties. Consumption of alcoholic beverages on the premises of any office is expressly prohibited. The use or possession of illegal drugs or other illegal substances at any time or place is expressly prohibited. This policy will be strictly enforced, and personnel found in violation will be subject to disciplinary action.

11.2 It is a violation to engage in any conduct which violates the civil or criminal law which adversely affects the interests of any District Attorney's Office or the person's ability to perform his/her duties.

[10.4.1.10-NMAC-N, 6/30/2010 revised 08/11/2020]

12 BUSINESS CONDUCT

- 12.1** Employees will respect and protect the civil and legal rights of all persons. Personnel having contact with victims and/or witnesses will serve each case with appropriate concern for the individual's welfare and with no goal of personal gain. Relationships with the public and colleagues will be of a professional nature and promote improvement of the respective office's quality of service. Statements critical of others or their agencies will be made only if these are verifiable and constructive in purpose and made in a personal capacity. Personnel will respect the importance of all elements of the criminal justice system and cultivate professional cooperation with each segment of that system. In any public statement, personnel will clearly distinguish between those statements which are personal views and those which are authorized statements and positions taken on behalf of each respective office.
- 12.2** Employees will not discriminate against any prospective employee or other persons having business with the District Attorneys on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, gender identity or disability.
- 12.3** Undue familiarity or any sort of financial or business transactions with victims, witnesses, etc., or their immediate families, agents or close friends is strictly forbidden. Employees will conduct themselves in compliance with all laws and regulations so as to not subject their profession, colleagues, or office to criticism. No personnel shall give or accept any gifts or gratuities or engage in any personal business with victims, witnesses, etc. or their immediate families, agents, or close friends.
- 12.4** The actions of personnel are to be in accordance with prescribed rules and regulations. Personnel are expected to perform their assignments in a manner that reflects professional judgment, prudence, and sincere interest in the business of the office. Personnel shall maintain an attitude of courtesy and service to the public and colleagues.
- 12.5** Personnel shall protect and conserve government property, including equipment, supplies and other property entrusted or issued to them. They shall not willfully damage or otherwise misuse government property, including vehicles, equipment, tools, and instruments.
- 12.6** Fraternalization:

It is the policy of the District Attorney's Office to limit fraternization throughout the organizational structure. As such, the following rules shall apply:

- 12.6.1.** No person who has direct supervisory authority over another employee shall have a dating or romantic relationship with that employee.

12.7 Workplace Violence;

The District Attorney's Office maintains a zero-tolerance policy towards violence in the workplace. Violent behavior is inappropriate in the workplace, whether it is on the part of employees, customers, or others present in the workplace, and it will not be tolerated. Furthermore, the unauthorized possession, use, or threat of use of a weapon is prohibited in the workplace by employees. The word "violence" in this policy shall mean an act or behavior that is physically or verbally assaultive, reasonably likely to result in harm or threats of harm to persons or property, or consists of a communicated threat to harm or in any way endanger the safety of another individual.

The District Attorney's Office is committed to providing a safe workplace free of violence or threats of violence to its employees and others present on the premises. All threats of violence will be taken seriously and investigated accordingly. Such statements or behaviors amongst employees undermine the District Attorney's Office's mission, employee morale, and productivity; and will not be tolerated.

The District Attorney's Office has the right to enter and inspect all agency property and reserves the right to enter or inspect any employee work area including, but not limited to desks, filing cabinets, telephones, cell phones, electronic devices, computers, and other devices or services that are owned, leased, controlled or are subject to reimbursement by the District Attorney's Office, with or without notice.

The District Attorney's Office may monitor phone conversations, voice mail, and e-mail messages. Any conversation or message that constitutes a threat of violence in the workplace can be used as the basis for taking immediate action.

Privacy rights will be observed in the event of the need to investigate workplace violence incidents. Only those individuals with a clear need to know of the potential risk will be notified. Anonymity of employees reporting violence or threats will be maintained during the investigation to the extent possible by those investigating the complaint. However, there is no guarantee of anonymity since it is often necessary to make the individual, against whom the allegation was made, aware of the complaint in order to ascertain the facts.

The District Attorney's Office refuses to tolerate violence in the workplace and will apply workplace violence policies consistently and fairly to all employees. Threats of violence in the workplace may violate various municipal, state and federal laws, and may subject the violator to criminal or civil liability for any such unlawful conduct. Violations of this policy will not be tolerated. Employees who violate this policy will be subject to disciplinary action up to and including termination. Engaging in workplace violence may also result in criminal prosecution.

12.7.1. False Reports: Allegations and/or reports of workplace violence will be taken seriously. If you intentionally make false reports, you will be subject to disciplinary action up to and including termination. The primary goal of investigating and reporting threats of violence in the workplace is to resolve such incidents without the occurrence of violence. Each case will be assessed individually and responded to accordingly.

12.7.2 Assurance Against Retaliation: There will be no retaliation and/or reprisal against an employee who genuinely reports threats of workplace violence in good faith. Any employee of the District Attorney's Office who engages in or assists in such retaliatory actions will be subject to disciplinary action up to and including termination.

12.7.3. Consequence of Violation of this Policy: Employees who violate this policy will be subject to disciplinary action up to and including termination. Engaging in workplace violence may also result in criminal prosecution.

12.8 Workplace Bullying:

The District Attorney's Office defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." Such behavior violates the District Attorney's Office's Code of Conduct and Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, that the District Attorney's Office will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when handling discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The District Attorney's Office considers the following types of behavior examples of bullying:

12.8.1 Definitions:

- Verbal bullying: Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

12.9 Waste, Fraud, and Abuse:

The District Attorney's Office maintains a culture of honesty and ethical behavior. Fraud, waste, and abuse are prohibited. This policy applies to any fraud or suspected fraud involving employees, as well as any other parties with a business relationship with the District Attorney's Office. Any investigative activity required will be conducted without

regard to the suspected wrongdoer's length of service, position/title, or relationship with District Attorney's Office.

12.9.1 Actions Constituting Fraud: The terms fraud, misappropriation, and other fiscal irregularities refer to, but are not limited to the following:

- Any dishonest or fraudulent act
- Forgery or alteration of any document or account belonging to the District Attorney's Office
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, equipment, or other assets of District Attorney's Office
- Impropriety in the handling or reporting of money or financial transactions
- Disclosing confidential and proprietary information to outside parties
- Intentional timesheet misreporting
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment

12.9.2 Reporting - Any fraud that is detected or suspected must be reported immediately to the District Attorney. Immediately upon discovery of any violation of a criminal statute in connection with financial affairs, the District Attorney shall report a violation immediately to the State Auditor as per §12-6-6, NMSA 1978 (Criminal Violations). The notification shall include the estimate of the dollar amount involved, a complete description of the violation, including the names of the persons involved, and any actions taken or planned.

[10.4.1.1INMAC-N, 6/30/2010 revised 08/11/2020]

13 PERSONNEL INVESTIGATIONS

13.1 Individuals are subject to the following investigations;

13.1.1 Background Investigations: Individuals may be subject to a background investigation prior to being hired by any District Attorney's Office or AODA.

13.1.2 Internal Investigations: Personnel may be subject to an investigation or may be required to provide a statement or submit to a polygraph examination in any investigation concerning the provisions of this code or any other suspected misconduct. The employee shall cooperate fully with the investigation to include, but not limited to, executing any releases reasonably necessary to complete the investigation. The District Attorney, or his/her designee, shall have the sole discretion to determine what materials are reasonably necessary to complete the investigation. If an employee refuses to comply, he/she shall be subject to

disciplinary action up to and including dismissal from employment or termination of his/her contract.

- 13.2** Employees may be required to submit to a drug and/or alcohol test. If the employee refuses to comply with the test requirements or examiner, or requirements necessary to conduct the test, he/she shall be subject to disciplinary action up to and including dismissal from employment.

[10.4.1.12NMAC-N, 06/30/2010 revised 08/11/2020]

14 CONFLICT OF INTEREST - OUTSIDE EMPLOYMENT

- 14.1** Every employee who has a financial interest which he or she knows or has reason to know, may be affected by actions of their respective office shall disclose the precise nature and value of such interest. The disclosures shall be made in writing to the District Attorney before entering employment and during the month of January every year thereafter.

- 14.2** Under no circumstances shall personnel have a conflict of interest or the appearance of a conflict of interest. Such conflicts of interest include, but are not limited to, the following;

14.2.1 No employee shall directly or indirectly acquire a financial interest in a business which may be directly affected by any official act of the employee.

14.2.2 An employee shall not engage directly or indirectly in a financial transaction as a result of, or primarily relying on information obtained through, his or her employment with a District Attorney's Office.

14.2.3 No employee may directly or indirectly accept or give any compensation, gift, ban, entertainment, favor or service which would tend to give an appearance of impropriety or which might interfere in the discharge of official duties.

14.3 Hiring of Relatives/Anti-Nepotism:

It is vital to the public image of the District Attorney's Office to avoid the practice or appearance of nepotism in employment.

- 14.4** No person shall be hired, promoted, or transferred to a position which is under the direct supervision of a relative, in this case meaning a blood or marriage relation to the third degree of kindred;

14.4.1 The third degree of kindred includes spouses, parents, children, brothers, sisters, grandparents, grandchildren, great-grandparents, great-grandchildren, aunts, uncles, nieces and nephews.

14.4.2 Supervisors will not knowingly allow these nepotism provisions to be compromised and have an affirmative obligation to report any violations to their department head.

14.5 Outside Employment:

Employment with the District Attorney's Office shall be considered the primary employment of all full-time employees. Other employment is subject to the written approval of the District Attorney. Permission to engage in outside employment may be denied if the outside employment may impair the employee's on-the-job performance or efficiency, conflicts with the employee's official duties for the District Attorney's Office, could subject the District Attorney's Office to unfavorable publicity, or any other reason the District Attorney determines, in his or her sole discretion, is not in the best interests of the District Attorney's Office.

Permission may be withdrawn if, upon review by the employee's Supervisor or District Attorney it is determined the employee's work performance, attendance, or other conditions of employment are not meeting the needs of the District Attorney's Office.

[10.4.1.13NMAC-N, 6/30/2010; Amending and moving to here former 10.4.11.11 NMAC-Rp, NMDAA91-1.12.01, Repealed 6/30/2010 revised 08/11/2020]

15 DISCLOSURE OR MISUSE OF INFORMATION

15.1 Personnel shall not directly or indirectly use official information which is not available to the general public or contract with the State for the purpose of furthering a private interest or allow such use of official information obtained through or in connection with his or her employment.

15.2 Applicable personnel shall not, except as specifically authorized, disclose any official information which represents a matter of confidence or trust or any other official information of such character that its disclosure or use would be contrary to the best interest of the office. Information concerning another person's personal life, social history and private affairs is confidential information and shall not be the subject of casual conversation or gossip.

15.3 Official records of every District Attorney's Office are the property of that office and will be filed according to the existing rules. Personnel will not remove records or copies thereof from any District Attorney's Office without lawful authority.

[10.4.1.14NMAC-N, 6/30/2010]

16 GRATUITY

16.1 Personnel shall not give or accept any favor or gratuity to or from any person, firm, corporation, or other entity which would affect or appear to affect the person's

judgment in the performance of his or her duties in an impartial manner. This does not apply in the case of an occasional non-pecuniary gift that is insignificant in value, a public award or a loan made in the ordinary course of business.

- 16.2** Supervisors shall not place themselves in positions of potential indebtedness to their subordinates. Supervisors will not permit persons subordinate to them to provide them with representation in grievance matters or lawsuits.

[10.4.1.15NMAC-N, 6/30/2010]

17 POLITICAL ACTIVITIES

- 17.1** Employees may engage in the following activities as long as it is while they are on approved leave or not on duty:

17.1.1 serve as convention delegates;

17.1.2 attend political rallies;

17.1.3 sign nominating petitions and make voluntary contributions to political organizations; and

17.1.4 serve as election officials or officers in political organization(s).

- 17.2** Employees are prohibited from:

17.2.1 Engaging in political activity while on duty;

17.2.2 Distributing or displaying campaign materials (including buttons) and soliciting contributions for a political candidate or party while on duty;

17.2.3 Using official authority for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose;

17.2.4 Using office supplies, equipment or facilities in connection with any political activities;

17.2.5 Directly or indirectly coercing, attempting to coerce, commanding or ordering any employee to pay, lend or contribute anything of value to a party, committee, organization or person for a political purpose; and

17.2.6 Threatening to deny promotions to any employee who does not vote for certain candidates or requiring employees to contribute a percentage of their pay to a political fund or ordering employees to buy tickets to political fund- raising events.

[10.4.1.16NMAC-N, 6/30/2010; Amending and moving to here former sections 10.4.11.8 and .9 NMAC-RpNMDAA91-1.12.01, Repealed 6/30/2010]

18. PUBLIC OFFICE

18.1 Employees shall not hold any other public office during the employee's duty hours in the service. An employee may accept appointment to a state or local board or commission provided such participation does not create a conflict of interest, is consistent with existing statutes and court rules and does not interfere with an employee's assigned duties.

18.2 An employee may seek a full-time public office if the employee's absence does not interfere with the function of the office and the District Attorney authorizes such absence. Otherwise, the employee shall resign to seek such public office.

18.3 The act of filing nomination papers or, where appropriate, the payment of a filing fee or the accepting of the nomination shall constitute the seeking of public office.

18.4 Being a local school board member or an elected or appointed member of any post-secondary educational institution shall not be construed to be holding political office.

[10.4.1.17NMAC-N, 6/30/2010; Amending and moving to here former 10.4.11.10-Rp, NMDAA91- 1.12.01, Repealed 6/30/2010]

19. ANTI-HARASSMENT POLICY

19.1 All Unlawful Harassment Prohibited:

The District Attorney's Office strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons because of race, religion, creed, national origin, ancestry, sex (including pregnancy), gender (including gender nonconformity and status as a transgender or transsexual individual), age, physical or mental disability, citizenship, genetic information, past, current or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state or local law.

19.2 Sexual Harassment:

All District Attorney's Office employees, are prohibited from harassing any other person based on that individual's sex or gender (including pregnancy and status as a transgender or transsexual individual) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature.

The District Attorney's Office will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).

This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated. Harassment is strictly prohibited.

19.3 Other Types of Harassment:

The District Attorney's Office anti-harassment policy applies equally to harassment based on an employee's race, religion, creed, national origin, ancestry, age, physical or mental disability, citizenship, genetic information, past present or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state or local law.

Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments, or jokes).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying derogatory posters, cartoons, drawings or making derogatory gestures).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated. Harassment is prohibited both at the workplace and at employer-sponsored related events.

19.4 Complaint Procedure:

If you are subjected to any conduct that you believe violates this policy or witness any such conduct, you must promptly speak to, write or otherwise contact your direct supervisor or, if the conduct involves your direct supervisor, the next level above your direct supervisor or the District Attorney as soon as possible but in no event later than five (5) days of the offending conduct.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The District Attorney's Office will directly and thoroughly investigate the facts and circumstances of all claims of perceived harassment and will take prompt corrective action, if appropriate.

Additionally, any manager or supervisor who observes harassing conduct must report the conduct to the Human Resources Department so that an investigation can be made, and corrective action taken, if appropriate.

19.5 No Retaliation:

No one will be subject to, and the District Attorney's Office prohibits, any form of discipline, reprisal, intimidation, or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim or cooperating in related investigations.

The District Attorney's Office is committed to enforcing this policy against all forms of harassment. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they shall report it immediately. If employees do not report harassing conduct, the District Attorney's Office may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

19.6 Violations of this Policy:

Any employee, regardless of position or title, whom the District Attorney's Office determines has subjected an individual to harassment or retaliation in violation of this policy, will be subject to discipline, up to and including termination of employment.

19.7 Administration of this Policy:

The Office Manager, Human Resource Officer, and/or District Attorney is responsible for the administration of this policy. If you have any questions regarding this policy or questions about harassment that are not addressed in this policy, please contact the Office Manager/Human Resources Department.

[10.4.1.18NMAC-N, 6/30/2010, Amending and moving to here former 10.4.12.8, 10.4.12.9 and 10.4.12.10-Rp, NMDAA9101.12.01, .02 and .03 Repealed 6/30/2010 revised 08/11/2020]

20. DISABILITY ACCOMMODATIONS POLICY

20.1 Purpose:

This policy provides a framework within which the District Attorney's Office shall implement the requirements of the Americans with Disabilities Act ("ADA"), as amended by the ADA Amendments Act of 2008 ("ADAAA"), and the New Mexico Human Rights Act, where appropriate, to provide reasonable accommodations to employees and applicants with disabilities.

20.2 Commitment to Equal Employment Opportunities:

The District Attorney's Office complies with the Americans with Disabilities Act ("ADA"), as amended by the ADA Amendments Act ("ADAAA"), the New Mexico Human Rights Act and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the District Attorney's Office will provide a reasonable accommodation to disabled applicants and employees if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

20.3 Requesting a Reasonable Accommodation:

If you believe you need an accommodation because of your disability, you are responsible for requesting a reasonable accommodation from the District Attorney. You shall make the request in writing. The request shall include the following information:

20.3.1 A description of the accommodation you are requesting.

20.3.2 The reason you need an accommodation.

20.3.3 How the accommodation will help you perform the essential functions of your job. After receiving your written request, the District Attorney's Office will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. the District Attorney's Office encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, the District Attorney's Office is not required to make the specific accommodation requested by you and may provide an alternative, effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the District Attorney's Office.

20.4 Medical Information:

The District Attorney's Office may ask you to provide supporting documents showing that you have a disability within the meaning of the ADA and applicable state or local laws, and that your disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, the District Attorney's Office may require that you see a health care professional of the District Attorney's Office's choosing, at the District Attorney's Office's expense. In those cases, if you fail to provide the requested information or see the designated health care professional, your request for a reasonable accommodation may be denied.

The District Attorney's Office will keep confidential any medical information that it obtains in connection with your request for a reasonable accommodation.

20.5 Determinations:

The District Attorney's Office makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation.

The District Attorney's Office strives to make determinations on reasonable accommodation requests expeditiously and will inform the individual once a determination has been made. If you have any questions about a reasonable accommodation request you made, please contact the Human Resources Bureau.

20.6 No Retaliation:

Individuals will not be retaliated against for requesting an accommodation in good faith. The District Attorney's Office expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith.

The District Attorney's Office is committed to enforcing this policy and prohibiting retaliation against employees and applicants who request an accommodation in good faith. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees or applicants feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Human Resources Department. If employees do not report retaliatory conduct, the District Attorney's Office may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

20.7 Administration of this Policy:

The Office Manager, Human Resource Manager and District Attorney are responsible for the administration of this policy. If you have any questions regarding this policy or questions about disability accommodations that are not addressed in this policy, please contact the Human Resources Department or Office Manager.

21 Substance Abuse in the Workplace Policy

21.1 Commitment to a Drug and Alcohol-Free Workplace:

The District Attorney's Office is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, this policy establishes the District Attorney's Office' intent to maintain a drug and alcohol-free workplace. Being under the influence of alcohol or illegal drugs (as classified under federal, state, or local laws). While on the job poses serious health and safety risks to employees and guests, which is not tolerated. While marijuana has been legalized under New Mexico law for certain purposes, marijuana remains illegal under federal law and its uses is prohibited by all employees unless the employee has a valid medical marijuana card and has obtained written permission from the District Attorney for its use.

21.2 Prohibited Conduct:

The District Attorney's Office expressly prohibits the following activities at any time that employees are either (1) on duty or conducting the District Attorney's Office's business (either on or away from the District Attorney's Office' premises), or (2) on the District Attorney's Office' premises (whether or not the employee is working):

- The use, abuse, or being under the influence of alcohol, illegal drugs, or other impairing substances.
- The possession, sale, purchase, transfer, or transit of any illegal or unauthorized drug, including prescription medication that is not prescribed to the employee or drug-related paraphernalia.
- The illegal use or abuse of prescription drugs.

Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under both federal and state law, to the extent that it does not impair an employee's job performance or safety or the safety of others. Employees who take over-the-counter medication or other medication that can legally be prescribed under both federal and state law to treat a disability should inform their supervisor or the District Attorney if they believe the medication will impair their job performance, safety, or the safety of others or if they believe they need a reasonable accommodation **before** reporting to work while under the influence of that medication. For more information on how to request a reasonable accommodation, please refer to the District Attorney's Office' Disability Accommodations Policy.

A violation of any of the above is subject to disciplinary action, up to and including immediate termination of employment.

21.3 Workplace Searches and Inspections:

In order to achieve the goals of this policy and maintain a safe, healthy, and productive work environment, The District Attorney's Office reserves the right at all times to inspect employees, as well as their surroundings and possessions, for substances or materials in violation of this policy. This right extends to the search or inspection of clothing, desks, bags, briefcases, containers, packages, boxes, lunch boxes, and employer-owned or leased vehicles. Employees should have no expectation of privacy while on the District Attorney's Office' premises.

21.4 Drug Testing Policy:

The District Attorney's Office is committed to providing a safe, healthy, and productive workplace that is free from alcohol and unlawful drugs as classified under local, state, or federal laws, including marijuana, while employees are working on the employer's premises (either on or off duty) and while operating employer-provided vehicles.

In furtherance of this commitment, the District Attorney's Office maintains a policy in which job applicants and current employees may be requested or required to submit to drug and alcohol testing in certain situations. This policy is intended to comply with applicable laws regarding drug and alcohol testing and current and prospective employee privacy rights.

- 21.4.1** Pre-Employment Testing - Job applicants may be subject to drug and alcohol testing. Offers of employment with the District Attorney's Office may be conditioned on the applicant submitting to and successfully completing and passing a drug and alcohol test in accordance with the testing procedures described in this policy.
- 21.4.2** Testing Based on Reasonable Suspicion - Employees may be asked to submit to a drug and alcohol test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior or other conduct and facts, that the employee possesses or is under the influence of unlawful drugs, such as marijuana, or alcohol, or both. Employees who take over-the-counter medication or other lawful medication that can be legally prescribed to treat a disability should inform their supervisors/the District Attorney if they believe the medication will impair their job performance, safety or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication. For more information on how to request a reasonable accommodation, please refer to the District Attorney's Office' disability Accommodations Policy.
- 21.4.3** Periodic/Random Testing - Employees may be subject to drug and alcohol testing on a random basis.
- 21.4.4** Post-Incident Testing - Employees involved in any work-related accident or incident involving the violation of any safety or security procedures may be required to submit to drug and alcohol testing. This applies even if the incident did not result in injury to any person or any property damage.
- 21.4.5** Testing Procedures - All drug and alcohol testing under this policy will be conducted by an independent testing facility, which will obtain the individual's written consent prior to testing. The District Attorney's Office will pay for the full cost of the test. Employees will be compensated at their regular rate of pay for time spent submitting to a drug and alcohol test required by the District Attorney's Office.

Employees suspected of working while under the influence of illegal drugs or alcohol will be suspended without pay until the District Attorney's Office receives the results of a drug and alcohol test from the testing facility and any other information the District Attorney's Office may require to make an appropriate determination.

21.4.6 Confidentiality - All records relating to an employee or applicant's drug and alcohol test results will be kept confidential and maintained separately from the individual's personnel file.

21.4.7 Consequences of a Positive Test - Employees who test positive will be subject to discipline, up to and including immediate termination of employment. Job applicants who test positive will have their conditional job offers withdrawn.

21.4.8 Consequences of Refusing to Submit to Testing or Failing to Complete the Test- Employees who refuse to submit to testing as required by the District Attorney's Office or who fail to complete the test will be subject to discipline, up to and including immediate termination of employment. Job applicants who refuse to submit to drug and alcohol testing will be deemed to have withdrawn themselves from the application process and will no longer be considered for employment.

22. WHISTLEBLOWER PROTECTION ACT

22.1 Whistleblower Protection:

The "Whistleblower Act" prohibits retaliation against any employees who in good faith report official wrongdoing. New Mexico's law contains whistleblower protection provisions which are located at §28-1-1 through 28-1-14, and 50-9-25 NMSA 1978.

22.2 As stated in §28-1-7, NMSA 1978, any person or employer is prohibited from doing the following:

- Threatening, reprising, or discriminating against any employee because the individual has filed a complaint, testified, participated in proceedings, or opposed practices in violation of New Mexico's Human Rights Act.
- Willfully obstructing or preventing any person from complying with the provisions of the Human Rights Act or resisting, preventing, impeding, or interfering with the New Mexico Human Rights Commission or any such members, employee, or representatives in the performance of their duties under the Act.

22.3 In addition, the whistleblower provision of the New Mexico Occupational Health and Safety Act is located at §50-9-251 NMSA 1978. The provision covers any individual who is employed by an employer but does not include a domestic employee or a volunteer non-salaried firefighter. Under the law employers are forbidden from discharging or in any manner discriminating against an employee for any of the following reasons:

- Because the employee has filed a complaint or instituted a proceeding under the act.

- Because the employee has testified or is about to testify in any such proceeding.
- Because the employee exercised rights under the Act.

22.4 No District Attorney's Office employee will attempt to persuade or intimidate another employee from reporting concerns or violations regarding District Attorney's Office operations, procedures or compliance with Federal, State, Statutory or regulatory requirements.

23 IT RESOURCES AND COMMUNICATIONS SYSTEM POLICY

The District Attorneys have developed individual IT resources and communications system policy, please refer to your District Attorney's local policies.

[10.4. 1.19NMAC-N, 6/30/2010 revised 08/11/2020]

**TITLE 10
CHAPTER 4
PART 2**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
CLASSIFICATION PLAN**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.2.3NMAC-N, 6/30/2010]
- 2. SCOPE:** This part sets forth the rules for the establishment, maintenance and administration of the uniform classification plan applicable to all positions in the offices of the District Attorneys.

[10.4.2.2NMAC-Rp, NMDAA91-1.1.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.2.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent

[10.4.2.4.NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.2.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.2.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. CLASS SPECIFICATIONS**
 - 8.1** The District Attorneys as a group shall be responsible for the overall coordination, review and maintenance of the Classification Plan pursuant to the provisions of the District Attorney Personnel and Compensation Act. The plan shall consist of, but not be limited to:
 - 8.1.1** All approved classes of positions;
 - 8.1.2** Detailed class specifications; and
 - 8.1.3** The rules governing the administration of the plan.

- 8.2** Each approved class shall be defined by a class specification, assigned to an appropriate pay grade and class title as recommended by the Board and adopted by the District Attorneys as a group. No action shall be taken to fill any position until it has been classified in accordance with this Classification Plan.
- 8.3** Each class specification shall contain the duties and responsibilities characteristic of a class of positions. Each class shall also include the class title, supervision exercised and received, guidelines available, examples of work performed, working conditions and minimum qualifications or substitutions thereof that specify education, training, experience, knowledge, abilities and skills required for a position.
- 8.4** While the exact duties and responsibilities of positions may differ, all positions allocated to a class series shall be comparable as to kind of work, level of difficulty or responsibility and qualification requirements.
- 8.5** Each class specification shall include, but is not limited to, specific examples of work performed by employees in the classification as a whole.
- 8.6** Any changes in the Classification Plan shall be effective in the first full pay period following implementation by the District Attorneys. The decision of the District Attorneys regarding such changes is final.
- 8.7** Notification of new or revised specifications or notification of abolished classes shall be furnished by the Board to each District Attorney's Office, the Department of Finance and Administration and the Legislative Finance Committee.

[10.4.2.8NMAC-Rp, NMDAA91-1.1.04, 6/30/2010]

9. EXERCISE OF CLASSIFICATION AUTHORITY AND PROCEDURES

9.1 POSITION CLASSIFICATION ASSIGNMENT

Each position shall be assigned the classification that best represents the duties performed. Official classifications shall be used on all personnel payroll records and in the preparation of legislative and operating budgets.

9.2 POSITION CLASSIFICATION REQUESTS

All requests for position reclassifications shall require that a Job Analysis Questionnaire be completed by the affected incumbent. Additional forms and/or correspondence may also be submitted as further written justification.

9.3 POSITION CLASSIFICATION ACTIONS

Reclassification actions shall be approved by the Board. All reclassification actions shall be reviewed by the Legislative Finance Committee and approved for budgetary purposes by the Department of Finance and Administration.

9.4 NEW CLASS OR CLASS REVISION

- 9.4.1** If the Board determines that a new class or class revision is necessary, the recommendation of the Board shall be presented to the District Attorneys as a group. Upon approval by the District Attorneys as a group, the Board will establish this class provided it has been reviewed by the Legislative Finance Committee and approved for budgetary purposes by the Department of Finance and Administration.
- 9.4.2** When a position is new or reclassified, the pay shall be determined in accordance with the provisions of the pay plan established in these rules.
- 9.4.3** The Board, subject to the approval of the District Attorneys as a group, may recommend deletion of unused classifications and revisions to class specifications if the revision or deletion does not necessitate a classification study. Such a deletion or revision shall be reviewed by the Legislative Finance Committee and approved for budgetary purposes by the Department of Finance and Administration.
- 9.4.4** A respective District Attorney may appeal a position classification decision by the Board by stating the reasons for the appeal in writing to the Board. The District Attorneys as a group shall review the matter and issue a decision which is final and binding.
- 9.4.5** When the District Attorneys request a job analysis of one or more positions, the employee occupying these positions shall be required to fill out a Job Analysis Questionnaire (this form can be found in the Appendix), signed and reviewed by their supervisor and the respective District Attorney.
- 9.4.6** When the information on the Job Analysis Questionnaire form, available from the Administrative Office of the District Attorneys, appears to be insufficient, a job analysis shall be performed by the District Attorney or their designee.

[10.4.2.9NMAC-Rp, NMDAA91-1.1.05, 6/30/2010]

**TITLE 10
CHAPTER 4
PART 3**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
COMPENSATION PLAN**

1. **ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.3.1NMAC-N, 6/30/2010]
2. **SCOPE:** This part sets forth the rules for the establishment, maintenance and administration of an equitable, uniform compensation plan which shall be applicable to all positions in the Offices of the District Attorneys and the Administrative Office of the District Attorneys.

[10.4.3.2NMAC-Rp, NMDAA91-1.2.01, 6/30/2010]
3. **STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.3.3NMAC-N, 6/30/2010]
4. **DURATION:** Permanent.
5. **EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.3.5NMAC-N, 6/30/2010]
6. **OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.3.6NMAC-N, 6/30/2010]
7. **DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
8. **ESTABLISHMENT OF COMPENSATION PLAN**
 - 8.1. The Compensation Plan shall consist of the approved Classification and Salary Schedule, the rules governing the administration of the Personnel and Compensation Plan, approved job specifications and an employee performance appraisal form.
 - 8.2. Based on an approved methodology of job measurement, each classification shall be assigned a salary range that reflects the job content, accountability, job context and salary comparability. All employees shall be paid in accordance with the rates shown in the official Salary Schedule.
 - 8.3. The Classification and Salary schedule shall consist of, but not be limited to, classifications or class titles, salary ranges and the minimum, midpoint and maximum rates of pay for all classes.

[10.4.3.8NMAC-Rp, NMDAA91-1.2.03-A, 6/30/2010]

9. NEW EMPLOYEE'S ENTRANCE SALARY

9.1. A District Attorney may pay a newly hired employee from the minimum rate to the midpoint of the salary range of the appointed class. The salary placement above the minimum rate must be based on the following documented assessments.

9.1.1 The employee possesses training and/or experience substantially above the minimum qualifications required for the class and the District Attorney determines that the employee is exceptionally well qualified for the position.

9.1.2 Other factors may include the availability of suitable applicants, geographic location and special circumstances affecting the applicant or the District Attorney.

9.2. The District Attorney must base salary placement above the midpoint on documented assessment of the new employee's relevant education, experience, salary history, review of salaries of current employees performing the same job, qualifications and other relevant factors. In such cases, the District Attorney, subject to fund availability, may pay the new employee at any rate up to fifteen percent (15%) above the midpoint compensation rate with the prior approval of the Board.

[10.4.3.9NMAC-Rp, NMDAA91-1.2.05-A, 6/30/2010]

10. REINSTATED EMPLOYEE ENTRANCE SALARY

10.1 An employee who has been granted an authorized leave of absence without pay upon returning to the same position or equivalent position shall be paid at the same rate paid at the time leave was granted. If a pay range adjustment has occurred during such an absence, the employee's pay rate shall be adjusted to the new minimum salary if the minimum of the new range is higher than the rate paid at the time leave was granted.

[10.4.3.10NMAC-RP, NMDAA91-1.2.06, 6/30/2010]

11. SALARY ADMINISTRATION

11.1 PROMOTION/RECLASSIFICATION

A promotion is a reassignment of an employee to a position with a higher salary range. Upon promotion, an employee's salary may be increased up to the mid-point of the new job class. Any increases beyond mid-point of the new job class must be justified in writing based on qualifications, years of experience, expertise, etc. with prior approval of the Board. No salary upon promotion may exceed the maximum rate of the new range.

11.2 REDUCTION IN CLASS

An employee may elect to or be placed in a job at a lower salary due to pending layoff or reduction-in-force or other reasons, if such position exists, with the approval of the District Attorney. When a reduction in class occurs, the employee's salary shall in no event be increased and shall be no greater than the maximum salary of that class.

11.3 DEMOTION

At the discretion of the District Attorney, an employee may be demoted to a position at a lower salary range, due to unsatisfactory job performance, misconduct or other disciplinary considerations. When an employee is demoted, his/her present salary must be reduced by at least five percent (5%), to a rate within the salary range of the class to which demoted and shall not exceed the maximum of the new salary range.

11.4 RANGE CHANGES

Subject to legislative approval, the salaries of all employees affected by range changes due to market pricing reviews, job measurement studies, and classification studies shall be adjusted to at least the minimum rate of the new salary range.

11.5 MERIT BASED SALARY INCREASES

Subject to legislative appropriations, employee performance appraisals may be the basis for merit-based salary increases. A merit-based salary increase, however, may not exceed the maximum salary level for an employee's job class according to the approved Salary Schedule.

11.6 TEMPORARY SALARY ADJUSTMENT

A District Attorney may grant a temporary salary adjustment, for up to six (6) months, to an employee who temporarily accepts the duties of a higher classification. The temporary salary adjustment shall not exceed ten percent (10%) of the employee's current salary. The District Attorney shall, at the end of the temporary job assignment, revert the employee to his/her previous salary, plus any pay increases for which the employee may have been eligible for.

11.7 BUDGETARY LIMITATIONS

All provisions of this chapter relating to payment of salaries are contingent upon funds being available.

11.8 EFFECTIVE DATE OF SALARY CHANGES

The effective date of all salary changes provided for in this chapter shall be the first day of a pay period following approval by the District Attorney.

11.9 OUT-OF-CYCLE SALARY INCREASE

11.9.1 An employee may be awarded an out-of-cycle salary increase. Documentation must exist that justifies the increase. Employees will be limited to one (1) out-of-cycle salary increase per fiscal year, not including adjustments or other increases as approved and appropriated by the legislature. The increase shall not exceed fifteen percent (15%) of an

incumbent's current hourly rate.

11.9.2 The following requirements must be met when requesting out-of-cycle salary increases.

- 11.9.2.1** An out-of-cycle salary increase shall not be granted to a new employee unless the employee has completed a period of at least six (6) months in the same position.
- 11.9.2.2** An out-of-cycle salary increase shall not affect the date on which an employee is eligible for any other increase in salary.
- 11.9.2.3** An out-of-cycle salary increase shall not be requested unless adequate funds exist in the current budget. It may only be funded through vacancy savings or other approved revenues as long as the increase does not result in a request for a deficiency or supplemental appropriation from the Legislature nor for emergency funding from the State Board of Finance.
- 11.9.2.4** An out-of-cycle salary increase may be in the form of either a lump sum payment or an increase to an employee's base hourly rate.
- 11.9.2.5** An out-of-cycle salary increase shall not be requested if an employee's last performance appraisal did not reflect a rating of "meets expectations," or higher.
- 11.9.2.6** All out-of-cycle salary increases shall be justified in writing to the Personnel Review Board utilizing the Request for Out of Cycle Salary Increase form and based on at least one of the following criteria.
 - 11.9.2.6.1** An employee's assigned duties have significantly exceeded the expected and established job requirements of the employee's job class, and his/her performance remains at a fully effective level or higher.
 - 11.9.2.6.2** An employee's performance of duties will involve overcoming unusual prolonged difficulties.
 - 11.9.2.6.3** An employee's performance will involve special effort or special innovations resulting in significant economic savings and/or improvements.
 - 11.9.2.6.4** An employee's salary is not comparable to his/her level of performance or job responsibility when compared with employees in similar positions with similar work experience.

11.9.2.6.5 An employee has been offered a job, **in writing**, by an employer outside of this Personnel Compensation Plan and an incentive for emergency retention purposes is warranted.

11.9.3 The Administrative Office of the District Attorneys must submit an approved request form (Request for Out-of-Cycle Salary Increase) which shall be sent to both the Department of Finance and Administration and the Legislative Finance Committee analysts assigned to the District Attorneys.

11.9.4 All out-of-cycle salary increases shall be approved by the District Attorney Personnel Review Board.

[10.4.3.11NMAC-N, 6/30/2010 revised 06/15/2017]

**TITLE 10
CHAPTER 4
PART 4**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
APPOINTMENT OF EMPLOYEES**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.4.1NMAC-N, 6/30/2010]
- 2. SCOPE:** This part sets forth the framework for the appointment of employees to certain positions in the Office of the District Attorney.

[10.4.4.2NMAC-Rp, NMDAA91-1.3.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.4.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.4.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.4.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.4.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. APPOINTMENT TO PERMANENT POSITIONS**
 - 8.1** Permanent positions have no expiration date and have been funded by the Legislature. Permanent positions may be filled by either covered or at will employees.
 - 8.2** Employees appointed to permanent positions designated as covered shall serve a probationary period. Upon satisfactory completion of the probationary period they shall have all of the privileges of covered employees.

[10.4.4.8NMAC-N, 6/30/2010]

9. APPOINTMENT TO TERM POSITIONS

- 9.1** Term positions have an expiration date and may be funded by the legislature, a federal grant and/or some other revenue source. Term positions may be filled by either covered or at will employees.
- 9.2** Employees appointed to term positions designated as covered shall serve a probationary period. Upon satisfactory completion of the probationary period they shall have all of the privileges of covered employees, except the right to appeal the expiration of appointment.
- 9.3** The duration of term appointments and compensation and salary increases for term appointments are dependent upon the funding for the position.
- 9.4** Employees accepting a term appointment shall sign a statement indicating that they understand and accept the conditions of the term appointment.
- 9.5** The expiration of term appointments shall not be considered a layoff or a disciplinary action within the meaning of these rules.

[10.4.4.9NMAC-Rp, NMDAA91-1.3.05, 6/30/2010]

10. APPOINTMENT TO TEMPORARY POSITIONS

- 10.1** Temporary positions have a duration of less than one (1) year.
- 10.2** Employees appointed to temporary positions shall be required to sign a statement of willingness to accept a temporary appointment in the Office of the District Attorney.
- 10.3** Employees appointed to temporary positions may be terminated at will by the District Attorney. Temporary employees have no rights to utilize grievance procedures and the appeals provisions in these rules.
- 10.4** The expiration of a temporary appointment shall not be considered a layoff or disciplinary action within the meaning of these rules.

[10.4.4.10NMAC-Rp, NMDAA91-1.3.06, 6/30/2010]

11. APPOINTMENT TO PART-TIME POSITIONS

Employees appointed to part-time positions must be scheduled to work less than eighty (80) hours each pay period. The appointment may be temporary, term or covered. Employees appointed to part-time positions, with the exception of temporary employees, shall receive prorated compensation and leave accruals and are entitled to all the rights pursuant to the District Attorney Personnel and Compensation Act and these rules.

[10.4.4.11NMAC-Rp, NMDAA91-1.3.07, 6/30/2010]

**TITLE 10
CHAPTER 4
PART 5**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
REDUCTION IN FORCE**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.5.1NMAC-N, 6/30/2010]
- 2. SCOPE:** This part sets forth the layoff procedure affecting covered employees in the event of a reduction in force.

[10.4.5.2.NMAC-Rp, NMDAA91-1.4.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.5.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.5.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.5.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.5.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. LAYOFF/FURLOUGH PROCEDURE**

 - 8.1** When a covered position cannot be continued due to the lack of work, lack of legislatively appropriated funds or other reasons that do not reflect discredit on the services of employees, the District Attorney may order a reduction in personnel.
 - 8.2** A District Attorney may propose to divide his/her office into organizational units based on the needs of the office for purposes of layoff. Such organizational units may be recognized on the basis of geographic area, function or classification and may be different for different classifications.
 - 8.3** The order of layoff due to reduction in force shall be based upon type of appointment, classification and length of uninterrupted service with the District Attorney's Office where employed.

- 8.4** Employees in that Classification Series to be affected by a layoff shall be given two (2) weeks written notice of such action.
- 8.5** For layoff purposes, employees in the various organizational units shall be laid off in the following order:
- 8.5.1** Temporary employees,
 - 8.5.2** Probationary employees in term positions,
 - 8.5.3** Probationary employees in permanent positions,
 - 8.5.4** Covered employees in term positions and
 - 8.5.5** Covered employees in permanent positions.

8.6 FURLOUGH

- 8.6.1** The plan shall be submitted to the Personnel Review Board for approval at least 30 business days prior to action being taken. The plan shall include the criteria to be used to determine the order of furlough and the order in which affected employees will be returned to pre-plan status.
- 8.6.2** Notification in writing shall be given to the affected employee at least fifteen (15) business days prior to furlough.
- 8.6.3** An employee has no grievance rights with regard to furlough actions.

[10.4.5.8NMAC-Rp, NMDAA91-1.4.03, 6/30/2010 revised 09/26/2016]

9. RECALL RIGHTS

- 9.1** For a period of six (6) months following a layoff or furlough, affected employees shall be given priority for reinstatement to their former positions at the same pay or to a similar position for which they qualify at a lower, equivalent or higher rate of pay in the reverse order in which they were laid off (refer to sections 8.3 and 8.5).
- 9.2** The District Attorney shall advise the employee to be recalled by certified or registered United States mail. Laid off employees have the responsibility of keeping the District Attorney informed as to their current mailing address.
- 9.3** Recall rights shall cease:
- 9.3.1** Six (6) months after the effective date of layoff;
 - 9.3.2** When an employee refuses to accept employment with the District Attorney in a position for which they are qualified and for which the pay is the same or comparable to that of the position from which they were laid off;

- 9.3.3** When an employee unconditionally accepts another position with the District Attorney;
- 9.3.4** When a former employee fails to respond to an offer of re-employment; or
- 9.3.5** When a former employee who accepts re-employment after layoff fails to occupy the position within the allotted time.

[10.4.5.9NMAC-Rp, NMDAA91-1.4.04, 6/30/2010 revised 06/23/2016]

**TITLE 10
CHAPTER 4
PART 7**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
ATTENDANCE AND LEAVE**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.7.1NMAC-N, 6/30/2010]
- 2. SCOPE:** This part sets forth the rules governing the attendance and leave of employees in the office of the district attorneys.

[10.4.7.2NMAC-Rp, NMDAA91-1.6.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.7.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.7.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.7.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.7.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. HOURS OF WORK**

 - 8.1** The standard work week for full-time, covered employees shall be forty (40) hours. All full-time and part-time employees shall be required to be present on their assigned job for the total hours in the established work week, unless absent with authorization.
 - 8.2** Required attendance at training courses shall be considered as hours worked.
 - 8.3** When an employee is in official travel status under the law, time spent in travel beyond the normal work day shall be considered as hours worked.
 - 8.4** The standard lunch period for all employees shall be one (1) hour each day and any deviations shall be approved by the District Attorney.

- 8.5** All employees may be permitted one work break during the first half of their work day and one work break during the second half. No single work break shall exceed fifteen 15 minutes. Employees are not permitted to accumulate unused work breaks.

[10.4.7.8NMAC-Rp, NMDAA91-1.6.03, A-6/30/2010]

9. RECORD KEEPING

- 9.1** Each District Attorney's Office is required to keep an accurate record of all hours worked by each employee. A record of all authorized leaves of absence taken by employees pursuant to these rules, shall be kept.
- 9.2** Falsification of any attendance or leave records shall be cause for dismissal of the employee or employees involved.

[10.4.7.9NMAC-Rp, NMDAA91-1.6.04, 6/30/2010]

10. OVERTIME

- 10.1** Overtime is calculated in terms of a work week beginning on Saturday and ending on Friday which is a fixed and regularly recurring period of one hundred sixty-eight (168) hours of seven (7) consecutive 24-hour periods. If an employee is required to work beyond forty (40) hours in a work week, overtime shall be compensated at time and a half. All overtime work must be authorized in advance by the District Attorneys or their designees.
- 10.2** Failure of an employee to work scheduled overtime may result in disciplinary action against that employee.
- 10.3** Law Enforcement Personnel are subject to overtime after more than 86 hours per pay period or fourteen consecutive days. However, public safety employees who work for public agencies with fewer than five (5) public safety employees engaged in law enforcement are totally exempt from overtime compensation. Therefore, law enforcement personnel in District Attorneys' Offices where this provision applies will not be paid overtime.
- 10.4** For purposes of overtime compensation, all leave, with the exception of State designated holidays, will not count as time worked.
- 10.5** Supervisors, subject to the approval of the District Attorney, may grant employees compensatory time in lieu of overtime pay at the rate of one and one-half (1 ½) hours off for every hour of overtime worked. This arrangement must be agreed upon by all parties before the overtime work is performed.
- 10.6** The employee must use any accumulated compensatory time within ninety (90) days after its accrual unless otherwise authorized by the District Attorneys or their designees and agreed upon by all parties. Accrued compensatory leave time shall be taken at a mutually agreeable time.

- 10.7** Upon separation of employment, unused compensatory time shall be paid at the employee's average rate per hour over the last three (3) years of employment or his/her present salary, whichever is greater.
- 10.8** If an employee accrues more than 240 hours of compensatory time, he/she may receive cash compensation at the rate of time and one-half for any additional overtime worked.
- 10.9** Some positions, as determined by the Personnel Review Board, may not be eligible for overtime compensation.

[10.4.7.10NMAC-Rp, NMDAA91-1.6.05, A-06/30/2010]

11. ANNUAL LEAVE

- 11.1** Annual leave shall be accrued by all eligible employees from the first day of employment. Eligible employees include all employees, except those in temporary positions. In the case of part-time employees, leave shall be accrued in proration to hours worked. For any service less than (1) one month, annual leave will be prorated.
- 11.2** All full-time employees who are eligible shall accrue annual leave as shown in the following table:
- 11.2.1** Ten (10) hours per month if less than four (4) years of service;
- 11.2.2** Eleven (11) hours per month if four (4) or more but less than eight (8) years of service;
- 11.2.3** Twelve (12) hours per month if eight (8) or more but less than twelve (12) years of service;
- 11.2.4** Thirteen (13) hours per month if twelve (12) or more but less than sixteen (16) years of service;
- 11.2.5** Fourteen (14) hours per month if sixteen (16) or more but less than twenty (20) years of service; and
- 11.2.6** Fifteen (15) hours per month if twenty (20) or more years of service.

Employment	Per pay period	Per month	Per year
Less than 4 years	4.62 hours	10 hours	120 hours
4 but less than 8 years	5.08 hours	11 hours	132 hours
8 but less than 12 years	5.54 hours	12 hours	144 hours
12 but less than 16 years	6.00 hours	13 hours	156 hours
16 but less than 20 years	6.46 hours	14 hours	168 hours
20 years or more	6.92 hours	15 hours	180 hours

- 11.3** Annual leave shall be accrued at the end of each pay period or on the last working day of the month depending on which alternative the District Attorney chooses. In the case of separation, annual leave shall be accrued on the last day the employee is on the payroll.
- 11.4** During leaves of absence with pay, an employee shall accrue annual leave.
- 11.5** During leaves of absence without pay or leave without pay, an employee shall not accrue annual leave.
- 11.6** The maximum carryover of accrued annual leave from one calendar year to the next is no more than two hundred forty (240) hours. Any excess must be used before the end of each calendar year or it shall be forfeited. Each District Attorney shall make every reasonable effort to advise employees of their annual leave status to avoid the loss of accrued leave by employees. The accrued annual leave of each employee shall be adjusted so that no employee begins a calendar year with more accrued annual leave than the maximum permitted.
- 11.7** Annual leave shall not be authorized prior to the time it is earned.
- 11.8** All annual leave shall be requested by the employee and approved in advance by the District Attorney or his/her designee.
- 11.9** An employee transferring into a District Attorney's Office from either the executive, judicial and/or legislative branches of New Mexico State Government or from another New Mexico District Attorney's Office may be credited with the employee's unused annual leave as negotiated by both parties.
- 11.10** Forfeiture of accrued annual leave as a disciplinary action shall not be authorized. No employee shall lose accrued annual leave because of promotion, demotion or transfer within a District Attorney's Office including a change of classification.
- 11.11** An employee who separates from the service of a District Attorney's Office shall be paid for the employee's total accrued annual leave not to exceed 240 hours.
- 11.12** An employee subpoenaed as an expert witness in a court or administrative hearing, not involving personal litigation or service with a District Attorney's Office shall use annual leave, and any expert witness fees shall be retained by the employee. The District Attorney shall not reimburse the employee for per diem or travel expenses incurred while serving as an expert witness.

[10.4.7.11NMAC-Rp, NMDAA91-1.6.06, A-6/30/2010 revised 06/23/2016]

12. SICK LEAVE

- 12.1** Sick leave shall be accrued by all eligible employees from the first day of employment. Eligible employees include all employees, except those in temporary positions. In the case of part-time employees, leave shall be accrued in proration to hours worked. For any service less than (1) one month, sick leave will be prorated.

- 12.2** All full-time employees who are eligible shall accrue eight (8) hours of sick leave per month as shown in the following table:

Per pay period	Per month	Per year
3.69 hours	8 hours	96 hours

- 12.3** Sick leave shall be accrued at the end of each pay period or on the last working day of the month depending on which alternative the District Attorney chooses. In the case of separation, sick leave shall be accrued on the last day the employee is on the payroll.
- 12.4** Sick leave shall be used only for an illness, injury or medical treatment of an employee or bereavement for or medical care of a relation by blood or marriage within the third degree or person residing within the employee's household. Abuse of sick leave shall be grounds for dismissal.
- 12.5** It is the responsibility of an employee to notify his/her supervisor within the first hour of their scheduled workday of an absence from work necessitating sick leave.
- 12.6** If the employee has hours available in annual leave or compensatory time, then these hours may be used in lieu of sick leave. When all types of leave are exhausted, the employee may be placed on leave without pay.
- 12.7** During leaves of absence with pay, an employee shall accrue sick leave.
- 12.8** During leaves of absence without pay or leave without pay, an employee shall not accrue sick leave.
- 12.9** Sick leave shall not be authorized prior to the time it is earned.
- 12.10** There shall be no limit on the number of sick leave hours an employee may accrue.
- 12.11** An employee transferring into a District Attorney's Office from either the executive, judicial and/or legislative branches of New Mexico State Government or from another New Mexico District Attorney's Office shall be credited with the employee's unused sick leave.
- 12.12** An employee who makes a false claim or who fails to cooperate in an investigation regarding his/her claim for sick leave shall not be paid for sick leave and shall be subject to disciplinary action including dismissal.
- 12.13** Forfeiture of accrued sick leave as a disciplinary action shall not be authorized. No employee shall lose accrued sick leave because of promotion, demotion or transfer within a District Attorney's Office, including a change of classification.

- 12.14** A certificate from a physician verifying the continued or recurring illness, injury or medical treatment may be required by the District Attorney. If the requested certificate is not provided, sick leave may be terminated and the employee ordered to return to work by a specific date or be subject to dismissal.
- 12.15** Employees affected by pregnancy, childbirth and/or related medical conditions must be treated the same as persons affected by other medical conditions
- 12.16** In accordance with Section 10-7-10, NMSA 1978, employees who have accumulated 600 hours of unused sick leave are entitled to be paid for additional unused sick leave at a rate equal to fifty percent (50%) of their hourly rate of pay for up to one hundred twenty (120) hours of sick leave. Payment for unused sick leave may be made only once per fiscal year on either the payday immediately following the first full pay period in January or the first full pay period in July.
- 12.17** In accordance with Section 10-7-11, NMSA 1978, immediately prior to retirement from the service, employees who have accumulated more than six hundred (600) hours of unused sick leave are entitled to be paid up to 400 hours of unused sick leave over and above the accumulated six hundred (600) hours of unused sick leave, at a rate equal to fifty percent (50%) of their hourly rate.
- 12.18** Upon separation of employment, accrued sick leave shall be forfeited except as provided in Section 12.17.

[10.4.7.12NMAC-Rp, NMDAA91-1.6.07, A-6/30/2010 revised 06/15/2017]

13. WORKERS' COMPENSATION POLICY

13.1 Purpose: Workers' compensations laws provide benefits to employees who suffer a work-related injury or illness. This policy establishes guidelines for reporting, investigating, monitoring, and managing workers' compensation claims made by General Services Department ("GSD") employees.

13.2. Definitions;

13.2.1 "Essential Function" means the fundamental job duties that the individual who holds the position must be able to perform with or without a reasonable accommodation.

13.2.2 "Health Care Provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or any other person determined by the Secretary of Labor (Federal) to be capable of providing health care services.

13.2.3 "Loss Prevention and Control Coordinator" means the agency loss prevention and control coordinator appointed in accordance with procedures and duties defined in 1.6.4.9 NMAC.

13.2.4 "Workers' Compensation Act" means a state law that under certain circumstances mandates payment of incurred medical costs and a partial reimbursement of lost wages to a state employee who sustains injury by

accident or illness arising out of and in the course of employment.

13.3 Policy;

13.3.1 Compliance with Laws: Workers' compensation claims made by the District Attorney's Office employees will be handled in accordance with the State of New Mexico Workers' Compensation Act. To the extent there exists a contradiction between the laws and this policy, the laws will control.

13.3.2 Reporting: District Attorney's Office employees shall report any work-related accident, injury, or illness, to their supervisor immediately after an accident's occurrence or the employee's knowledge of the injury (repetitive motion injuries, illness, etc.).

13.3.3 Investigation: An investigation of each work-related accident, injury, or illness, may be conducted so that an identification and analysis of the root cause of the work-related accident, injury or illness, and recommended corrective action or change to prevent recurrence of such work-related accident, injury or illness may be completed.

13.3.4 Cooperation with Investigation: All work-related accidents, injuries, or illnesses will be investigated by the injured employee's supervisor, or an appropriate person within the injured employee's department. The injured employee is expected to fully cooperate with the person conducting the investigation during the investigation or the reported work-related accident, injury or illness.

13.3.5 Health Care: In the event of a work-related accident or illness, it is our first priority is to ensure the employee receives prompt, reasonable, and necessary medical attention.

Employees who suffer a work-related accident, injury or illness will choose the initial health care provider for such injury or illness.

The employee's selection of health care provider shall be in effect for the first 60 days from the date of first treatment by the initially selected health care provider.

The District Attorney's Office reserves the right to change the employee's authorized health care provider thereafter.

13.3.6 Leave: Employees are required to use their leave (i.e. sick, annual, comp-time, personal leave day, leave without pay, etc.) to attend medical appointments, and will not be reimbursed for any time taken.

13.3.7 Modified Duty/Return-to-Work: The District Attorney's Office will make reasonable efforts to find work for employees who have been released in writing to work with modified or limited work restrictions imposed by the

authorized health care provider. Frequent and routine reporting of work restrictions imposed by an authorized health care provider is essential to ensuring this policy.

13.3.8 Discipline: Any employee who falsifies any document, misrepresents a material fact in connection with a workers' compensation claim, or otherwise fails to comply with this policy, may be subject to disciplinary action, up to and including dismissal, in addition to any other remedies provided by law.

13.4 PROCEDURES

13.4.1 Reporting Work Related Accident, Injuries or Illnesses;

13.4.1.1 Employee's Responsibilities: The District Attorney's Office employees shall report any work-related accident to their supervisor immediately after the accident's occurrence or the employee's knowledge of the injury (repetitive motion injuries, illness, etc.) regardless of whether the employee believes medical attention is needed. Under no circumstances should an employee report a work-related accident later than the next work day following the date of accident or the employee's knowledge of the injury or illness.

A "Notice of Accident" form must be completed by any employee who has had a work-related accident, injury or illness, regardless of whether the employee believes medical attention is needed. The "Notice of Accident Form" should be signed by both the employee and the employee's immediate supervisor, and then promptly given to the Human Resources Officer.

13.4.1.2 Supervisor's Responsibilities: Supervisors should immediately report the work related accident, injury or illness to the District Attorney or Supervising Attorney.

13.5 Return to Work

13.5.1 Employees who are released in writing to full duty after initial treatment should resume work for the remainder of the workday.

13.5.2 Employees released in writing to work at a later date should report to work as directed by the authorized health care provider.

13.5.3 Employees released in writing to work following a work related accident, injury or illness, must report to the District Attorney's Office's Human Resources Department and their immediate supervisor (in that order) prior to returning to work.

13.5.4 Employees released to work with modified or limited work assignments should report to their supervisor, and provide their supervisor with the parameters and limitations before resuming work activities

13.5.5 Employees who are not released in writing to work by the authorized health care provider will need to use leave (i.e. sick, annual, comp-time, personal leave day, leave without pay, etc.) for the first seven (7) workdays missed due to the accident, injury or illness for the time spent acquiring medical care.

13.5.6 The District Attorney's Office's Human Resources Department will keep the employee's immediate supervisor informed, in writing, of any modified or limited duty restrictions placed on the employee.

13.5.7 Employees who have suffered a work related accident, injury or illness that is compensable under the Workers' Compensation Act, and who are unable to perform the essential functions of their job, may be involuntarily or voluntarily separated from employment without prejudice.

14. FAMILY MEDICAL LEAVE ACT POLICY AND PROCEDURE

The District Attorney's Office provides leave according to the Family and Medical Leave Act of 1993 (FMLA), which provides for unpaid, job-protected leave to covered employees in certain circumstances.

14.1 Eligibility:

To qualify for FMLA leave, you must: (1) have worked for District Attorney's Office for at least twelve (12) months, though it need not be consecutive; (2) worked at least twelve hundred fifty (1,250) hours in the last twelve (12) months; and (3) be employed at a work site that has fifty (50) or more employees within seventy-five (75) miles.

14.2 Leave Policy:

If eligible, you may take up to twelve (12) or twenty-six (26) weeks of family or medical leave, whichever is applicable (as explained below), within the relevant twelve (12) month period defined below. While you are on FMLA leave, District Attorney's Office will maintain your group health insurance coverage at the same level and under the same circumstances as when you were actively working. Upon returning from approved FMLA leave, you have the right to be restored to the same job or an equivalent position, subject to the terms, limitations and exceptions provided by law.

14.3 Leave Entitlement:

You may take **up to twelve (12) weeks** of unpaid FMLA leave in a twelve (12) month period, which is defined as a "rolling" method that is measured backward from the date you use any FMLA leave for any of the following reasons:

- the birth of a son or daughter and in order to care for such son or daughter (leave to be completed within one year of the child's birth);
- the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter (leave to be completed within one year of the child's placement);
- to care for a spouse, son, daughter or parent with a serious health condition;
- to care for your own serious health condition, which renders you unable to perform any of the essential functions of your position; or
- a qualifying exigency of a spouse, son, daughter or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

You may take **up to twenty-six (26) weeks** of unpaid FMLA leave in a single, twelve (12) month period, beginning on the first day that you take FMLA leave to care for a spouse, son, daughter or next of kin who is a covered service member and who has a serious injury or illness related to active duty service, as defined by the FMLA's regulations (known as military caregiver leave).

14.4 Both Spouses Employed by District Attorney's Office:

Spouses who are both employed by the District Attorney's Office and eligible for FMLA leave may be limited to a:

- Combined total of twelve (12) weeks of leave during the 12-month period if leave is requested:
- for the birth of a son or daughter and in order to care for such son or daughter;
- for the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter; or
- to care for an employee's parent with a serious health condition Combined total of twenty-six (26) weeks in a single twelve (12) month period if the leave is either for:
- military caregiver leave; or
- a combination of military caregiver leave and leave for other FMLA-qualifying reasons.

14.5 Notice of Leave:

If your need for FMLA leave is foreseeable, you must give the District Attorney's Office at least thirty (30) days' prior written notice. If this is not possible, you must at least give notice as soon as practicable (within one (1) to two (2) business days of learning of your need for leave). Failure to provide such notice may be grounds for delaying FMLA-protected leave, depending on the particular facts and circumstances.

Additionally, if you are planning a medical treatment or a series of treatments or you are taking military caregiver leave, you must consult with the District Attorney's Office first regarding the dates of such treatment to work out a schedule that best suits the needs of both the employee or the covered military member, if applicable, and the District Attorney's Office.

Where the need for leave is not foreseeable, you are expected to notify the District Attorney's Office within one (1) to two (2) business days of learning of your need for leave, except in extraordinary circumstances. The District Attorney's Office has Family and Medical Leave Act request forms available from the Human Resources Department. Please submit a written request, using this form, when requesting leave.

14.6 Certification of Need for Leave:

If you are requesting leave because of your own or a covered relation's serious health condition, you and the relevant health care provider must supply appropriate medical certification.

The District Attorney's Office, at its expense, may require an examination by a second health care provider designated by the District Attorney's Office. If the second health care provider's opinion conflicts with the original medical certification, the District Attorney's Office, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The District Attorney's Office may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

The District Attorney's Office also reserves the right to require certification from a covered military member's health care provider if you are requesting military caregiver leave and certification in connection with military exigency leave.

14.7 Reporting While on Leave:

If you take leave because of your own serious health condition or to care for a covered relation, you must contact District Attorney's Office once (1) a week regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

14.8 Leave Is Unpaid:

FMLA leave is unpaid. You will be required to substitute any accrued and unused annual leave/comp time/ /sick leave/personal day for unpaid FMLA leave as described below:

- If you request leave because of a birth, adoption or foster care placement of a child, any accrued and unused paid leave will first be substituted for unpaid family/medical leave and run concurrently with your FMLA leave.
- If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued annual leave/comp time/sick leave/personal day will be substituted for any unpaid family/medical leave and run concurrently with your FMLA leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the twelve (12) or twenty-six (26) weeks (whichever is applicable) of the FMLA leave period. In no case can the substitution of paid leave time for unpaid leave time result in your receipt of more than one-hundred (100%) of your salary. Your FMLA leave runs concurrently with other types of leave, for example, accrued annual leave time that is substituted for unpaid FMLA leave and any state family leave laws, to the extent allowed by state law.

14.9 Medical and Other Benefits:

During approved FMLA leave, District Attorney's Office will maintain your health benefits as if you continued to be actively employed. If paid leave is substituted for unpaid FMLA leave, District Attorney's Office will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium through money order or cashier's check. Your health care coverage will cease if your premium payment is more than thirty (30) days late. If your payment is more than fifteen (15) days late, we will send you a letter to this effect. If we do not receive your premium payment within fifteen (15) days after the date of this letter, your coverage may cease. If you elect not to return to work for at least thirty (30) calendar days at the end of the leave period, you will be required to reimburse the District Attorney's Office for the cost of the health benefit premiums paid by District Attorney's Office for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control.

14.10 Exemption for Key Employees:

Key employees, defined as salaried and FMLA-eligible employees who are among the highest paid ten (10%) of all employees at a worksite or within seventy-five (75) miles of that worksite, may not be returned to their former or an equivalent position following FMLA leave if restoration of employment will cause substantial and serious economic injury to the operations of District Attorney's Office. This fact-specific determination will be made by District Attorney's Office on a case-by-case basis. District Attorney's Office will notify you if you qualify as a key employee, if the District Attorney's Office intends to deny reinstatement and of your rights in such instances.

14.11 Intermittent and Reduced Schedule Leave:

If medically necessary, FMLA leave occasioned by a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.

If leave is unpaid, the District Attorney's Office will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the District Attorney's Office may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

14.12 Returning from Leave:

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. Otherwise, you will not be permitted to resume work until it is provided.

[10.4.7.14NMAC-N, 06/30/2010 revised 08/11/2020]

15. LEAVE WITHOUT PAY

15.1 An employee may, upon request, be granted leave without pay for a period not exceeding twelve (12) months, provided the District Attorney deems such leave to be justified and not detrimental to the operations of the office.

15.2 The District Attorney may place an employee on involuntary leave without pay for up to twelve (12) months for the purpose of investigation of a violation of law or pending the disposition of criminal charges.

15.3 Employees do not accrue sick or annual leave or any benefits while on leave without pay.

15.4 Leave without pay may be granted only when the District Attorney can assure a position of like status and pay at the same geographic location upon the return of the employee from leave without pay. However, if the District Attorney cannot make such assurances, the employee may waive in writing those assurances and be granted the leave without pay.

[10.4.7.15NMAC-Rp, NMDAA91-1.6.09, A-6/30/2010]

16. ABSENCE WITHOUT LEAVE

16.1 Employees who fail to appear for work without authorized leave or who appear for work but are in violation of office policy governing their readiness for work shall be considered to be absent without leave.

- 16.2** Employees shall not be paid for any periods of absence without leave and shall not accrue sick or annual leave.

[10.4.7.16NMAC-Rp, NMDAA91-1.6.10, 6/30/2010]

17. ADMINISTRATIVE LEAVE

- 17.1** The District Attorney may authorize an employee administrative leave when it is in the best interest of the District Attorney's Office to do so.
- 17.2** An employee who has been duly appointed as a member of a public board or commission shall be entitled to administrative leave, with the consent of the District Attorney, to attend meetings provided such attendance does not adversely affect the performance of the employee's required duties.
- 17.3** Employees who are registered and eligible voters may absent themselves from work for two (2) hours for the purpose of voting between the time of the opening and the time of the closing of the polls. The District Attorneys or their designees may specify the hours during which the voter (employee) may be absent. This leave is not available to employees whose work day begins more than two hours subsequent to the time of opening the polls or ends more than three hours prior to the time of closing the polls.
- 17.4** Employees shall be entitled to administrative leave when appearing in obedience to a subpoena. Fees received as a witness during normal working hours, excluding reimbursement for meals, travel and overtime, shall be remitted to the District Attorney's Office.
- 17.5** Employees shall be entitled to administrative leave for serving on a federal, state, grand or petit jury. Fees received as a juror during normal working hours, excluding reimbursement for meals, travel and overtime, shall be remitted to the District Attorney's Office.
- 17.6** In no case shall administrative leave be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness. However, an employee may be granted annual leave in such cases with the approval of the District Attorney.

[10.4.7.17NMAC-Rp, NMDAA91-1.6.11, A-6/30/2010]

18. EDUCATIONAL LEAVE

Educational leave permits employees to pursue special training related to their employment. A District Attorney may grant an employee educational leave with or without pay.

[10.4.7.18NMAC-Rp, NMDAA91-1.6.12, A-6/30/2010]

19. MILITARY LEAVE - ACTIVE DUTY

19.1 An employee who is ordered to active duty (not active duty training) and presents a copy of the official orders or appropriate military certificate to the District Attorney shall be granted military leave with pay for the first fifteen (15) calendar days. After the paid military leave has been exhausted, the remainder of time they are on active duty must be taken as leave without pay, unless they elect to use their annual and /or compensatory leave.

19.2 Employees who enter active military duty are entitled to return to their former positions or to similar positions with the same pay provided they are still qualified to perform the duties of the position. Employees must notify the respective District Attorney's Office that they are eligible for re-employment within thirty (30) days of release from military service.

19.3 Upon re-employment, employees are entitled to be treated as though they never left for purposes of rights and benefits based upon length of service. The time spent in the military shall count for seniority, general pay increases and annual accrual rate purposes. Part-time employees shall receive prorated benefits.

19.4 Employees in the Reserves and the National Guard who are called to active duty shall first be granted any remaining military leave from the fiscal year normally used for training purposes and then be granted an additional fifteen (15) days of military leave, as authorized by the Governor.

[10.4.7.19NMAC-Rp, NMDAA91-1.6.13, A-6/30/2010]

20. MILITARY LEAVE - ACTIVE DUTY: TRAINING

20.1 Members of organized reserve units or the National Guard ordered to active duty training shall be given up to fifteen (15) working days of paid military leave per federal fiscal year. These fifteen (15) days are in addition to other authorized leave.

20.2 The Governor may grant members of the National Guard paid military leave for active duty training, in addition to that already given by law. Such additional leave must not exceed fifteen (15) working days per federal fiscal year.

20.3 Members of the State Defense Force shall be granted paid military leave to attend officially authorized training or instruction courses. Such leave applies only to full-time employees and must not exceed fifteen (15) working days per federal fiscal year.

- 20.4** Members of the Civil Air Patrol shall be granted military leave not to exceed fifteen (15) working days per calendar year for search and rescue missions.
- 20.5** Employees who are members of a reserve component of the United States Armed Forces shall, upon request, be granted unpaid leave for the period required to perform active duty for training or inactive duty training in the United States Armed Forces according to the provisions of 38 U.S.C. Section 2024. The employee may choose to utilize his/her annual leave for this purpose.

[10.4.7.20NMAC-Rp, NMDAA91-1.6.14, A-6/30/2010]

21. PERSONAL LEAVE

- 21.1** Employees in full-time positions who have completed at least one (1) year of service are entitled to two (2) personal leave day each calendar year. Employees in part-time positions who have completed at least one (1) year of service are entitled to a personal leave prorated to the hours worked.
- 21.2** The personal leave must be taken during eight (8) consecutive hours or, in the case of part-time employees, consecutive prorated hours.
- 21.3** The personal leave must be used within the calendar year that it was accrued, or it shall be forfeited.
- 21.4** Employees who do not take the personal leave shall not be paid for it upon separation from the service.
- 21.5** The personal leave may be used for any purpose the employee chooses. Such leave must be requested and approved in advance.

[10.4.7.21NMAC-Rp, NMDAA91-1.6.15, A-6/30/2010]

22. HOLIDAYS

- 22.1** The District Attorneys' Offices shall observe the dates published by the New Mexico Supreme Court as legal public holidays.
- 22.2** Covered employees required to work on the day a holiday is observed shall be paid at two (2) times the usual hourly rate of pay for all hours actually worked on the holiday.
- 22.3** When a full-time employee's scheduled non-work day falls on a day observed as a holiday, the employee shall be entitled to one other day off.
- 22.4** Employees must not be in a leave without pay status the normal work day immediately before and work day immediately after the holiday in order to be paid for the holiday.
- 22.5** Holidays which occur during an employee's vacation or sick leave will be charged to holiday time and not vacation or sick leave.

23. UNAUTHORIZED LEAVE

- 23.1** If an employee's request for leave of absence with or without pay is disapproved and the employee takes unauthorized leave, the District Attorney may place the employee on leave without pay and after an unauthorized leave of absence for three (3) consecutive workdays may consider the employee to have abandoned the position and resigned from the Office of the District Attorney. Employees who are deemed absent without leave shall not accrue annual or sick leave.

[10.4.7.23NMAC-N, 6/30/2010]

24. DONATION OF LEAVE

- 24.1** Employees may donate annual and/or sick leave (herein after referred to as "leave") to other employees in the District Attorney's pay plan for a serious health condition or the serious health condition of a family member as defined in the FMLA, with the approval of the District Attorney.
- 24.2** Each District Attorney's Office is required to maintain records of all donations which shall include but are not limited to the following information: name of donor; amount of annual and/or sick leave donated; name of recipient; amount of annual and/or sick leave used; a health care provider's description of the nature, severity and anticipated duration of the health condition provided by the employee or legally authorized representative; and any other pertinent information or documents requested by the District Attorney.
- 24.3** Supporting documentation for the request to either donate or receive leave shall be kept confidential and not subject to public inspection without the written consent of the employee.
- 24.4** An employee must have a minimum of forty (40) hours of leave in order to donate. The return of any leave shall be prorated.
- 24.5** The recipient of donated leave may not use such leave until first exhausting all accrued annual leave, sick leave, compensatory time and/or personal leave.
- 24.6** The Form "Request for Donation of Annual and/or Sick "Leave" shall be used by employees requesting donated leave, and the Form "Annual and/or Sick Leave Donation Disclosure," shall be used by employees donating leave. As authorized by the District Attorneys as a group, the "request for donation of annual and/or sick leave" forms and the "annual and/or sick leave donation disclosure" forms are created by the Administrative Office of the District Attorneys, and such forms are revised from time to time if authorized by the District Attorneys as a group. Current copies of the forms are maintained by, and are available from, the Administrative Office of the District Attorneys.

[10.4.7.24NMAC-N, 6/30/2010 revised 06/23/2016]

DISTRICT ATTORNEYS ANNUAL AND/OR SICK LEAVE DONATION FORMS:

**NEW MEXICO DISTRICT ATTORNEYS'
PERSONNEL & COMPENSATION PLAN**

Request for Donation of Annual and or Sick Leave

Date: _____ (Current)

TO: _____ (District Attorney/designee)

FROM: _____ (Employee requesting donation of
leave)

This request is for donation of annual and/or sick leave for the following reason:

Check and complete items 1 and/or 2 below and attach required information (items a, b & c)

1. _____ Self Reason: _____

2. _____ Family member Reason: _____

Name/relationship: _____

Attached are the details from a health care provider with specific information about:

- a. Nature of serious health condition
- b. Severity of serious health condition
- b. Duration of serious health condition

(Signature of employee requesting donation or authorized representative)

**NEW MEXICO DISTRICT ATTORNEYS'
PERSONNEL & COMPENSATION PLAN**

Annual and/or Sick Leave Donation Disclosure Form

I, _____ (print name), donate

_____ Hours of Annual

_____ Hours of Sick

to _____. I understand that any annual or sick leave remaining at the end of the emergency shall be prorated.

Name (Type or Print)

Date

Street Address

Signature

City, State, Zip

Social Security Number

[10.4.7.25NMAC-N, 6/30/2010 revised 06/23/2016]

**TITLE 10
CHAPTER 4
PART 8**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
EMPLOYEE PERFORMANCE APPRAISAL & DEVELOPMENT**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.8.1NMAC-N, 6/30/2010]
- 2. SCOPE:** Applicable to all positions in the Offices of the District Attorneys and the Administrative Office of the District Attorneys.

[10.4.8.2NMAC-Rp, NMDAA91-1.6.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.8.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.8.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.8.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.8.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. PURPOSE:** The purpose of completing an Employee Performance Appraisal & Development Form (see appendix) may be in order to achieve any of the following:
 - 8.1** To evaluate and assess an employee's performance, conduct, and ability in relation to the job requirements for their position:
 - 8.2** To inform an employee of strong and weak points as well as training needs and expected improvements:
 - 8.3** To compare an employee's performance to previously set goals;
 - 8.4** To establish performance goals for the coming year and to determine the steps necessary to achieve them;

- 8.5 To make fair, equitable, and legally defensible compensation decisions;
- 8.6 To recognize an employee's potential for promotion;
- 8.7 To assist in determining the order of layoff and reinstatement; and
- 8.8 As a basis for taking disciplinary action against an employee.

[10.4.8.8NMAC-N, 06/30/2010]

9. RESPONSIBILITY:

- 9.1 It is the responsibility of an employee's immediate supervisor to rate each incumbent's performance at least once a year. This individual shall be referred to as the "rater".
- 9.2 It is the responsibility of upper level management to review all Employee Performance Appraisal & Development Forms once they have been completed by the immediate supervisor. These individuals shall be referred to as the "reviewers". A reviewer is typically the rater's immediate supervisor.
- 9.3 It is incumbent upon all individuals designated as either a rater or a reviewer to attend training on the use of the District Attorney Employee Performance & Appraisal Form within one (1) year of being assigned to supervise an employee, or within one year of any changes to the existing Employee Performance Appraisal & Development Form or process.

[10.4.8.9NMAC-N, 06/30/2010]

- 10. PROCESS AND PROCEDURES:** The District Attorney Employee Performance Appraisal & Development Forms and an accompanying manual of detailed instructions can be found in the Appendix 10.4.8.11 NMAC (manual) 10.4.8.12 (forms), respectively.

[10.4.8.10NMAC-N, 6/30/2010]

**TITLE 10
CHAPTER 4
PART 9**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
DISCIPLINARY ACTION**

1. **ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.9.1NMAC-N, 6/30/2010]
2. **SCOPE:** This part sets forth the rules for the establishment, maintenance and administration of an equitable, disciplinary process which shall be applicable to all positions in the offices of the District Attorneys and the Administrative Office of the District Attorneys.

[10.4.9.2.NMAC-Rp, NMDAA91-1.8.01, 6/30/2010]
3. **STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.9.3NMAC-N, 6/30/2010]
4. **DURATION:** Permanent.

[10.4.9.4NMAC-N, 6/30/2010]
5. **EFFECTIVE DATE:** June 30, 2010, unless a later date is cited at the end of a section.

[10.4.9.5NMAC-N, 6/30/2010]
6. **OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.9.6NMAC-N, 6/30/2010]
7. **DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
8. **JUST CAUSE FOR DISCIPLINARY ACTION**
 - 8.1 A covered employee may be suspended, demoted or dismissed only for just cause which is any behavior that is inconsistent with the employee's obligation to the agency, even though no previous disciplinary actions have been taken.
 - 8.2 Just cause includes, but is not limited to; inefficiency, incompetence, misconduct, negligence, insubordination, continued unsatisfactory performance, unauthorized leave, failure to comply with any provisions of these rules or to meet a condition of employment as required by law, violation of the obligation of confidentiality imposed upon District Attorney employees, falsifying official records and/or documents, or violation of a felony or misdemeanor when the provisions of the Criminal Offender Employment Act NMSA 1978 apply.

[10.4.9.8NMAC-N, 6/30/2010]

9. TYPES OF DISCIPLINARY ACTIONS

- 9.1** Formal disciplinary actions include dismissal, demotion, suspension or written reprimand.
- 9.2** Informal disciplinary actions include a written or verbal warning and/or a written or verbal reprimand.
 - 9.2.1** The written reprimand must be signed by the District Attorney or the designee and the employee. The signature of the employee does not necessarily indicate concurrence with the written reprimand. Signature of the employee at least will indicate that he/she acknowledged receipt of the written reprimand.
 - 9.2.2** An employee may submit a written response or rebuttal to his/her supervisor's written reprimand which shall be included in the employee's personnel file.

[10.4.9.9NMAC-N, 6/30/2010]

10. FORMAL DISCIPLINARY PROCEDURE

- 10.1** The dismissal, demotion or suspension of a covered employee shall be accomplished according to the following procedure.
 - 10.1.1** The employee will be served by the District Attorney, or their designee, with a written notice of the proposed disciplinary action which shall:
 - 10.1.1.1** Cite the specific action or acts allegedly constituting just cause;
 - 10.1.1.2** Provide an explanation of the evidence that the District Attorney or their designee has;
 - 10.1.1.3** Specify what the proposed disciplinary action is; and
 - 10.1.1.4** State that the employee, or a representative of the employee's choosing, has five (5) working days from service of the notice to respond to the District Attorney or their designee in writing to the notice or to request an opportunity to be heard.
- 10.2** If the employee requests a pre-disciplinary review, the District Attorney or designee shall conduct such review within five (5) working days of the District Attorney's or designee's receipt of the request, unless the employee and the employer agree, in writing, to an extension of time. The review is not a formal evidentiary proceeding.

10.3 The District Attorney or their designee shall consider the employee's response, if any, and determine what action is appropriate within five (5) working days of the response. If the employee does not respond to the notice of proposed disciplinary action, the District Attorney or designee may proceed to determine the appropriate action and serve a notice of final decision no later than ten (10) working days after the employee receives the written notice of proposed action. The District Attorney or their designee may proceed with a notice of final decision before the end of the five (5) day period for response if the employee's response is received or the review is concluded prior to the expiration of this period.

10.4 The written notice of final decision must:

10.4.1 Specify the date of service of the notice of proposed disciplinary action;

10.4.2 Identify the specific acts constituting just cause, which may not include acts not specified in the notice of proposed disciplinary action;

10.4.3 Specify the disciplinary action, if any, to be taken;

10.4.4 Specify the effective date of the dismissal, demotion or suspension which must be at least 24 hours from the date of service; and

10.4.5 Inform the covered employee that the disciplinary action may be appealed to the District Attorneys Personnel Review Board within thirty (30) days of the effective date of the disciplinary action.

10.5 The disciplinary action will not be stayed, pending the completion of the appeal process.

[10.4.9.10NMAC-N, 6/30/2010]

**TITLE 10
CHAPTER 4
PART 10**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
APPEALS AND ADJUDICATION**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.10.1NMAC-N, 6/30/2010]
- 2. SCOPE:** This rule sets forth the rules for the establishment, maintenance and administration of an equitable appeals and adjudication process which is applicable to covered positions in the offices of the District Attorneys and the Administrative Office of the District Attorneys.

[10.4.10.2NMAC-Rp, NMDAA91-1.6.01, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.10.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.10.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010 unless a later date is cited at the end of a section.

[10.4.10.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys and the Administrative Office of the District Attorneys (AODA) a uniform, equitable and binding system of personnel administration.

[10.4.10.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. APPEALS PROCEDURE**
 - 8.1** A covered employee who is dismissed, demoted or suspended may, within thirty days after the dismissal, demotion or suspension, petition the board. The appellant and the agency whose action is reviewed shall have the right to be heard publicly and to present facts pertinent to the appeal. Failure by the covered employee to petition the Personnel Review Board (PRB) shall result in affirmation of the decision of the District Attorney's office.
 - 8.2** Formal rules of evidence shall not apply to appeals to the board.
 - 8.3** A record shall be made of the hearing, which shall be transcribed if there is an appeal to the district court. The cost of transcripts may be assessed by the court to the losing party on appeal.

- 8.4** Subsequent appeals may be heard, at the election of the appellant, either by the board or by a hearing officer selected by the state personnel office. If the appellant does not elect to have his case heard by a state-personnel-office-designated hearing officer as provided in this section, the board may designate a hearing officer who may be a member of the board to preside over and take evidence at any hearing held pursuant to this section. This latter hearing officer shall prepare and submit to the board a summary of the evidence taken at the hearing and proposed findings of fact. The board shall render a final decision on the appeal, which shall include findings of fact and conclusions of law.
- 8.5** If the appellant chooses to have the subsequent appeal heard by a state-personnel-office-designated hearing officer, the appellant shall elect in writing within twenty days (20) after filing the notice of appeal to have his appeal heard solely by a state-personnel-office-designated hearing officer. In the event of that election, the board shall promptly make that request to the state personnel office and promptly execute any and all documents necessary to implement this election. The state personnel office shall promptly arrange for the hearing officer without charge. This hearing officer shall have all of the rights, duties and responsibilities provided to the board by the District Attorney Personnel and Compensation Act, and that hearing officer's decision shall be binding and of the same force and effect as if the board itself had rendered the final decision.
- 8.6** If the board or the state-personnel-office-designated hearing officer finds that the action taken was without just cause, the board or the state-personnel-office-designated hearing officer may modify the disciplinary action or order the reinstatement of the appellant to his former position or to a position of like status and pay. When the board or the state-personnel-office-designated hearing officer orders a reinstatement of an appellant, the reinstatement shall be effective within thirty (3) days after the service of a written copy of the decision on the affected party. The board or the state-personnel-office-designated hearing officer may award back pay as of the date of the dismissal, demotion or suspension or as of such later date as the order may specify.
- 8.7** A party aggrieved by the decision of the board or the state-personnel-office-designated hearing officer made pursuant to this section may appeal the decision to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978

9. ADJUDICATION PROCEDURE

- 9.1** All adjudication procedures apply similarly to all presiding hearing officers.
- 9.2** Consolidation or joinder of cases shall occur accordingly:
- 9.2.1** The Board or the State Personnel Office-designated hearing officer may consolidate cases in which two (2) or more appealing employees have cases containing identical or similar issues.
- 9.2.2** The Board or the State Personnel Office-designated hearing officer may join the appeals of an appellant who has two or more appeals pending.
- 9.2.3** The Board or the State Personnel Office-designated hearing officer may

consolidate or join cases if it would expedite final resolution of the cases and would not adversely affect the interests of the parties.

9.3 MOTIONS

- 9.3.1** Any defense, objection, or request that can be determined on the merits prior to a hearing may be raised by motion before the deadline set by the Board or by the State Personnel Office-designated hearing officer, unless good cause is shown for the delay.
- 9.3.2** Responses to any motions shall be filed according to a schedule set by the Board or by the State Personnel Office-designated hearing officer.
- 9.3.3** During the course of a hearing, motions may be renewed or made for the first time, if such a motion then becomes appropriate.
- 9.3.4** The Board or the State Personnel Office-designated hearing officer may rule on all non-dispositive motions.

9.4 SANCTIONS

- 9.4.1** The Board or the State Personnel Office-designated hearing officer may impose sanctions upon the parties as necessary to serve the cause of justice including, but not limited to, the instances set forth below.
 - 9.4.1.1** When a party fails to comply with an order, including an order for taking a deposition, the production of evidence within the party's control, a request for admission and/or production of witnesses, the Board or the State Personnel Office-designated hearing officer may:
 - 9.4.1.1.1** Draw an inference in favor of the requesting party with regard to the information sought;
 - 9.4.1.1.2** Prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon testimony relating to the information sought;
 - 9.4.1.1.3** Permit the requesting party to introduce secondary evidence concerning the information sought; and
 - 9.4.1.1.4** Strike any part of the pleadings or other submissions of the party failing to comply with such request.
- 9.4.2** The Board or the State Personnel Office-designated hearing officer may refuse to consider any motion or other action which is not filed in a timely fashion.
- 9.4.3** The Board or the State Personnel Office-designated hearing officer may dismiss an appeal with prejudice or rule for the appellant if a party fails to defend or prosecute an appeal.

[10.4.10.9NMAC-as to paragraph A-Rp, NMDAA 91-9.9.01, as to paragraph B-Rp, NMDAA 91-1.9.02, 6/30/2010, as to paragraph C Rp, NMDAA 91-1.9.03, revised 06/15/2017]

10. PRE-HEARING CONFERENCE

- 10.1** At the pre-hearing conference, the parties shall submit to the Board or the State Personnel Office-designated hearing officer a proposed pre-hearing order which shall contain at least:
- 10.1.1** A statement of any contested facts and issues;
 - 10.1.2** Stipulation of those matters not in dispute;
 - 10.1.3** Identity of all witnesses to be called and a brief summary of their testimony;
 - 10.1.4** A list of exhibits;
 - 10.1.5** Requests for subpoenas; and
 - 10.1.6** A tentative hearing date.
- 10.2** The Board or the State Personnel Office-designated hearing officer, in cooperation with the parties, may further revise the pre-hearing order.
- 10.3** Any discussion concerning possible settlement of the appeal shall not be a part of the pre-hearing order nor may it be introduced at the hearing.

[10.4.10.10NMAC-Rp, NMDAA 91-1.9.04, 6/30/2010]

11. ADDITIONAL WITNESSES

Witnesses who were not identified at the pre-hearing conference must be identified to the opposing party and the Board or the State Personnel Office-designated hearing officer at least three working days prior to the hearing. The Board or the State Personnel Office-designated hearing officer may waive this Rule for good cause.

[10.4.10.11NMAC-Rp, NMDAA 91-1.9.05, 6/30/2010]

12. SUBPOENAS

- 12.1** The Board and the State Personnel Office-designated hearing officer have the power to subpoena witnesses and compel the production of books, papers, and any other materials pertinent to any investigation or hearing.
- 12.2** All applicable subpoenas rules apply.
- 12.3** In order to compel attendance at a hearing, the subpoena shall be received by the witness

at least 72 hours prior to the time the witness is to appear. The Board or the State Personnel Office-designated hearing officer may waive this rule for good cause shown.

12.4 Employees under subpoena shall be granted administrative leave.

[10.4.10.12NMAC-Rp, NMDAA 91-1.9.06, 6/30/2010 revised 11/17/2016]

13. HEARINGS

13.1 Notice of hearing shall be made by certified mail with return receipt requested at least fourteen (14) calendar days prior to the hearing, unless otherwise agreed to by the parties and the Board or the State Personnel Office-designated hearing officer.

13.2 The hearing shall be open to the public, unless the parties agree that it shall be closed.

13.3 A party may appear at the hearing through a representative, provided such representative has made a written entry of appearance prior to the hearing date.

13.4 The Board or the State Personnel Office-designated hearing officer may clear the room of witnesses not under examination, if either party so requests, and any person who is disruptive. The District Attorney is entitled to have a person in the hearing room during the course of the hearing, even if the person will testify in the hearing.

13.5 The District Attorney or his representative may make an opening statement. The appellant may then make an opening statement or wait until the District Attorney is through presenting his/her case.

13.6 The District Attorney shall present his/her evidence first.

13.7 Oral evidence shall be taken only under oath or affirmation.

13.8 Each party shall have the right to:

13.8.1 Call and examine witnesses and introduce exhibits;

13.8.2 Cross-examine witnesses;

13.8.3 Impeach any witness; and

13.8.4 Rebut any relevant evidence.

13.9 The hearing shall be conducted in an orderly and informal manner without adherence to the rules of evidence required in judicial proceedings. However, at least some non-hearsay evidence must support the decision reached.

- 13.10** The Board or the State Personnel Office-designated hearing officer may admit all evidence, including affidavits, if it is the type of evidence upon which responsible persons are accustomed to rely in the conduct of business. The Board or the State Personnel Office-designated hearing officer shall exclude immaterial, irrelevant or unduly cumulative testimony.
- 13.11** The Board or the State Personnel Office-designated hearing officer may take administrative notice of those matters of which courts of this state may take judicial notice.
- 13.12** The rules of privilege shall be effective to the extent that they are required to be recognized in civil actions in the district courts of the State of New Mexico.
- 13.13** The Board or the State Personnel Office-designated hearing officer shall consider only those allegations against the appellant included in the notice of final action.
- 13.14** The hearing shall be recorded by a sound-recording device under the supervision of the Board or the State Personnel Office-designated hearing officer.
- 13.15** The Board or the State Personnel Office-designated hearing officer may require post-hearing briefs and proposed findings of fact and conclusions of law.
- 13.16** Upon hearing the evidence and statements of the parties and after the necessary deliberation, the Board or the State Personnel Office-designated hearing officer shall issue a written decision within twenty (20) working days after the close of the record and send copies to the parties and their representatives. The decision, which shall be based upon the preponderance of the evidence, shall order either corrective action or dismissal of the appeal. The decision of the Board or the State Personnel Office-designated hearing officer shall be final. No further administrative appeal is authorized.

[10.4.10.13NMAC-Rp, NMDAA 91-1.9.07, 6/30/2010]

14. REINSTATEMENT

- 14.1** If the board or the State Personnel Office-designated hearing officer finds that the action taken was without just cause, the Board or the State Personnel Office-designated hearing officer may modify the disciplinary action or order the reinstatement of the appellant to his or her former position or to a position of like status and pay.
- 14.2** When the Board or State Personnel Office-designated hearing officer orders reinstatement of an appellant, the reinstatement shall be effective within thirty (30) calendar days after service of a written copy of the decision on the affected party. The Board or the State Personnel Office-designated hearing officer may award back pay as of the date of the dismissal, demotion or suspension or as of such later date as the reinstatement order may specify.

[10.4.10.14NMAC-Rp, NMDAA 91-1.9.08, 6/30/2010]

15. HEARING OFFICER

- 15.1** The hearing officer shall not participate in any adjudicatory proceeding if, for any reason, the hearing officer cannot afford a fair and impartial hearing to either party. Either party may request disqualification of the designated hearing officer for cause by filing an affidavit of disqualification within fourteen (14) calendar days of the pre-hearing order, and hearing on this disqualification shall occur prior to any other action of the Board or the State Personnel Office-designated Hearing Officer. The affidavit must state the particular grounds for disqualification. The designated hearing officer shall rule on motions for disqualification and an appeal of the ruling may be made to the Board within fourteen (14) calendar days of the hearing officer's ruling.
- 15.2** Appeals from employees of the District Attorney's Office shall be heard by the Board, a member of the Board designated as hearing officer or a State Personnel Office-designated hearing officer.
- 15.3** The hearing officer may dismiss an appeal with prejudice in accordance with the provisions of a settlement agreement approved by the hearing officer or upon the filing of a motion to withdraw the appeal at any time before the deadline for the completion of discovery.
- 15.4** The hearing officer may dismiss an appeal with prejudice upon the filing of a motion to withdraw the appeal after the deadline for the completion of discovery upon such terms and conditions as the hearing officer deems proper, up to and including the assessment of costs.
- 15.5** Persons shall not discuss the merits of any pending hearing or proceeding with the designated hearing officer or member of the Board unless both parties, and their representatives, are present.

[10.4.10.15NMAC-N, 6/30/2010 revised 11/17/2016]

16. APPEAL TO DISTRICT COURT

- 16.1** Any party aggrieved by the decision of the Board or the State Personnel Office-designated hearing officer made pursuant to this chapter may appeal the decision to the district court in the district in which he or she resides, is employed or maintains a principal office or to the District Court for the district of Santa Fe County. The appeal shall be initiated by filing a notice of appeal with the clerk of the appropriate district court within thirty (30) days after the service on that party of a written copy of the final decision of the board or the State Personnel Office-designated hearing officer. Upon appeal the district court shall affirm the decision of the Board or the State Personnel Office-designated hearing officer unless the decision is found to be:

16.1.1 Arbitrary, capricious or an abuse of discretion;

16.1.2 Not supported by substantial evidence; or

16.1.3 Otherwise not in accordance with law.

16.2 An appeal from the decision of the district court may be taken to the court of appeals in accordance with the rules of civil procedure.

[10.4.10.16NMAC-N, 6/30/2010]

**TITLE 10
CHAPTER 4
PART 14**

**PUBLIC SAFETY AND LAW ENFORCEMENT
DISTRICT ATTORNEYS
JOB SPECIFICATIONS**

- 1. ISSUING AGENCY:** Administrative Office of the District Attorneys

[10.4.14.1NMAC-N, 6/30/2010]
- 2. SCOPE:** Applicable to all positions in the offices of the District Attorneys and the Administrative Office of the District Attorneys, except where noted.

[10.4.14.2NMAC-N, 6/30/2010]
- 3. STATUTORY AUTHORITY:** Section 36-1A-1 through 36-1A-25 NMSA 1978.

[10.4.14.3NMAC-N, 6/30/2010]
- 4. DURATION:** Permanent.

[10.4.14.4NMAC-N, 6/30/2010]
- 5. EFFECTIVE DATE:** June 30, 2010 unless a later date is cited at the end of a section.

[10.4.14.5NMAC-N, 6/30/2010]
- 6. OBJECTIVE:** To establish for all District Attorneys a uniform, equitable and binding system of personnel administration.

[10.4.14.6NMAC-N, 6/30/2010]
- 7. DEFINITIONS:** See Part 1 Section 7

[See 10.4.1.7 NMAC]
- 8. JOB SPECIFICATIONS:**

CLERK APPRENTICE

Purpose:

This position provides general office support in a limited clerical capacity.

Supervision:

Incumbent receives close supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent answers, screens and routes telephone calls, records messages; performs other clerical duties such as typing, filing, copying, etc., and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position of the clerk series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires basic knowledge of math and grammar, reading comprehension, basic office skills, basic typing/computer skills, and the ability to follow directions and policies.

Requirements:

Must be at least sixteen (16) years old or have a valid State work permit.

Preferred Qualifications:

Some work experience in an office setting.

CLERK

Purpose:

This position provides general office support in a clerical capacity.

Supervision:

Incumbent receives close supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent answers, screens and routes telephone calls; records messages; performs other clerical duties such as typing, filing, copying, etc.; greets and provides assistance to office visitors; receives and distributes incoming mail; prepares outgoing mail; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the clerk series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires knowledge of proper telephone and customer service etiquette, math and grammar, reading comprehension, good grammar skills, office skills, typing/computer skills, ability to communicate effectively, and ability to follow direction and/or policies.

Requirements:

High school diploma or GED.

Preferred Qualifications:

Any combination of education and/or work experience totaling at least one (1) year.

CLERK SPECIALIST

Purpose:

This position provides general office support in a specialized clerical capacity.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent performs specialized clerical duties which may include but are not limited to data entry, records/file maintenance and storage, data retrieval; answers, screens and routes telephone calls; records messages; performs other clerical duties such as typing, filing, copying, etc.; greets and provides assistance to office visitors; receives and distributes incoming mail; prepares outgoing mail; and performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position of the clerk series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of District Attorney's office records maintenance and retrieval, inter-personal skills, general math and language skills, reading comprehension, considerable typing/computer skills, ability to be accurate and efficient, and the ability to follow direction and/or policies.

Requirements:

High school diploma or GED and one (1) year related work experience.

Preferred Qualifications:

Any combination of education and/or work experience totaling at least two (2) years.

SECRETARY

Purpose:

This position provides basic secretarial assistance to office staff.

Supervision:

Incumbent receives close supervision from the assigned supervisor.

Examples of Work Performed

Incumbent prepares documents and correspondence; maintains calendars; files; answers telephones; prepares and maintains case files; contacts witnesses; performs data entry including Case Manage System (CMS) entry; transcribes; provides customer service; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position of the secretarial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires some knowledge of general office equipment, math skills; good grammar, reading, comprehension and proof reading skills; effective word processing skills, customer relations skills, filing skills; ability to communicate effectively, and follow directions and policies.

Requirements:

High school diploma or GED plus one (1) year work experience in related field.

Preferred Qualifications:

Two (2) years work experience and/or education in related field.

LEGAL SECRETARY

Purpose:

This position provides secretarial assistance to office staff.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent prepares legal documents and correspondence; assists in trial preparation; performs data entry including Case Management System (CMS) entry and merge document production; transcribes; maintains calendars; prepares and maintains case files; provides customer service; contacts witnesses; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the secretarial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires knowledge of the criminal justice system, general office equipment; good typing, word processing skills and operational knowledge of spreadsheet programs; good math, grammar and proof reading skills; Case Management System (CMS) skills and the ability to merge documents; the ability to prepare and draft legal documents; filing skills, and organizational skills; customer relations skills; ability to communicate effectively and follow directions and policies.

Requirements:

High school diploma or GED, plus two (2) years work experience in a related field.

Preferred Qualifications:

Three (3) years work experience and/or education in a related field.

SENIOR LEGAL SECRETARY

Purpose:

This position provides advanced secretarial assistance to office staff.

Supervision:

Incumbent receives general supervision from the assigned supervisor and may supervise other staff.

Examples of Work Performed:

Incumbent prepares legal documents and correspondence; performs advanced Case Management System (CMS) data entry; assists in trial preparation; attends court hearings; transcribes; maintains calendars; assists in office administrative functions; prepares and maintains case files; interacts with external agencies; provides advanced customer service; contacts witnesses; assists, trains and/or supervises other secretaries; and performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position of the secretarial series and may include supervisory duties.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of the criminal justice system, general office equipment; effective typing, word processing skills and advanced knowledge of spreadsheet programs; advanced math, grammar and proof reading skills; advanced Case Management System (CMS) skills; advanced merge documents skills, legal document preparation skills, filing skills, supervisory skills, and organizational skills; provides advanced customer relations skills; ability to communicate effectively and to follow directions and policies.

Requirements:

High school diploma or GED, plus three (3) years work experience in a related field.

Preferred Qualifications:

Four (4) years work experience and/or education in a related field.

LEGAL ASSISTANT SUPERVISOR

Purpose:

This position provides supervision and coordination of all secretarial functions.

Supervision:

Incumbent receives general supervision from the assigned supervisor and is required to supervise other staff.

Examples of Work Performed:

Incumbent prepares legal documents and correspondence; performs advanced Case Management System (CMS) data entry; assists in trial preparation; transcribes; maintains calendars; prepares and maintains case files; interacts with external agencies; provides advanced customer service; contacts witnesses; supervises and trains secretarial/clerical/and other applicable staff; prepares and conducts performance evaluations; assists in office administrative functions; makes recommendations concerning personnel matters and staff assignments; delegates tasks to relevant staff; and performs other related job duties.

Distinguishing Characteristics:

This is a supervisory level position of the secretary series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge of the criminal justice system, general office equipment and the day-to-day operations of a District Attorney's Office; effective supervisory and evaluation skills, advanced organizational skills, advanced typing, word processing skills and advanced knowledge of spreadsheet programs, advanced filing skills; advanced customer relations skills; advanced ability to communicate effectively and to follow directions and policies.

Requirements:

High school diploma or GED, plus four (4) years of work experience in a related field

Preferred Qualifications:

Six (6) years of work experience and/or post-secondary education in a related field, with at least three (3) years of experience being within a District Attorney office or criminal justice agency and includes at least one (1) year in a supervisory position.

[Revised 10/19/2015]

PROSECUTION ASSISTANT

Purpose:

This position provides support to prosecutors by facilitating the development and preparation of cases.

Supervision:

Incumbent receives supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent performs limited legal research and case preparation duties to include, location of witnesses; screen incoming cases for necessary reports and other correspondence; serves subpoenas and other process documents; organizes investigative files; prepares exhibits; drafts and prepares legal correspondence; provides logistical assistance related to witnesses and evidence; interacts with law enforcement and court personnel; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position of the prosecution support series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires some knowledge of the criminal justice system, knowledge of general office procedures and equipment; some analytical research and writing skills, organizational skills, basic computer skills; effective public relations and communication skills; and the ability to follow directions and/or policies.

Requirements:

High school diploma or G.E.D. plus at least two (2) years work experience and/or education in a related field.

Preferred Qualifications:

Associate degree in criminal justice or paralegal studies, plus two (2) years work experience and/or education in a related field.

PROSECUTION SPECIALIST

Purpose:

This position provides advanced support to prosecutors.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent performs advanced legal research and case preparation to include, locating, and interviewing witnesses; screens incoming cases for necessary reports and other correspondence; serves subpoenas and other process documents; organizes investigative files; prepares exhibits; drafts and prepares court documents and legal correspondence; provides logistical assistance related to witnesses and evidence; coordinates prosecution efforts with law enforcement; assist with jury selection and performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position of the prosecution support series.

Working Conditions:

Work is performed in an office/courtroom and community environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge of the criminal justice system and the District Attorney's Case Management System (CMS), knowledge of general office procedures and equipment; substantial analytical research and writing skills, excellent judgment and organizational skills, supervisory skills, advanced computer skills including audio-visual development and presentation skills; effective public relations and communication skills; and the ability to follow directions and/or policies.

Requirements:

Associates degree in criminal justice, paralegal studies or other related field and two (2) years work experience and/or education in a related field; or at least four years of work experience and/or education in a related field.

Preferred Qualifications:

Bachelor's degree in criminal justice or paralegal studies, plus two (2) years work experience or education in a related field; holds and maintains license requirements.

PROGRAM ASSISTANT

Purpose:

This position provides support and assistance to special programs within a District Attorney's Office.

Supervision:

Incumbent receives supervision and guidance from the assigned supervisor.

Examples of Work Performed:

Incumbent prepares, disburses, and maintains files and documents; arranges for services to be provided to clientele; maintains contact with clientele and other outside agencies as required; receives and monitors client payments; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position of the program series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, & Abilities:

This position requires some knowledge of the criminal justice system; knowledge of general office procedures and equipment; public relations and communication skills; basic math skills; good organizational skills; and the ability to follow direction and/or policies.

Requirements:

High school diploma or G.E.D, plus two (2) years of related work experience and/or education.

Preferred Qualifications:

Any combination of related work experience and/or education totaling at least four (4) years.

PROGRAM SPECIALIST

Purpose:

This position provides support and assistance to special programs within a District Attorney's Office.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent prepares disburses and maintains files and documents; assesses services to be provided to clientele; interviews and maintains contact with clientele; collaborates with other outside agencies as required; monitor program compliance and receives and monitors client payments; may be required to testify in court and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the program series, which primarily involves the provision of direct services to clients.

Working Conditions:

Work is performed in an office environment, but requires periodic site visits. Some physical effort and travel may be required.

Knowledge, Skills, & Abilities:

This position requires considerable knowledge of the criminal justice system; knowledge of general office procedures and equipment; public relations and communication skills; basic math skills; good organizational skills; ability to supervise and counsel clients, and the ability to follow directions and policies.

Requirements:

Bachelor's degree in Criminal Justice, Social Science or related field, or at least four (4) years work experience and/or education in the Criminal Justice system, Criminal Law, Human Services or other related field.

Preferred Qualifications:

Bachelor's degree plus two (2) years related work experience and/or education in the Criminal Justice system, Criminal Law, Human Services or other related field.

PROGRAM ADMINISTRATOR

Purpose:

This position provides implementation and administration of special programs within a District Attorney's Office.

Supervision:

Incumbent receives administrative supervision from the assigned supervisor. The incumbent may supervise other office staff.

Examples of Work Performed:

Incumbent assesses and provides services to clientele; maintains contact and interviews clientele; collaborates with other outside agencies as required; monitors program compliance and follows up with community service providers; may be required to testify in court; may assist with audit reports and performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position of the program series, which primarily involves the provision of direct services to clients and may or may not be a supervisory position.

Working Conditions:

Work is performed primarily in an office environment, but does require periodic site visits. Some physical effort and travel may be required.

Knowledge, Skills, & Abilities:

This position requires extensive knowledge of the criminal justice system; effective public relation and communication skills; good organizational skills; may require management and/or supervisory skills; ability to supervise and counsel clients; and the ability to follow policies and procedures.

Requirements:

Bachelor's degree plus two (2) years related work experience and/or education in, Criminal Justice, Criminal Law, Human Services, Social Sciences or related field.

Preferred Qualifications:

Bachelor's Degree plus four (4) years related work experience in Criminal Justice, Criminal Law, Human Services, Social Sciences or other related field.

SPECIAL PROGRAM DIRECTOR

Purpose:

This position provides management and oversight of special operations, functions, and/or programs within a District Attorney's Office.

Supervision:

Incumbent receives administrative direction from the District Attorney. Incumbent supervises staff as directed by the District Attorney.

Examples of Work Performed:

Incumbent manages specific programs within a District Attorney's Office which may include but are not limited to: investigations; budget and finance; pre-prosecution diversion; worthless checks; victim/witness assistance; domestic violence; etc. Duties may include, but are not limited to: initiating and overseeing criminal investigations; program budget preparation and administration; administration of federal funds; policy development and implementation; networking with community and law enforcement agencies; conducting training; managing and/or performing the duties related to fiscal and/or human resource activities; over-seeing the maintenance of all necessary files and records; managing prosecution support functions and case management; overseeing office security and maintenance; and coordinating staff development and supervision. The incumbent insures compliance with federal regulations, state statutes, policies and/or directives; and performs other related job duties.

Distinguishing Characteristics:

This is a management level position which serves at the pleasure of the District Attorney.

Working Conditions:

Work is performed in an office environment. Some physical effort and frequent travel may be required.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge of the criminal justice system, court proceedings and procedures within a District Attorney's Office, considerable knowledge of applicable state statutes, and knowledge of office management practices, and fiscal and human resource administration; effective public relations and communication skills, supervisory skills, good writing skills, analytical and decision-making skills, and a high level of organizational skills; and ability to organize and prioritize workloads and to manage multiple projects.

Requirements:

Bachelor's degree in criminal justice, public administration, business administration, social sciences or related fields plus four (4) years of related work experience; or any combination of experience and/or education in a related field totaling at least eight (8) years; which must include two (2) years supervision/administration experience.

Preferred Qualifications:

Master's degree in criminal justice, public administration, business administration, social sciences or related field plus two (2) years of related work experience; or any combination of experience and/or education totaling eight (8) years; which must include two (2) years supervision/administration experience.

VICTIM-WITNESS ASSISTANT

Purpose:

This position provides services to victims and witnesses of crimes.

Supervision:

Incumbent receives close supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent prepares victim and witness notification of court and non-court events; creates, organizes and maintains case files to include duties related to the maintenance of electronic files in the office case management system; assists victims with the completion of various documents related to restitution, compensation, and the return of property to victims; educates victims and witnesses regarding the criminal justice process; may accompany victims and/or witnesses to court proceedings; may provide direction to program volunteers; networks with community resources; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position of the victim-witness series.

Working Conditions:

Most work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to be on-call during non-working hours.

Knowledge, Skills, and Abilities:

This position requires some knowledge of the criminal justice system, court proceedings, and procedures within the District Attorney's office; communication and organizational skills; ability to prepare reports and correspondence; ability to work with diverse individuals and agencies.

Requirements:

Associates Degree in criminal justice, social sciences, or related field or at least two (2) years work experience in the criminal justice system, criminal law, human services, or other related field.

Preferred Qualifications:

Bachelor's Degree in criminal justice, social sciences, or related field; or four (4) years work experience in a related field.

[Revised 10/19/2015]

VICTIM-WITNESS SPECIALIST

Purpose:

This position provides services to victims and witnesses of crimes.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent prepares victim and witness notification of court and non-court events; creates, organizes and maintains case files to include duties related to the maintenance of electronic files in the office case management system; assists victims with the completion of various documents related to restitution, compensation, and the return of property to victims; educates victims and witnesses regarding the criminal justice process; accompany victims and/or witnesses to court proceedings; assists with the organization of volunteer training; networks with community resources and law enforcement agencies; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the victim-witness series which may be designated to provide services to specialized groups of victims.

Working Conditions:

Most work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to be on-call during non-working hours.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of the criminal justice system, court proceedings, and procedures within the District Attorney's office; effective communication and organizational skills; supervisory skills; ability to prepare statistical and routine reports and correspondence; and the ability to work with diverse individuals and agencies.

Requirements:

Bachelor's Degree in criminal justice, social sciences, or related field or at least four (4) years work experience in the criminal justice system, criminal law, human services, or other related field.

Preferred Qualifications:

Bachelor's Degree in criminal justice, social sciences, or related field plus two (2) years work experience in criminal justice, criminal law, human services, or other related field.

VICTIM-WITNESS COORDINATOR

Purpose:

This position provides services to victims and witnesses of crimes and may provide management and oversight of a victim unit.

Supervision:

Incumbent receives administrative and/or general direction from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent prepares victim and witness notification of court and non-court events; creates, organizes and maintains case files to include duties related to the maintenance of electronic files in the office case management system; assists victims with the completion of various documents related to restitution, compensation, and the return of property to victims; educates victims and witnesses regarding the criminal justice process; accompany victims and/or witnesses to court proceedings; assists with the organization of volunteer training; networks with community resources and law enforcement agencies; may supervise and/or manage other staff; may be required to handle more complex cases; may be required to author grant proposals; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the victim-witness series which may be designated to provide services to specialized groups of victims and may manage a victim-witness unit.

Working Conditions:

Most work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to be on-call during non-working hours.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of the criminal justice system, court proceedings, and procedures within the District Attorney's office; effective written and verbal communication skills, organizational skills, supervisory skills; ability to prepare statistical and routine reports and correspondence; ability to work with diverse individuals and agencies; grant writing and administration abilities.

Requirements:

Bachelor's degree in criminal justice, social sciences, or related field plus two (2) years work experience in the criminal justice system, criminal law, human services; or at least six (6) years work experience in related fields.

Preferred Qualifications:

Bachelor's Degree in criminal justice, social sciences, or related field plus four (4) years work experience in the criminal justice system, criminal law, human services, or other related field.

VICTIM-WITNESS ADMINISTRATOR

Purpose:

This position provides services to victims and witnesses of crimes and manages the victim-witness program of a District Attorney's office.

Supervision:

Incumbent receives administrative direction from the District Attorney or their designee. Incumbent shall supervise other staff.

Examples of Work Performed:

Incumbent manages the victim-witness program including program budget preparation and administration, employee supervision and development, administration of federally funded programs, development of program policies and procedures, coordination of volunteer program, acts as liaison with other community organizations; educates victims and witnesses regarding the criminal justice process; accompany victims and/or witnesses to court proceedings; organizes volunteer/intern training; networks with community resources and law enforcement agencies; may be required to handle more complex cases; authors grant proposals; and performs other related job duties.

Distinguishing Characteristics:

This is a management position of the victim-witness series which may be designated to provide services to specialized groups of victims and manages a victim-witness program.

Working Conditions:

Most work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to be on-call during non-working hours.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge of the criminal justice system, court proceedings, and procedures within the District Attorney's office; effective writing and verbal communication skills, organizational skills, effective management skills; ability to prepare statistical and routine reports and correspondence; ability to work with diverse individuals and agencies; and grant writing and administration abilities.

Requirements:

Bachelor's degree in criminal justice, social sciences, or related field plus four (4) years work experience in the criminal justice system, criminal law, human services, or other related field which must include direct services to victims; or at least eight (8) years work experience in related fields, which must include two (2) years supervision/administration experience.

Preferred Qualifications:

Bachelor's Degree in criminal justice, social sciences, or related field plus six (6) years work experience in the criminal justice system, criminal law, human services, or other related field which must include at least one (1) year direct service to victims, and which must include two (2) years supervision/administration experience.

[Revised 10/19/15]

INVESTIGATOR

Purpose:

This position provides investigative functions as required by a District Attorney's Office.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Example of Work Performed:

Incumbent may, depending on Certification status: locate witnesses; serve subpoenas and other process documents; execute warrants; interview witnesses; research investigative leads; provide logistical assistance with witnesses and evidence; testify in court; coordinate efforts with other law enforcement agencies; provide internal security within a District Attorney's Office; execute all powers and duties established by statute pertaining to peace officers; perform other related job duties.

Distinguishing Characteristics:

This is an entry level position of the investigator series.

Working Conditions:

Work is performed both in the office and in field investigations outside the office; considerable physical effort may be required. May be required to be on-call during non-working hours, at the discretion of the District Attorney. May encounter dangerous situations.

Knowledge, Skills, and Abilities:

This position requires knowledge of: criminal law, procedures, tactics and equipment; surveillance techniques; interview and interrogation skills; investigatory skills; writing skills; communication skills; ability to establish and maintain effective working relationships with other law enforcement agencies and other criminal justice system participants; ability to interact effectively with the public; ability to follow directions and policies of the District Attorney's Office; ability to use the District Attorney's Case Management system; ability to use NCIC if so certified.

Requirements:

High school diploma or GED; plus New Mexico Peace Officer Certification within the first year of employment at the discretion of the District Attorney.

Preferred Qualifications:

New Mexico Peace Officer Certification, plus one (1) year work experience, education and/or training in law enforcement, investigations or related field.

SENIOR INVESTIGATOR

Purpose:

This position provides advanced investigative functions required by a District Attorney's Office.

Supervision:

Incumbent receives supervision from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent may, depending on Certification and other direction: locate witnesses; serve subpoenas and other process documents; execute warrants; interview witnesses; research investigative leads; provide logistical assistance with witnesses and evidence; testify in court; coordinate efforts with other law enforcement agencies; provide internal security within a District Attorney's Office; execute all powers and duties established by statute pertaining to peace officers; provide training to other investigators; supervise other staff; perform other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the investigator series.

Working Conditions:

Work is performed both in the office and in field investigations outside the office; considerable physical effort may be required. May be required to be on-call during non-working hours, at the discretion of the District Attorney. May encounter dangerous situations.

Knowledge, Skills, and Abilities:

This position requires advanced knowledge of: criminal law, procedures, tactics and equipment; surveillance techniques; interview and interrogation skills; investigatory skills; supervisory and management skills; writing skills; communication skills; ability to conduct effective training; ability to establish and maintain effective working relationships with other law enforcement agencies and other criminal justice system participants; ability to interact effectively with the public; ability to follow directions and policies of the District Attorney's Office; ability to use the District Attorney's Case Management system; ability to use NCIC if so certified.

Requirements:

Associates degree in criminology, criminal justice, police science or a related field, or two (2) years work experience in related field, plus New Mexico Peace Officer Certification at the discretion of the District Attorney.

Preferred Qualifications:

New Mexico Peace Officer Certification, plus three (3) years work experience, education and/or training in law enforcement; investigations or related field.

LEAD INVESTIGATOR

Purpose:

This position provides advanced and complex investigative functions required by a District Attorney's Office, and may manage an Investigation Unit within a District Attorney's Office.

Supervision:

Incumbent receives administrative direction from the District Attorney or his/her designee.

Examples of Work Performed: Incumbent may: manage a criminal investigations unit; initiate and oversee criminal investigations; locate witnesses; serve subpoenas and other process documents; execute search and arrest warrants; interview witnesses; develop, research, and follow up on investigative leads; provide logistical assistance with witnesses and evidence; testify in court; coordinate efforts with other law enforcement agencies; provide internal security within a District Attorney's Office as well as courtroom security; execute powers and duties established by statute pertaining to peace officers; provide training to other investigators and law enforcement agencies; supervise other staff; perform other related job duties.

Distinguishing Characteristics:

This is the advanced level position of the investigator series.

Working Conditions:

Work is performed both in the office and in field investigations outside the office; considerable physical effort may be required. May be required to be on-call during non-working hours, at the discretion of the District Attorney. May encounter dangerous situations.

Knowledge, Skills, and Abilities:

This position requires advanced knowledge of: criminal law, procedures, tactics and equipment; surveillance techniques; interview and interrogation skills; investigatory skills; supervisory and management skills; writing skills; communication skills; ability to conduct effective training; ability to establish and maintain effective working relationships with other law enforcement agencies and other criminal justice system participants; ability to interact effectively with the public; ability to follow directions and policies of the District Attorney's Office; ability to use the District Attorney's Case Management system; ability to use NCIC.

Requirements:

Bachelor's degree in criminology, criminal justice, police science or a related field, or five (5) years' work experience in related field; which must include two (2) years supervision/administration experience, plus New Mexico Peace Officer Certification. Certification as a law enforcement instructor within one (1) year of entry into this position, at the discretion of the District Attorney.

Preferred Qualifications:

New Mexico Peace Officer Certification, plus five (5) years work experience, education and /or training in law enforcement; investigations or related field.

DISTRICT OFFICE MANAGER

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY

Purpose:

This position provides management and oversight of District Attorney Office operations, functions, and programs.

Supervision:

Incumbent receives administrative direction from the District Attorney or their designee. Incumbent supervises office support staff as directed by the District Attorney. Incumbent is accountable to the assigned budget analysts at Department of Finance & Administration and the Legislative Finance Committee. Incumbent is also accountable to the designated auditing firm for their respective agency.

Examples of Work Performed:

Incumbent manages the day-to-day operations of an office which may include, but is not limited to: managing and/or performing the duties related to fiscal and/or human resource activities; overseeing the processing of financial documents, the procurement process, administration of employee benefits, payroll processing, asset management, budget preparation and administration, and federal/state/local grant administration; communicating with other agencies, vendors, etc.; acting as the liaison with both the Legislative Finance Committee and Department of Finance & Administration for their respective agency; overseeing the maintenance of all necessary files and records; managing prosecution support functions and case management; overseeing office security and maintenance; and coordinating staff development and supervision. Incumbent may manage certain programs within a District Attorney's Office which may include but are not limited to: pre-prosecution diversion, worthless checks, victim/witness assistance; domestic violence, etc. The incumbent ensures the office's compliance with federal regulations, state statutes, policies and/or directives; and performs other related job duties as assigned.

Distinguishing Characteristics:

This is an executive management level position which serves at the pleasure of the District Attorney.

Working Conditions:

Work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to work extended hours during certain intervals during the year.

Knowledge, Skills, and Abilities:

This position requires some knowledge of the criminal justice system and considerable knowledge of office management practices, fiscal and human resource administration; effective public relations and communication skills, supervisory skills, conflict resolution skills, analytical and decision-making skills; ability to organize, prioritize and manage multiple projects and workloads.

Requirements:

Bachelor's degree in public administration, criminal justice, or related fields plus five (5) years of related work experience and/or education; or any combination of experience and/or education in a related field totaling at least nine (9) years, which must include two (2) years management/administration experience.

Preferred Qualifications:

Master's degree in public administration, criminal justice, or related fields plus five (5) years of related work experience and/or education; or any combination of experience and/or education in a related field totaling at least eleven (11) years, which must include two (2) years management/administration experience.

AODA DIRECTOR

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY

Purpose:

This position performs a variety of administrative and managerial duties as the agency director for the Administrative Office of the District Attorneys.

Supervision:

Incumbent receives administrative direction from the elected District Attorneys. Incumbent supervises AODA staff.

Examples of Work Performed:

Incumbent plans, develops and executes District Attorney's Case Management, administrative policy governing agency operations; implements, oversees, and evaluates agency management decisions and is responsible for multiple programs/projects; establishes agency accountability measures; participates in the preparation of documents for the office such as budgets, information technology plans, agency annual report; drafts legislation and testifies regarding legislative initiatives; acts as liaison for the District Attorney's with the Legislative Finance Committee and Department of Finance and Administration; oversees budgets involving multiple funding sources; grants administration; coordination of statewide trainings and supervises agency staff.

Distinguishing Characteristics:

This is an executive level position which involves the administration of a single agency. The incumbent acts on behalf of the New Mexico District Attorneys' Association, when so directed, and serves at the pleasure of the elected/appointed District Attorneys.

Working Conditions:

Work is performed in an office environment. Some physical effort and frequent travel may be required. May be required to work extended hours at certain intervals during the year.

Knowledge, Skills, and Abilities:

This position requires knowledge of the criminal justice system, public administration principles, office management practices, federal and state laws and regulations; highly effective writing and verbal communication skills, supervisory skills, analytical and decision-making skills; ability to plan and coordinate large scale projects involving numerous programs and individuals; ability to organize and prioritize workloads and manage multiple projects.

Requirements:

Bachelor's degree in public administration, criminal justice administration, or related field, plus seven (7) years of work experience in administration, management, or related field, which must include two years management/administration experience.

Preferred Qualifications:

Master's degree in Public Administration, Criminal Justice Administration or related field or Law degree, plus seven (7) years management/administration experience.

FINANCIAL ASSISTANT

Purpose:

This position provides support and assistance to fiscal and human resource operations.

Supervision:

Incumbent receives close supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent prepares and processes financial documents; assists in the procurement process, administration of employee benefits, payroll processing, maintenance of leave records; assists in budget preparation, communicates with other agencies, vendors etc., maintains all necessary files and records; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position within the financial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires some knowledge in the areas of general accounting practices, human resource assistant, general office procedures and equipment; must possess good communication and organizational skills, and the ability to follow directions and policies.

Requirements:

High school diploma or GED, and at least one (1) year related work experience and/or education.

Preferred Qualifications:

Any combination of experience and/or education in a related field totaling at least two (2) years.

FINANCIAL SPECIALIST

Purpose:

This position provides support and expertise to fiscal and/or human resource operations.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent may supervise office staff.

Examples of Work Performed:

Incumbent prepares and processes financial documents; assists in the procurement process, administration of employee benefits, payroll processing, asset management, and maintenance of leave records; assists in budget preparation and administration, grant administration; communicates with other agencies, vendors etc.; maintains all necessary files and records; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position of the financial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge in the areas of general accounting practices, human resource administration, general office procedures and equipment; public relations and communications skills, good organizational skills; ability to analyze and interpret financial information, and the ability to follow directions and policies.

Requirements:

High school diploma or GED, and at least three (3) years related work experience and/or education.

Preferred Qualifications:

Associates degree in accounting, business/public administration or other related financial field. Any combination of experience and/or education in a related field totaling at least four (4) years.

FINANCIAL SPECIALIST SUPERVISOR

Purpose:

This position provides support and expertise to fiscal and/or human resource operations.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent supervises office staff.

Examples of Work Performed:

Incumbent performs and supervises the activities related to the preparation and processing of financial documents; may assist in the procurement process, administration of employee benefits, payroll processing; asset management, assists in budget preparation and administration, grant administration; communicates with other agencies, vendors, etc.; maintains all necessary files and records; and performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position within the financial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge in the areas of general accounting practices, human resource administration, general office procedures and equipment; public relations and communications skills, some supervisory skills, good organizational skills; ability to analyze and interpret financial information, and the ability to follow directions and policies.

Requirements:

Associate's degree in accounting, business/public administration or other related financial field, or four (4) years related work experience and/or education, which must include two (2) years administration experience.

Preferred Qualifications:

Bachelor's degree in accounting, business/public administration or other related financial field, plus two (2) years of related work experience and/or education; or six (6) years related work experience and/or education, which must include two (2) years supervision/administration experience.

CHIEF FINANCIAL OFFICER/FINANCIAL MANAGER

Purpose:

This position provides office management functions which include management of fiscal and/or human resource operations.

Supervision:

Incumbent receives administrative supervision from the assigned supervisor, usually a District Attorney or their designee, or the AODA Director. Incumbent may supervise office staff. Incumbent also takes direction and is accountable to the assigned budget analysts at Department of Finance & Administration and the Legislative Finance Committee. Incumbent is also accountable to the designated auditing firm for their respective agency.

Examples of Work Performed:

Incumbent may manage and/or perform the duties related to fiscal and/or human resource activities; oversee the processing of financial documents, the procurement process, administration of employee benefits, payroll processing, asset management, budget preparation and administration, and federal/state/local grant administration; prepare audit statements and pre-audit reports; communicate with other agencies, vendors, etc.; act as the liaison with both the Legislative Finance Committee and Department of Finance & Administration for their respective agency. The incumbent ensures compliance with federal regulations, state statutes, policies and/or directives; and performs other related job duties as assigned or directed by law.

Distinguishing Characteristics:

This is a management level position within the financial series.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge in the areas of general and governmental accounting practices, human resource practices, general office procedures and equipment; effective public relations and communications skills, effective management and supervisory skills; a high level of organizational skills; ability to analyze and interpret financial information, ability to manage multiple projects and deadlines; and ability to follow directions and policies.

Requirements:

Bachelor's degree in accounting, business/public administration or other related financial field, plus two (2) years of related work experience and/or education; or eight (8) years related work experience and/or education, which must include two (2) years supervision/administration experience.

Preferred Qualifications:

Bachelor's degree in accounting, business/public administration or other related financial field, plus four (4) years of related work experience and/or education, which must include two (2) years supervision/administration experience.

HUMAN RESOURCE SPECIALIST

Purpose:

This position assists District Attorney Offices in the administration of the New Mexico District Attorneys' Personnel and Compensation Plan, and with a variety of human resource management issues.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent reviews personnel and position documents for plan compliance and accuracy; processes documents through the automated payroll and personnel system; may act as liaison to the District Attorneys' Personnel Review Board; assists with salary calculations, studies, human resource reports; provides information and administrative support; may assist with the coordination of training and general staff development activities; handles issues pertaining to loss control, FLSA, ADA, workers compensation, employee liability and mediation, and employee orientation; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position within the Human Resource series.

Working Conditions:

Work is performed in an office environment. Some physical effort and frequent travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of the District Attorneys' personnel and compensation plan, state personnel and payroll system, federal regulations, general office procedures and equipment; good public relations and communications skills, good organizational skills, good computer skills, good math skills, ability to follow directions and policies.

Requirements:

Associate's degree in management, human resources, business administration or other related field and two (2) years related work experience and/or education, or four (4) years related work experience and/or education.

Preferred Qualifications:

Associate's degree, and four (4) years related work experience or six (6) years related work experience and/or education.

HUMAN RESOURCE ADMINISTRATOR

Purpose:

This position assists District Attorney Offices in the administration of the New Mexico District Attorneys' Personnel and Compensation Plan.

Supervision:

Incumbent receives general supervision from the District Attorneys or their designees, or the AODA Director.

Examples of Work Performed:

Incumbent reviews personnel and position documents for plan compliance and accuracy; processes documents through the automated payroll and personnel system; may act as liaison to the District Attorneys' Personnel Review Board; assists with salary calculations, studies, human resource reports; provides information and administrative support; may assist with the coordination of training and general staff development activities; handles issues pertaining to loss control, FLSA, ADA, workers compensation, employee liability and mediation, and employee orientation. The incumbent ensures compliance with federal regulations, state statutes, policies and/or directives; and performs other related job duties as assigned or as directed by law.

Distinguishing Characteristics:

This is an advanced level position within the human resource series.

Working Conditions:

Work is performed in an office environment. Some physical effort and frequent travel may be required.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of the district attorneys' personnel and compensation plan, state personnel and payroll system, federal regulations, general office procedures and equipment; good public relations and communications skills, good organizational skills, good computer skills, good math skills, ability to follow directions and policies.

Requirements:

Bachelor's degree in management, human resources, business administration or other related field and two (2) years related work experience, or six (6) years related work experience and/or education.

Preferred Qualifications:

Bachelor's degree and at least four (4) years related work experience and/or education.

ASSISTANT TRIAL ATTORNEY

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY.

Purpose:

This position provides for the prosecution of criminal and non-criminal cases.

Supervision:

Incumbent receives general to intensive supervision as needed from the assigned supervisor.

Examples of Work Performed:

Incumbent handles a variety of misdemeanors and lower level felony cases, such as DWIs and bad check cases; does legal research for felony cases for higher level Attorneys; assists in trial teams; performs non-prosecution duties as assigned and performs other related job duties. Felony work is performed under supervision.

Distinguishing Characteristics:

This an entry level position of the attorney series. The incumbent is expected to become fully effective in this position within three years.

Working Conditions:

Work is performed in office and courtroom environments. Physical effort and travel may be required. Incumbent may be required to work under stressful situations and/or conditions.

Knowledge, Skills, and Abilities:

This position requires basic knowledge and skills in the areas of criminal prosecution, rules of evidence and rules of criminal procedure; public relations; organization; basic computer skills; ability to draft legal documents; ability to work effectively with other criminal justice agencies; ability to communicate effectively; ability to research and analyze information and situations. This position works independently and makes decisions within guidelines which include decisions to dismiss, proceed to trial or negotiate plea agreements. Seeks guidance from assigned supervisor and/or higher level attorneys.

Requirements:

J. D. degree and current license to practice law in New Mexico.

Preferred Qualifications:

Legal experience totaling up to at least one (1) year.

[Revised 10/19/16]

TRIAL ATTORNEY

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY.

Purpose:

This position provides for the prosecution of criminal and non-criminal cases.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent may supervise assigned support staff in doing their day-to-day work.

Examples of Work Performed:

Incumbent handles felony cases under supervision, for example adult and juvenile burglaries, property crimes, armed robberies, drug trafficking, mental commitments, probation violations; takes rotation as on-call attorney; performs legal research for other attorneys; assists in trial teams; performs non-prosecution duties as assigned; advises/assists entry level attorneys; performs other related job duties.

Distinguishing Characteristics:

This is the second level position of the attorney series. The incumbent is expected to become fully effective in this position.

Working Conditions:

Work is performed in office, courtroom, and community environments. Physical effort and travel may be required. Incumbent may be required to work under stressful situations and/or conditions.

Knowledge, Skills, and Abilities:

Position requires advanced knowledge and skills in the areas of criminal prosecution; rules of evidence and rules of criminal procedure; public relations; organization; basic computer skills including working knowledge of office systems; effective trial skills; ability to draft legal documents; ability to work effectively with other criminal justice agencies; mentor and guide less experienced attorneys; ability to communicate effectively; ability to research/analyze information and situations. Works independently and makes decisions within guidelines. Decisions made include approving/disapproving charges. Charging decisions are made with consultation of higher level attorneys for high level and/or profile crimes.

Requirements:

Licensed attorney in New Mexico, plus a minimum of two (2) years as a practicing attorney, or one (1) year as a prosecuting attorney.

Preferred Qualifications:

Two (2) or more years as a prosecuting attorney.

[Revised 10/19/16]

SENIOR TRIAL ATTORNEY

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY.

Purpose:

This position provides for the prosecution of criminal and non-criminal cases.

Supervision:

Incumbent receives general supervision from the assigned supervisor. Incumbent may provide supervision of employees and units (such as domestic violence unit). May provide input on employee development, discipline, etc.

Examples of Work Performed:

Incumbent may handle all levels of crimes. May undertake special projects such as community education projects and law enforcement training. Leads or assists in trial teams; performs other non-prosecution duties as assigned; supervises or mentors other attorneys and/or staff, performs training for staff; performs other related job duties.

Distinguishing Characteristics:

This is an advanced level position of the attorney series. The incumbent may demonstrate the ability to progress to the next level by acquiring relevant experience.

Working Conditions:

Work is performed in office, courtroom and community environments. Some physical effort and travel may be required. Incumbent may be required to work under stressful situations and/or conditions.

Knowledge, Skills, and Abilities:

This position requires comprehensive and current knowledge and skills in the areas of criminal prosecution, rules of evidence and rules of criminal procedure; public relations; organization and supervision; basic computer skills including working knowledge of office systems; fully effective trial skills; ability to draft legal documents; ability to work effectively with other criminal agencies; ability to communicate effectively; ability to research/analyze information and situations. Works independently with minimal consultation with supervisors (except for higher profile or complex cases). Significant prosecutorial discretion on cases within assigned case load.

Requirements:

Licensed attorney to practice law in New Mexico plus a minimum of four (4) years as a practicing attorney in criminal law or three (3) years as a prosecuting attorney.

Preferred Qualifications:

Five (5) to seven (7) years or more of relevant prosecution experience.

[Revised 10/19/16]

DEPUTY DISTRICT ATTORNEY

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY.

Purpose:

This position provides for the prosecution of criminal and non-criminal cases. The incumbent is contemplated to be a career prosecutor and/or provide management for an office division or bureau. The incumbent can act on behalf of the District Attorney as directed.

Supervision:

Incumbent receives supervision from a Chief Deputy District Attorney and/or the District Attorney.

Examples of Work Performed:

Incumbent may prosecute all cases, including high level or high profile cases. Incumbent possesses expertise in one or more areas of criminal prosecution; leads special prosecutions assigned by the District Attorney; supervises or mentors other attorneys and/or staff.

Incumbent may alternatively be a division/bureau head in a main or satellite office who handles cases as well as substantial administrative duties and tasks. Can act on behalf of the District Attorney as directed.

Distinguishing Characteristics:

This is an advanced level position of the attorney series. It can be either the career prosecutor position or a management/administrative position.

Working Conditions:

Work is performed in an office, courtroom, community, or legislative environment. Some physical effort and travel may be required. Incumbent may be required to work under stressful situations and/or conditions.

Knowledge, Skills, and Abilities:

The career prosecutor will have extensive and current knowledge in the areas of criminal prosecution; rules of evidence and rules of criminal procedure; organization and supervision; advanced trial skills; computer skills; audio-visual and office systems; ability to work effectively with other criminal justice agencies; ability to communicate effectively; ability to research/analyze information and situations.

The managing attorney will have supervisory experience as well as specialized management training. Incumbent will have in depth knowledge of office policies and procedures, applicable employment laws and public relations skills.

This position works with a high degree of autonomy and answers to the Chief Deputy or District Attorney. This position consults with the Chief Deputy and District Attorney on high profile cases.

Requirements:

Career prosecutor: Licensed attorney to practice law in New Mexico plus a minimum of six (6) years of relevant prosecution experience.

Managing attorney: Licensed attorney to practice law in New Mexico plus a minimum of six (6) years of relevant prosecution experience, which should include two (2) years administrative/management experience.

Preferred Qualifications:

Career prosecutor: Licensed attorney to practice law in New Mexico, plus eight (8) or more years of relevant prosecution experience.

Managing attorney: Licensed attorney to practice law in New Mexico, plus eight (8) or more years of relevant prosecution experience, including three (3) or more years of administrative/management experience.

CHIEF DEPUTY DISTRICT ATTORNEY

THIS IS AN AT WILL POSITION. THE ELECTED DISTRICT ATTORNEY HAS FINAL DISCRETION IN HIRING AND RETAINING FOR THIS POSITION, INCLUDING WHICH QUALIFICATIONS AND PERFORMANCE STANDARDS WILL APPLY.

Purpose:

This position is the highest level of administrative and/or management authority, excluding that of the District Attorney. The incumbent may prosecute certain high profile or other significant cases. The incumbent can act on behalf of the District Attorney in his/her absence or as directed.

Supervision:

Incumbent receives supervision from the District Attorney. Incumbent may supervise entire divisions within a large office or entire offices within a judicial district.

Examples of work performed:

The primary role is management, however incumbent may handle criminal cases at all levels. Incumbent will also mentor lower level attorneys. Represents District Attorney at official functions and before legislative bodies. May interact with the media and the community at a case or policy level. Ensures compliance by all other employees with the District Attorney's policies and directives and advises the District Attorney on employment issues. Performs other job related duties.

Distinguishing Characteristics:

This position is the highest administrative level of the attorney series and is characterized by the high level of trust, discretion and judgment vested in the incumbent by the District Attorney and the breadth of their responsibilities.

Working Conditions:

Work is performed in an office, community, courtroom or legislative environment. Some physical effort and travel may be required. Incumbent may be required to work under stressful situations and/or conditions.

Knowledge, Skills, and Abilities:

This position requires extensive and current knowledge and skills in the areas of criminal prosecution; rules of evidence and rules of criminal procedure; public administration; public relations; organization and supervisory; computer and office systems including the applicable budget system; knowledge of office budget and funding process; ability to draft legal and other office management documents; ability to work effectively with other criminal justice agencies; ability to communicate effectively; ability to research/analyze information and situations.

Requirements:

Licensed attorney to practice law in New Mexico, plus a minimum of six years as a practicing attorney in criminal law, plus a minimum of four (4) years supervision/administration experience.

Preferred qualifications: Licensed attorney to practice law in New Mexico, plus a minimum of six years as a prosecuting attorney and six (6) years supervision/management experience, preferably within the same District Attorney's office as the current position. Knowledge of office management/administration.

LAW CLERK

Purpose:

This position provides technical legal research, and document preparation within a District Attorney's Office.

Supervision:

Incumbent receives immediate supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent conducts legal research, prepares legal documents, files pleadings, and assists attorneys in case preparation as instructed; and performs other related job duties.

Distinguishing Characteristics:

This position functions primarily to provide legal research, writing and support for attorneys.

Working Conditions:

Work is performed in an office environment. Some physical effort and travel may be required.

Knowledge, Skills, and Abilities:

This position requires basic knowledge in the areas of criminal prosecution, rules of evidence, rules of criminal procedure, legal research and writing; organizational skills, basic computer skills; ability to effectively communicate verbally and in writing, ability to research and analyze information and situations.

Requirements:

Completion of a minimum of one year in an accredited law school.

Preferred Qualifications:

Law degree from an accredited law school.

INFORMATION TECHNOLOGY ASSISTANT

Purpose:

This position performs a variety of information systems support duties in a District Attorney's office or for a statewide system.

Supervision:

Incumbent receives general supervision from the assigned supervisor.

Examples of Work Performed:

Incumbent trains users in various software applications and case management; assists with basic hardware problems; installs hardware locally and remotely, may assist with office inventory; sets up applications for users; develops and maintains various data and statistical reports; performs liaison duties between users and higher level information systems staff; and performs other related job duties.

Distinguishing Characteristics:

This is an entry level position which primarily involves the technical support to users of an information system.

Working Conditions:

Work is performed in an office environment. Some physical effort and the ability to lift at least fifty (50) pounds are required. Frequent travel may be required. Consistent exposure to electrical devices.

Knowledge, Skills, and Abilities:

This position requires some knowledge of information systems technology, systems applications; software applications; data base and networking principals; effective communication skills; ability to analyze and recommend solutions to basic systems situations, ability to organize and prioritize workloads; ability to manage multiple projects simultaneously; ability to effectively complete work projects to ensure user satisfaction.

Requirements:

Associate's degree or certification from a technical/vocational school in computer science or related technical field; or two (2) years of directly related work experience and/or education in a related field.

Preferred Qualifications:

Associate's Degree in computer science or related technical field plus one (1) year of work experience in directly related field, and A+ certification which can be substituted for equivalent experience.

INFORMATION TECHNOLOGY ADMINISTRATOR

Purpose:

This position performs a variety of highly complex duties in support of an information system for a District Attorney's office or statewide network.

Supervision:

Incumbent receives general guidance and direction from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent controls, monitors, maintains and secures servers and telecommunications for an information system; configures and installs computers; researches and evaluates the integration of software systems within an information systems environment; researches and analyzes new data processing techniques and technologies; performs systems analysis, planning, documentation and maintenance, assists in the coordination and maintenance of a local area network; provides and directs client support and specialized curriculum development; evaluates disaster recovery resource requirements and makes recommendations to produce disaster recovery plans; and performs other related job duties.

Distinguishing Characteristics:

This is a mid-level position which primarily involves the technical support of information systems resources in an information systems environment.

Working Conditions:

Work is performed in an office environment. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Consistent exposure to electrical devices.

Knowledge, Skills, and Abilities:

This position requires considerable knowledge of information systems technology, operating systems, network and systems applications, systems tuning and optimization, effective writing and verbal communication skills, ability to effectively document and execute procedures; effective systems and analytical skills, effective supervisory skills; ability to analyze and recommend solutions to systems situations, ability to organize and prioritize workloads; ability to manage multiple projects simultaneously; ability to effectively complete work projects to ensure user satisfaction.

Requirements:

Associate's Degree in computer science or related technical field plus two (2) years of work experience and/or education in information systems, and/or systems design and analysis; or high school diploma or GED, plus four (4) years of directly related work experience and/or education in a related field.

Preferred Qualifications:

Bachelor's Degree in computer science or a directly related field plus two (2) years of work experience in information systems, and/or systems design and analysis.

INFORMATION TECHNOLOGY BUSINESS ANALYST

Purpose:

This position studies the overall business and information needs of an organization to develop appropriate information technology strategies.

Supervision:

Incumbent receives general guidance and direction from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Acts as liaison between business and information technology departments; responsible for gathering and documenting business requirements and translating them into functional system design specifications that can be successfully executed by IT development teams; participates in business planning; conducts needs analysis and business risk assessment; proactively identifies opportunities for re-engineering; ensure the customer systems and business requirements are met by monitoring available metrics and collecting customer feedback; develop and provide reports to customer area using database tools; leads business process redesign; test changes, enhancements, new programs and functions to ensure they meet customer requirements; provide training to customers on use, enhancements and new applications; acclimates the business processes to changes in technology and consults with the customer on how to best support the business through the effective use of technology.

Distinguishing Characteristics:

This is a mid-level position which primarily involves the technical support of information systems resources in an information systems environment.

Working Conditions:

Work is primarily performed in an office environment. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Exposure to electrical devices.

Knowledge, Skills, and Abilities:

Considerable knowledge of computer systems, operations and proprietary software; knowledge of interviewing, facilitation and other development techniques; ability to analyze data and work flow; ability in both general and technical writing; ability to interview users and identify their needs; ability to organize and manage projects; and the ability to communicate effectively.

Requirements:

Associate's Degree in a related field or four (4) years of directly related work experience, including four (4) years of work experience in the criminal judicial system.

Preferred Qualifications:

Bachelor's Degree in a related field, such as Information Technology/MIS or six (6) years of directly related work experience Project Management.

[Created 2012]

INFORMATION TECHNOLOGY NETWORK SPECIALIST

Purpose:

This position develops and applies technical expertise in communications network management. This position is responsible for monitoring, developing, testing, maintaining, installing, optimizing, and/or deploying network/communication technologies.

Supervision:

Incumbent receives general guidance and direction from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent configures, maintains, and troubleshoots the enterprise's advanced network and transport layer technology; tests and installs advanced network and transport layer hardware for the enterprise infrastructure; plan for design and advise on configuration of the enterprise's transport layer; performance tune and optimize assigned technologies in the enterprise's network and transport layers; design disaster mitigation and recovery plans for the enterprise communications infrastructure; produce and maintain documentation for the enterprise's network and transport layers; provide physical and virtual security for enterprise communications infrastructure technologies; mentor, train, and develop junior staff; supervise junior staff; gather data to identify customer needs and then uses that information to identify, interpret and evaluate system and network requirements.

Distinguishing Characteristics:

This is a mid-level position which primarily involves the technical support of information systems resources in an information systems environment.

Working Conditions:

Work is primarily performed in an office environment. Physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Consistent exposure to electrical devices.

Knowledge, Skills, and Abilities:

Knowledge of the techniques used in the installation and maintenance of communications hardware, basic wire and cable installation and peripherals; knowledge of the safe use and configuration of all related tools and technology; knowledge of system integration and interoperability; knowledge of network redundancy and diversity; skill in using advanced, vendor-specific diagnostic tools and software; skill in the application and use of related vendor-specific technology; skill in establishing and maintaining good working relations with clients, vendors and stakeholders; skill in conflict resolution and in understanding and incorporating differing points of view toward accomplishing a common goal.

Requirements:

Bachelor's degree in Computer Science or MIS and advanced technical certification such as Microsoft Certified Systems Engineer (MCSE) or Cisco Certified Network Professional (CCNP) or six (6) years of equivalent experience and education. Four (4) years relevant experience, and/or a combination of relevant experience and technical education, or network engineering certification will substitute for education on a year for year basis.

Preferred Qualifications:

Bachelor's degree in Computer Science or MIS and advanced technical certification such as

Microsoft Certified Systems Engineer (MCSE) or Cisco Certified Network Professional (CCNP)
plus at least three (3) years of experience.
[Created 2012]

INFORMATION TECHNOLOGY APPLICATIONS DEVELOPER

Purpose:

This position translates business and technical requirements into deployed business application systems.

Supervision:

Incumbent receives general guidance and direction from the assigned supervisor. Incumbent may supervise other staff.

Examples of Work Performed:

Incumbent generates code; generates reports that identify system generated code errors; tests and debugs code; maintains installed systems; collects and defines business requirements for applications; troubleshoots applications; produces and maintains documentation; designs technical requirements for an application; conducts application quality assurance tasks from a prescribed list of scripts; designs application database structures; manage full system development life cycle of projects; and performs system software and application audits.

Distinguishing Characteristics:

This is a mid-level position which primarily involves the technical support of information systems resources in an information systems environment.

Working Conditions:

Work is primarily performed in an office environment. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Consistent exposure to electrical devices.

Knowledge, Skills, and Abilities:

This position requires substantial knowledge of current applications, programming languages, planning and design techniques; computer systems operations and applications; data base processing theory and applications; data base concepts, file structures and record layouts; program testing and debugging procedures; systems development life cycle; principle and technique of screen and form design; ability to interpret flow charts, decision tables and documentation; skills in interpreting technical manuals and other written technical instructions; ability to manage technical projects; ability to translate user terminology and data processing concepts and data processing concepts into user terminology; and ability to research, analyze, assess and prescribe disaster prevention and recovery measures.

Requirements:

Bachelor's degree in Computer Science or Application Development; or advanced technical certification such as Microsoft Certified Database Administrator (MCDBA). Six (6) years relevant experience, and/or a combination of relevant experience and technical education, or application development certification will substitute for education on a year for year basis.

Preferred Qualifications:

Bachelor's degree in Computer Science or Computer Programming and advanced technical certification such as Microsoft Certified Database Administrator (MCDBA) plus at least three (3) years of experience.

[Created 2012]

APPLICATIONS DEVELOPMENT MANAGER (AODA)

Purpose:

This position manages the statewide software development initiatives.

Supervision:

Incumbent receives general direction from the District Attorneys and/or the AODA Director. Incumbent supervises other staff (AODA Applications Development staff and Case Management System staff).

Examples of Work Performed:

Incumbent manages statewide judicial initiatives for software development and implementation. Manage and direct the staff in activities related to the overall management of projects; train, supervise, evaluate, hire and motivate IT staff of two or more; schedule employees and technical resources, set work priorities and monitor status of projects; work with AODA management to identify statewide strategic planning initiatives, assist in developing annual IT plan and implementing IT directives; coordinate work efforts of the Applications Development Team with other IT groups and statewide District Attorney end-users to determine system requirements for new applications and enhancements; successfully bring new statewide entity applications and enhancements into production; develop and administer quality assurance strategies and practices, employ appropriate quality control methods; work with IT staff and end user to resolve complex problems; determine or develop systems architecture. Work in collaboration with agencies outside the judiciary (such as: DOC, DPS, JISC, and AOC) to develop and implement new inter-agency justice applications. Work with members of the statewide judicial community to determine how to automate current manual judicial entity processes; respond to end users when problems arise with judicial entity data and determine nature of problem and provide solution to problem; update maintenance tables as new information is added, changes needed or inconsistencies corrected; create specialized reports, queries and databases; perform database implementation and administration; demonstrate new and modified applications to end users; evaluate feedback to determine necessary reworking of the prototype(s); monitor and maintain system security; determine level of access; develop and administer role based security to ensure appropriate authentication and authorization to end-users, developers, and database administrators; determine training needs for staff, find and implement professional training and development programs; participate in recruitment and selection of new employees; meet with business analysts, end-users, and functional and technical management to discuss and resolve current issues and projects; evaluate emerging technology and techniques; determine priorities, review standards, procedures and results of completed work.

Distinguishing Characteristics:

This is an advanced-level position which primarily involves the management and technical support of information systems resources for a state-wide information systems environment.

Working Conditions

Work is primarily performed in an office environment, field or court setting. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Consistent exposure to electrical devices. Maybe required to work overtime.

Knowledge, Skills and Abilities: This position requires knowledge of project management techniques; enterprise IT trends and emerging technologies for statewide judicial software technology implementations; enterprise computer software, including database software,

structured query languages, programming languages, development tools, report writers; computer architecture and design; hardware and software technical requirements and specifications; approved hardware and software and the requirement of additional licenses; business and system integration analysis and design and implementation; database structure and table layouts; application development and business process documentation methodologies; application requirements and testing technologies; database schema, system analysis and design; data entry screen design and functional network design; IT software development standards and best practices; project reporting and tracking methods and techniques; administration and customer support best practices; capabilities and capacity of computer equipment, networking and applications; troubleshooting techniques. The ability to troubleshoot; research and analyze complex problems logically and recommend alternative courses of action; establish and maintain cooperative working relationships; participate in short and long-term strategic planning; assess skill levels of members within the team; learn and apply new software development methodologies and information technology tools; and manage time and resources effectively.

Requirements:

Bachelor's degree in business administration or management, project management, computer science, IT related engineering or other related field. Five (5) years of general IT experience, with three (3) years of technical experience including but not limited to technical project management, systems analysis and application development and two (2) years as a supervisor. Six (6) years relevant experience, and /or a combination of relevant experience and technical education will substitute for education on a year for year basis.

Preferred Qualifications:

Master's degree in business administration or management, project management, computer science, IT related engineering or other related field. Additional relevant education may substitute for experience at a rate of 30 semester hours equals one (1) year of experience. Education may not be substituted for the specific experience required. . Five (5) years of general IT experience, with three (3) years of technical experience including but not limited to technical project management, systems analysis and application development and two (2) years as a supervisor.

[Created in 2012]

SYSTEMS MANAGER (AODA)

Purpose:

This position manages the statewide telecommunications and network operations (servers, routers, switches, firewalls and workstations).

Supervision:

Incumbent receives general direction from the District Attorneys and/or the AODA Director. Incumbent supervises other staff (AODA Network Operations technology staff).

Examples of Work Performed:

Incumbent will train, supervise, evaluate and motivate IT staff of two or more; schedule employee and technical resources, set work priorities and monitor status of projects; work with management to identify strategic planning initiatives; assist in developing annual IT plan and implement IT directives; ensure local area network and servers are operational and available; deploy system software, servers, database and telecom systems statewide; work with Systems Support Team to analyze system security, identify security concerns and technology needs and implement methods and procedures to secure the network and servers; implement intrusion detection system to identify potential network attacks; recommend policies and procedures to maintain system security; determine training needs for staff and implement professional development programs; participate in recruitment and selection of new employees; participate in management team meetings and other IT meetings; meet with Systems Support Team to discuss current issues and projects and resolve issues; determine priorities, review standards, procedures and results of completed work; identify hardware, software and maintenance needs and costs and vendor procurement requirements; review and evaluate products; request quotes; create purchase requests; design, test and install new and replacement equipment; monitor internet usage and compile reports for administration; review current policies to update as needed; manage ongoing technical projects, task responsibilities, error logs, server and network equipment and work order/trouble tracking systems; respond to requests for information, technology services, trouble reports and problem resolution; research and identify new and improved technologies to benefit judicial entities and judicial entity processes; add and deactivate users to network servers.

Distinguishing Characteristics:

This is an advanced-level position which primarily manages telecommunications and network operations for a state-wide information systems environment.

Working Conditions

Work is primarily performed in an office environment, field or court setting. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Consistent exposure to electrical devices. Maybe required to work overtime.

Knowledge, Skills and Abilities: This position requires knowledge of project management techniques; management principles and practices; systems administration and communication; techniques and emerging technologies; supervisory techniques, IT trends and development standards; project reporting and tracking methods and techniques; administration, customer support and network best practices; capabilities and capacity of computer equipment and networking; negotiation techniques; contract management; troubleshooting techniques; business and system integration analysis; server, routers, firewalls, network, configuration and

management; systems analysis; IT security practices; systems security design and configuration; network operations and tolerances; database administration concepts; telecommunication concepts. The ability to troubleshoot; research and analyze problems logically and recommend alternative courses of action; participate in short and long-term strategic planning; apply communication skills to achieve harmony within a group; assess skill levels of members within the team; identify hardware and software needs and technical requirements; diagnose server and network equipment using schematics, technical manuals and other written technical instructions; establish procedures and standards for system availability, integrity, performance, security, backup and upgrades; learn new operating systems, servers and information technology tools; find innovative solutions applying and integrating the concepts and features of technology; and manage time and resources effectively.

Requirements:

Bachelor's degree in business administration or management, project management, computer science, IT related engineering or other related field. Five (5) years of general IT experience, with three (3) years of technical experience including but not limited to technical project management, systems analysis and application development and two (2) years as a supervisor. Six (6) years relevant experience, and /or a combination of relevant experience and technical education will substitute for education on a year for year basis.

Preferred Qualifications:

Master's degree in business administration or management, project management, computer science, IT related engineering or other related field. Additional relevant education may substitute for experience at a rate of 30 semester hours equals one (1) year of experience. Education may not be substituted for the specific experience required. . Five (5) years of general IT experience, with three (3) years of technical experience including but not limited to technical project management, systems analysis and application development and two (2) years as a supervisor.

[Created 2012]

INFORMATION SYSTEMS MANAGER

Purpose:

This position manages and directs the overall information systems activities for a District Attorney's Office and its associated satellite offices, a statewide network, or a large scale systems project.

Supervision:

Incumbent receives administrative direction from the District Attorney or the AODA Director. Incumbent supervises other staff.

Examples of Work Performed:

Incumbent manages and directs the overall information systems activities and services in support of a multiple-site, statewide network; designs and manages the maintenance of the local area and wide area networks; develops and monitors information systems goals and objectives; establishes, implements, and monitors information systems policies, procedures and standards; assists in the development of the information systems budget and information technology plan; monitors information systems budget and expenditures; manages information systems contracts; recommends and implements information systems training for the organization; and performs other related job duties

Distinguishing Characteristics:

This is a management level position which primarily involves the management of information systems resources in an open-platform environment.

Working Conditions:

Work is performed in an office environment. Physical effort and frequent travel may be required. Incumbent may be required to work beyond normal working hours. Consistent exposure to VDT's, CRT's and other electrical devices can be expected.

Knowledge, Skills, and Abilities:

This position requires extensive knowledge of information systems technology, operating systems, systems applications and development, systems engineering, data base administration, knowledge of design, implementation, and maintenance of network systems; effective writing and verbal communication skills, effective systems analytical skills, effective management skills; ability to analyze and recommend solutions to complex systems situations, ability to evaluate and allocate staff resources to accomplish goals and objectives.

Requirements:

Bachelor's degree in computer science or related field plus four (4) years of work experience in information systems, data base administration, and/or systems design and analysis; or eight (8) years of related work experience and/or education in a related field.

Preferred Qualifications:

Bachelor's Degree in computer science or related field plus six (6) years of work experience in information systems, data base administration, and/or systems design and analysis.

INFORMATION TECHNOLOGY DIRECTOR

Purpose:

This position manages the information technology (IT) operations and supervises subordinate managers and division professional staff.

Supervision:

Incumbent receives general guidance and direction from the assigned supervisor. Incumbent manages other staff.

Examples of Work Performed:

Incumbent plans organizes, directs and controls the activities of the IT division; trains, supervises, evaluates, hires and motivates subordinate managers and professional staff; participates in strategic and project planning; identify and analyze department and entity information system needs; develop automation standards and insure documentation for critical functions; ensure confidentiality, availability, accuracy and security of entity data; establish and maintain physical security of the entity and its servers, data backups and offsite storage; oversee the acquisition, inventory and disposal of the entity's IT assets; provide assistance and technical expertise to professional staff in researching software applications and hardware equipment and in integrating software applications within operating systems and desktops/laptops; assist with developing internal policies on internet usage and other topics; prepare IT budget; develop, disseminate and monitor compliance to policies concerning IT resources and security to entity; insure equipment and software applications are within budget and meet end user needs; evaluate quotes; negotiate contract terms and solicit bids for technology-based products and services; recommend equipment and software purchases; prepare reports, position papers and plans on status cost and utilization used for budgeting and long range planning; participate in a network of IT professionals and peers to track pricing of IT services and vendor offerings; evaluate RFP's; develop, implement and manage a disaster recovery policy to insure availability of IT services; stay abreast of and analyze IT innovations, developments and trends in system analysis, administration and operation, program design, software and network architecture; meet with and make presentations to end user, management; negotiate IT contracts, licensing and procurement services and terms with vendors; manage software and hardware licenses; interact with peers to share ideas, problems and resolutions to IT issues; monitor internet usage; staff internal IT committees; determine training needs for staff and implement professional development programs.

Distinguishing Characteristics:

This is an advanced-level position which primarily involves the management and technical support of information systems resources in an information systems environment.

Working Conditions:

Work is primarily performed in an office environment. Some physical effort and the ability to lift at least fifty (50) pounds. Frequent travel may be required. Exposure to electrical devices.

Knowledge, Skills, and Abilities:

This incumbent must have knowledge of management principles and techniques; supervisory techniques, employee coaching and performance evaluation, hiring, training, discipline and termination; backup and recovery of software, hardware, standards and techniques; internet monitoring software; vendors, equipment type, request for proposal (RFP) process, contract terms and requirements; IT trends, techniques and emerging technologies; programming languages,

operating systems, networking database, telecommunications methodologies and virus protection; industry standard security and disaster recovery procedures and equipment; capabilities and capacity of computer equipment, networking and applications; administration and customer support practices and network architecture; project reporting and tracking methods.

Requirements:

Bachelor's degree in information system technology or information system management, computer science, IT related engineering or other related field plus eight (8) years of experience of which four (4) years must be in a public information technology system.

Preferred Qualifications:

Bachelor's degree in information system technology or information system management, computer science, IT related engineering or other related field plus ten (10) years of experience of which four (4) years must be in a criminal justice information technology system.

APPENDIX

Request for Out-of-Cycle Salary Increase

Date Submitted: _____

Non-General Fund or Term/Contract Position _____

Proposed Eff. Date:_____

Employee Name:	Job Title:	Current Hourly Salary:	Proposed Hourly Salary:
Employee ID:	Job Spec #:		Amount Increased:
Date of Last OOC Salary Increase:	% Increase Over Current Salary:	Lump sum \$:	Appointment to Current Class Date:
			Last Performance Evaluation Date and Rating:
Source of Available Funds:			
(Complete the following ONLY if the increase was to the base hourly rate):			
Amount required from Effective Date to end of current Fiscal Year: \$		Amount required for a full Fiscal Year: \$	
Reason(s) for an OOC Salary Increase:			

Certification: We hereby certify that based on this agency's most recent budget projections, the Out-of-Cycle Salary Increase listed above will NOT result in this agency's having to request either a deficiency or a supplemental appropriation from the legislature or emergency funding from the State Board of Finance, and it will not result in an increase to the base operating budget: _____

Chief Financial Officer

District Attorney

PRB Certification: I hereby certify that the above request was reviewed and approved by the District Attorney Personnel Review Board.

PRB Representative
[Revised 11/17/2016]

Date Approved by PRB

**New Mexico District Attorneys'
Employee Performance Appraisal
&
Development Plan Manual**

New Mexico District Attorneys' Association
Guidelines for New Mexico District Attorney
Employee Performance Evaluations

- I. Scope and Purpose**
- II. Statements of Policy**
- III. The EPA**
 - A. What it is**
 - B. Purposes**
 - C. Procedure**
- IV. Rating Factors**
- V. The Hay-Chart Profile**

I. Scope and Purpose

These guidelines set forth the parameters for evaluating the work performance of all employees.

The responsibility for initiating and administering performance evaluations for all District Attorney employees shall be held by the District Attorneys' offices and AODA.

II. Statements of Policy

Each employee's performance will be evaluated to assess performance in relation to their job requirements, as specified in their job description and/or as otherwise set by their District Attorney, as well as their conduct and ability of all employees.

The Hay Chart-Profile employee performance evaluation program shall provide overall evaluations of the following five [5] performance levels:

Consistently Exceeds Expectations: Five (5) points.

Exceeds Expectations: Four (4) points.

Meets Expectations: Three [3] points.

Needs Improvement: Two (2) points.

Unacceptable: One [1] point.

III. The EPA

A. What is an EPA?

It is a management tool.

It allows supervisors to identify work criteria, and puts employees on notice of what is expected of them.

It allows supervisors to meet both the office's and employees' needs through periodic review of job performance.

It identifies level of performance of employees for purposes of reward, advancement, discipline or other

actions.

It provides one basis for progressive counseling or disciplining of an employee if necessary.

B. Purpose of Employee Performance Appraisals

The basic purpose of an EPA is to communicate work expectations to the employee and to measure the performance of the employee against these expectations. By New Mexico Legislative decree, the EPA may be used as the sole standard for purposes of awarding annual/merit increases, separate from any other promotion or other compensation decisions.

Additionally, the EPA may serve, but are not limited to, these other purposes:

To analyze the employee's performance during the past year;

To inform the employee of strong and weak points as well as training needs and improvements expected;

To compare the employee's performance to goals previously set;

To establish performance goals for the upcoming year and to determine the steps necessary to achieve them;

To recognize the employee's potential for promotion.

To recognize overall needs and goals for the entire office.

To provide one source of job performance information needed for making compensation decisions apart from Legislative decrees.

As a basis for taking disciplinary and/or dismissal actions against the employee; and/or

To assist in determining the order of layoff and reinstatement.

C. Procedure for conducting evaluations

1. At the time of hire and at the beginning of each rating period, the employee shall be informed, in writing, as to the standards on which the employee's performance is to be rated, and shall be informed of the rating at the end of the period. The employee shall receive a copy of the performance rating form when hired and a copy of each evaluation made.

2. All support staff performance appraisals shall be done by the employee's immediate supervisor and/or person(s) otherwise designated by the District Attorney.

3. A formal evaluation of all covered employees shall be done at least once a year. A progress evaluation of each employee serving a probationary period shall be done at least every four (4) months. Additional performance evaluations may be done when necessary for disciplinary reasons or when deemed appropriate by the immediate supervisor, or the District Attorney.

4. The employee and the immediate supervisor shall sign the evaluation form. The signature of the employee shall indicate only that he/she has been informed of the rating and does not signify agreement with the rating. Any modifications made after the employee's signature is affixed must be read and initialed by the employee. All originals shall be retained in the employee's official personnel file or in a separate appraisal file deemed part of the official

personnel file, and a copy given to the employee.

5. If an employee disagrees with their evaluation, they may appeal, in writing to the District Attorney. The District Attorney shall review each performance evaluation and either approve the overall rating or, after consultation with the designated appraiser(s) and the employee, modify the overall rating. When the designated appraiser(s) and the District Attorney are the same person, the employee's appeal and the District Attorney's subsequent review shall be reduced to writing by each person and become part of the performance appraisal.

IV. Rating Factors—For the Rater to use and the Employee to Expect

Quality of Work

Work quality is concerned with completeness, accuracy and usefulness to the task or work process. You should ask yourself the questions: Is it consistently free of errors? Does it regularly have to be redone? Does it measure up to standards? Is it accurate and neat? Has proper attention been given to details? Is it effective in attaining the end product of the operation? Time is wasted for both the supervisor and the employee when work quality is inadequate.

Quantity of Work

Work quantity is concerned with volume and output. You should ask yourself: Does the employee make good use of slack periods? Is time wasted visiting? Is the employee slow? Is work up to established standards, so the employee does not waste time by constantly having to redo work? Does the employee demonstrate good skills in organizing their work tasks, so as not to waste time and slow down others' work?

Professional-Technical Job Knowledge

Job knowledge is concerned with an employee's growth on the job. You should ask yourself: Has the employee learned what they need to know to do their work? Do you still have to tell the employee how to do each task? Does the employee ask questions when he or she does not know? Does the employee study and read publications about his/her work? Is work turned in which indicates lack of knowledge or indifference to accuracy?

Decision Making and Analysis

The decision making process is concerned with the employee's ability to weigh the facts and arrive at an appropriate decision. You should ask yourself: Does the employee seek out the pertinent facts? Does the employee make prudent and just decisions based on those facts? Is the employee timely with his/her decisions? Does the employee organize their work and prioritize, for themselves and/or those they supervise, for maximum effect and efficiency?

Organizing-Planning as a team

Organizing-planning is concerned with the employee's effectiveness at putting people and activities together to get the optimum individual and team result. You should ask yourself: Is the employee resourceful? Does the employee take an assignment and carry it out to the best of his or her ability? How much supervision does the employee need given his/her organizational work habits? Does the employee work well as a team member or a team leader? Does the employee organize time well?

Interpersonal skills

Work attitude is concerned with the employee's feelings towards assignments, co-workers, supervisors, their District Attorney, and the New Mexico District Attorneys' group in general. Is the employee a "team player"? Does the employee respond to suggestions? Does the employee have a positive rather than a negative outlook?

Attendance

Attendance is concerned with absenteeism and use of leave. Does employee have a leave balance? Does employee request annual leave in advance? Is employee absent without leave? Does employee use inopportune times to request leave? Is employee punctual? Is the employee present on-the-job when required? Does the employee attempt to use sick leave when they are not medically allowed to do so? Does the employee frequently come in late to work, leave early, prolong breaks and lunch hours, and/or not account for time out of the office? Does the employee, although at the office, wander around away from their task area so they are in fact not available to work?

Work Timeliness

Work timeliness is concerned with the employee's ability to meet deadlines. Does the employee meet the deadlines, and reasonably in advance without barely coming in under the wire? Does the employee plan ahead and allow for unexpected events, such as need to take leave? Does the employee adapt quickly to changing situations and take advantage of them to improve service in a timely manner? Does the employee make maximum use of available time?

Communication Effectiveness

Does the employee correctly interpret instructions or orders? Does the employee actually and carefully read communications from supervisors, HR personnel, and others which require a response from the employee? Does the employee consistently need communications or requests for responses repeated or re-explained, when others do not? Is the employee clear and timely in communication to others? Is the employee's communication courteous and persuasive? Does the employee's communications result in efficient response of other employees?

V. THE HAY CHART PROFILE

Work Items and Employee Characteristics Which Usually Are Representative of Job Performance

A. Consistently Exceeds Expectations-Five Points

Work is consistently error free. Careless errors are very unusual. Varying pressures have no adverse effect on the quality of work. Maintains superior or outstanding quality of work. Neatness of work exceeds expectations.

Employee produces more than required and meets demands exceptionally well. Consistently outperforms expectations of the job. Volume of work far exceeds established standards. Varying pressures have no adverse effect on quantity of work.

Employee excels in knowledge about work and operations of their department. Continually strives for self-improvement through self-study and other means available. Accepts direction, instruction and authority in best possible manner. Requires little or no supervision.

Employee takes initiative in seeking out pertinent facts. Makes prudent and just decisions based on those

relevant facts. Consistently makes timely, sound judgments and decisions.

Employee is extremely effective at putting people and activities together to get the optimum individual and team result. A strong team builder. Organizational efforts consistently outstanding in all areas.

Employee handles job in an outstanding manner, which causes peers to seek the employee's help when needed. Attitudes and actions inspire greater productivity of others. Known for superior cooperative nature. Works well as a team leader or a team member. Often relied upon to lead a group effort. Gets along well with co-workers, supervisors and the public. Goes out of the way to help or perform service beyond the call of duty, and to provide a positive reflection on the District Attorney and the office.

Employee is exceptionally attentive to scheduled work hours. Is almost never late to work or appointments. All requests for annual or sick leave have prior approval.

Employee consistently meets deadlines. Plans ahead and allows for unexpected events. Readily accepts responsibility. Adapts quickly to changing situations and takes advantage of them to improve service. Makes maximum use of time available.

Employee is clear and timely in communications to others, and in responding to requests from others. Never misinterprets instructions or orders. Times communications to maximize their effectiveness. Consistently is persuasive, tactful, clear and concise.

B. Exceeds Expectations-Four Points

Employee's work is usually error free. High quality work and periodic outstanding performance. Work rarely shows signs of carelessness. Adjusts to varying pressures with little difficulty. Requires minimal supervision. Meets and exceeds demands for neatness in work.

Work quantity usually exceeds required levels. Adjusts to varying pressures with little difficulty. Exhibits a high degree of dependability in production. Requires minimal supervision.

Employee continually strives to increase job knowledge. Shows an above average ability to handle the job. Shows a high degree of interest in job. Seeks ways to improve services rendered.

Employee anticipates problems and sets priorities to make excellent decisions. Adapts quickly to changing situations and makes sound judgments to benefit the agency and District Attorney's. Accepts directions, instructions and authority well.

Employee uses organizational skills to produce results that exceed expectations of the job. Organizes time well to maximize job performance. Excellent team player. Employee takes the initiative in self-improvements. Takes positive action on suggestions from others. Other employees seek help or advice from the employee. Actions and attitude have a positive influence on productivity of fellow workers. May offer constructive criticism of self and Co-workers but does so in a tactful manner. Exhibits excellent cooperative spirit. Is highly respected by coworkers. Gets along well with the public.

Employee observes scheduled work hours. Is rarely late for work or appointments. All requests for leave have prior approval.

Employee usually meets all deadlines. Adapts quickly to changing situations with minimal impact on schedule deadlines.

Employee rarely misinterprets instructions or orders. Communicates effectively with the public, co-workers and others.

C. Meets Expectations-Three Points

Employee can be depended upon to do a good job. Quality of work is relatively accurate, requires some follow-up.

Average or normal quantity of work is produced. Employee is generally reliable and dependable. Steady worker and completes work on his/her own. Occasionally does extra work. Adapts to changing situations. Accepts supervision and profits by it.

Employee has sufficient knowledge of most of the work and operation details to be effective in area of work. Shows interest in work. Adapts to changing situations. Accepts supervision and profits by it.

Employee will make correct decisions in normal situations. Completes the problem solving process in an acceptable manner.

Organizational skills meet the requirements of the job. Good team player.

Employee works satisfactorily with others.

Employee is generally reliable and dependable in keeping appointments and scheduled work hours. Does not exceed the sick and annual leave accrual.

Employee normally meets deadlines and can be depended on to make realistic time estimates.

Communication skills meet the requirements and exceptions of the job.

D. Needs Improvement-Two Points

Quality of work is below normal expectations. Occasional failure to maintain a satisfactory level of work. Occasional but inexcusable evidence of careless or unacceptable work. Below average improvement after repeated instructions. Work that must constantly be checked. Requires more than normal attention and supervision. Occasional failure to meet minimum demands on neatness.

Work volume falls short of the minimum required. Cannot adjust to normal varying pressures. Lack of regularity in production. Keeps falling behind in workflow requirement. Deadlines are occasionally missed.

Employee's level of job knowledge is inadequate. Most errors are caused by this basic lack of knowledge. Gives evidence of indifference, uncooperativeness or antagonism. Reluctantly accepts training or opportunity to improve.

Employee fails to consider all the pertinent facts. Makes inappropriate decisions based on those facts. Continually delays making decisions. Is reluctant to seek out opinions from peers or management to help make decisions. Judgment lapses, which makes continued satisfactory performance improbable.

Employee has some difficulty organizing tasks. Team effort is marginal. Evidence of failure to accept direction, instruction or authority. Gives signs of instability, lack of dependability or failure to adapt properly.

Employee occasionally hinders the effectiveness of coworkers; other employees often must compensate. Noticeable difficulty in getting along with fellow employees, supervisors and the public. Object of enough complaints by outsiders to indicate below average public relations. Unwise or careless use DA property or supplies.

Occasional abuse of employee privileges. Irregular punctuality for appointments and irregular work attendance. Some absences require supervisor approval after the fact. Employee is lax in the need to meet scheduled time deadlines. Sense of priorities in organizing work activities is minimal.

Employee has difficulty in communicating effectively. Misinterprets important orders. Cannot be depended on to receive or transmit communications regarding important job assignments. Failure to use one's time effectively.

E. Unacceptable-One Point

Employee constantly makes errors. Failure to show improvement after repeated instruction. Repeated indications that the employee cannot handle the job. Requires constant supervision and attention.

Employee's output is inconsistent and unreliable. Low average volume of work for the particular job. Frequent irregularity in productivity.

Employee's level of job knowledge is poor; most errors are caused by this lack of knowledge. Lacks interest in the job. Self-motivation is lacking.

Employee has great difficulty in problem solving and decision making. Faulty judgment that severely impairs final work product. Judgments are continually unreliable and erratic.

The employee's work efforts are random and disorganized. Team effort is poor.

The employee regularly hinders the effectiveness of coworkers; other employees often must compensate. Has great difficulty working with others in normal situations. Persistently indifferent, uncooperative or antagonistic. Resentful toward direction, instruction or authority. Undependable and unadaptable. Frequent center of trouble. Malcontent. Constant abuse of New Mexico DA property and wasteful of supplies.

Employee's absences and tardiness to work have a detrimental affect on office functions. Excessive tardiness or excessive unexcused absences. Frequent abuse of employee privileges. Employee is not attentive to the need to schedule time and demonstrates no sense of priorities in organizing work activities. Loafing on the job. Not carrying one's share of the workload. Deadlines are frequently missed.

Employee cannot communicate effectively. Constantly misinterprets routine instructions and orders. Cannot be depended on to receive or transmit communications regarding routine job assignments. Inability to communicate with fellow employees, supervisor or the public.

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years _____ months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**[] **(D)Exceeds Expectations -**[] **(C)Meets Expectations -**[] **(B)Needs Improvement -**[] **(A)Unacceptable -****Part III. ACKNOWLEDGMENTS:**

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____

Employee Comments: _____

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Attorney

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Case-Related Activities: - Case screening/initiation - Case preparation - Post-conviction activities - Responding to victim inquiries and subsequent victim contact, collection of fines and restitution, preparing for post-adjudication trials/ hearings and appeals, and responding to parole board requests. - Case-related administration activities - Preparing a docket, discussing a number of cases with supervisor, conversations with defense counsel, and review of files. - Probation revocation activities		
2. Non-Case Related Activities: - Non-case administration - Conducting legal research, attending staff meetings, drafting or analyzing legislation, performing general office and administrative tasks - Community/outreach - Law enforcement coordination		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

SECTION 1: Assessment of Essential Job Responsibilities (continued)

Based on job description(s) for: Attorney

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
3. In-Court Activities: - Limited jurisdiction court proceedings (Magistrate/Metro Court) - Juvenile court proceedings - Grand jury proceedings - Pre-trial hearings/motions (District Court) - Bench trial (District Court) - Jury trial (District Court) - Post adjudication trial/hearings		
4. Other(s):		

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

**Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3
Needs Improvement = 2 Unacceptable = 1**

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		

Competency Standard	Description/Comments	Points
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*ATTORNEY SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

Job Assignment Activities for Attorney Series

Case-Related Activities

Case screening/initiation - Performance of the following activities **prior** to the filing of charges, an accusation, or indictment: responding to a law enforcement/public inquiry whether or not a charge is authorized; working with law enforcement task forces on case development; screening potential cases/warrants; interviewing victims or witnesses; conducting investigations at a crime scene or viewing evidence; preparing and issuing warrants, complaints, or indictments; preparing for direct presentation to the grand jury; collecting, reading, and reviewing preliminary reports; conducting legal research on a specific case; and discussing a specific case with law enforcement, prosecution colleagues, defense counsel, etc.

Case preparation - Performance of the following activities **after** the filing of charges, an accusation, or indictment: continuing investigation; interviewing victims; preparing witnesses; preparing for pre-trial hearings and motions; conducting legal research for a specific case; preparing for plea negotiations, settlements, or nolle prosequi; preparing subpoenas, jury instructions, and trial notebooks.

Post-conviction activities - Responding to victim inquiries and subsequent victim contact, collection of fines and restitution, preparing for post-adjudication trials/ hearings and appeals, and responding to parole board requests.

Case-related administration activities - Preparing a docket, discussing a number of cases with supervisor, conversations with defense counsel, and review of files.

Probation revocation activities - Appearing in court on technical probation revocations and any other out-of-court activities related to probation revocations.

Non-Case Related Activities

Non-case administration - Conducting legal research, attending staff meetings, drafting or analyzing legislation, performing general office and administrative tasks, or supervising personnel.

Community/outreach - Fielding phone calls from the public (unrelated to a specific case) and making referrals; responding to media inquiries; attending community meetings; conducting liaison activities with community organizations, victims groups, and service providers; conducting crime prevention activities, and other job-related civic activities.

Law enforcement coordination - Conducting law enforcement in-service training and participating in a general or an administrative capacity in various federal, state, or local law enforcement task forces.

In-Court Activities

Limited jurisdiction court proceedings (Magistrate/Metro Court) - Appearing in magistrate or metro court for arraignments, hearings, trial on the merits, and disposition hearings such as dismissals and guilty pleas; and talking to victims, witnesses and attorneys.

Juvenile court proceedings - Appearing in children’s court for delinquency and status offense proceedings and disposition hearings including waiver hearings.

Grand jury proceedings - Making direct presentments to grand juries, managing or preparing witnesses during grand jury proceedings, conducting or monitoring proceedings, and providing guidance to the grand jury.

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
ATTORNEY SERIES**

Job Assignment Activities for Attorney Series (continued)

In-Court Activities (continued)

Pre-trial hearings/motions (District Court) - Appearing in district court for bond docket and modification hearings, arraignments, pre-trial hearings or motions, disposition hearings such as dismissals, and recording of guilty pleas.

Bench trial (District Court) - Appearing in district court for bench trials.

Jury trial (District Court) - Appearing in district court for a jury trial, including selecting a jury.

Post adjudication trial/hearings - Appearing in court for sentencing hearings, probation revocations, post conviction relief, parole hearings, and appeals from lower courts.

New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
INFORMATION TECHNOLOGY SERIES

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years _____ months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____

Employee Comments:

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INFORMATION TECHNOLOGY SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Information Technology Series

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Solve computer problems and apply computer technology to meet agencies (DA’s) needs		
2. Oversee/manage design of LAN/WAN within an agency or agencies		
3. Maintain ongoing communication with users, vendors, other state agencies		
4. Monitor and conduct maintenance of installed systems; implementation of existing and new technology		
5. Provide and/or develop training for users on enhancements or new technology		
6. Develop and provide reports to agencies, DFA, LFC, APRI, etc.		
7. Design/maintain/manage database/network security; to include user rights, access, and encryption		
8. Design/maintain/manage disaster mitigation and recovery plans for infrastructure		
9. Supervise/train junior staff		
10. Other(s)		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INFORMATION TECHNOLOGY SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

**Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3
Needs Improvement = 2 Unacceptable = 1**

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INFORMATION TECHNOLOGY SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

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**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*INFORMATION TECHNOLOGY SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INFORMATION TECHNOLOGY SERIES**

Job Assignment Activities for Information Technology (IT) Series

(Director, System Assistant, Network Specialist, Business Analyst, Application Developer)

Network Activities

Network Design and Management: Plans organizes, directs and controls the activities of the IT division; Oversees/manage design of LAN/WAN; Proactively identify opportunities for re-engineering and lead reengineering efforts; Measure the performance of the current business process to identify areas for improvement; ensure the needs and business requirements are met by monitoring available metrics and collecting user feedback; monitor server performance, troubleshoot and resolve problems; serve as a resource to users.

Network Security: Design/maintain/manage disaster mitigation and recovery plans for infrastructure; ensure confidentiality; data backup and offsite storage; set up user securities, ie. rights, access and encryption. Disseminate and monitor compliance to policies concerning IT resources and security; develop internal policies on internet usage and other topics.

Software Applications: maintain installed systems; generate code; collect and define business requirements for applications; troubleshoot applications; produce and maintain documentation; design technical requirements for an application; configure and install new desktop software applications; create email distribution lists.

Report Gathering: Develop and provide reports to agencies using database tools; maintain various data and statistical reports.

Non-Network Activities

Training/Communication: Train users in various software applications and case management; set up applications for users; gathers information from users; mentor train and develop junior staff; maintain ongoing communication with users.

Purchasing/Inventory: recommend equipment and software purchases; track pricing of IT services and vendor offerings; evaluate RFP’s; help keep track of computer inventory; vendor and license management.

Budget: Create/participate and help manage IT budget.

New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years _____ months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____

Employee Comments:

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: DOM/Financial/HR Series

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Managing/Performing duties related to General Fund Budget; tending SHARE. Overseeing the maintenance of all necessary files and records; ensuring compliance with federal, state, and office policies and directives; other duties Communicating and coordinating with other agencies/vendors/Department of Finance & Administration and Legislative Finance Council as necessary.		
2. Managing/performing duties related to human resource activities, i.e. preparation & administration of employee evaluations, promotions, discipline, hiring, preparation of PRB documents, assignments of staff, etc.		
3. Managing/Performing duties related to federal/state/local grant administration, i.e. grant statistical reporting, grant financial reporting, grant management.		
4. Overseeing/Processing of financial documents, including procurement, benefits, payroll processing, asset management, and fleet management. Communicating and coordinating with other agencies/vendors/Department of Finance & Administration and Legislative Finance Council as necessary.		
5. Preparing financial statements, pre-audit reports & facilitating agency audit.		
6. Handles Performance Based Budget reporting - staff assignments.		

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
7. Tasks related to General Services - Risk Management Department - Loss Control Prevention, Alternative Dispute Resolution, etc.; compliance with Federal/state employment regulations.		
8. Other(s):		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

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**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*DOM/FINANCIAL/HUMAN RESOURCES SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES**

Job Assignment Activities for DOM/Financial/Human Resources Series

Coordinates, oversees and supervises office staff regarding some or all of the items listed to ensure office operations are continually maximized.

Case-Related Activities

Case screening and investigation - Performance of the following activities **prior** to the filing of charges or indictment: working with law enforcement on case development; screening potential cases/warrants; investigating citizen or merchant complaints; locating and interviewing victims or witnesses; conducting additional investigations and viewing evidence; collecting, reading, and reviewing preliminary reports; pre-charge case discussions with law enforcement, prosecutors, etc.; prepare for grand jury.

Case preparation activities - Performance of the following activities **prior** to the filing of charges or indictment: reviewing case files; continuing investigation; collecting reports and certified copies of prior convictions; conducting background investigations on defendants; conducting defendant interviews; reviewing program contracts and admission statements; and notifying clients of acceptance or rejection into program.

Case management activities -Performance of the following activities **prior** to the filing of charges or indictment: establishing guidelines for clients; making arrangements for payment of restitution; collecting program fees; providing counseling or making referrals to counseling and other services; releasing evidence to victims; attending monthly meetings with clients; and determining successful or unsuccessful completion of program. Filing court documents and retrieving court documents from clerks’ offices; processing warrants; preparing discovery and copying case materials; compiling or preparing exhibits for trials (videotapes, photographs, pictures, charts, or tables); arranging for special needs such as translators; locating victims/witnesses; case-related phone calls; and any other general case-related clerical activities.

File preparation and maintenance - Setting up and maintaining case files; assigning case numbers; obtaining reports for investigator/attorney review such as warrants and law enforcement reports; locating witnesses; requesting evidence; and entering case information into a case management/tracking system.

General case-related activities - Maintaining of client records and program statistics; and preparing quarterly/yearly reports.

Typing and document production - Preparing, typing and producing case-related documents such as subpoenas, notices for arraignments, motions, witness lists, transportation orders, evidence logs, dismissal letters, grand jury dockets, letters regarding bond hearings or detainers, accusations/indictments, pre-sentencing orders, and briefs.

Scheduling - Scheduling arraignments, grand juries, hearings/motions, and trials; preparing court calendars; maintaining attorneys’ calendars; and scheduling interviews with victims, witnesses, and law enforcement officers.

Post-adjudication activities - Closing out cases after adjudication, reviewing files for completeness, filing disposition forms; destroying documents, and copying case materials.

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
DOM/FINANCIAL/HUMAN RESOURCES SERIES**

Job Assignment Activities for DOM/Financial/Human Resources Series (continued)

Coordinates, oversees and supervises office staff regarding some or all of the items listed to ensure office operations are continually maximized.

Non-Case Related Activities

Non-case administration - Answering phones, greeting the public and office visitors, processing and delivering in-coming and out-going office mail, and typing and copying of non-case related matters. Processing mail, attending staff meetings, completing reports, and supervising personnel.

Administrative support for community outreach - Preparing speeches, talking points, and resource materials.

Community/outreach - Handling general information inquiry phone calls, attending community meetings, conducting liaison activities with community organizations, conducting crime prevention activities, and other job-related civic activities.

Law enforcement coordination - Conducting law enforcement in-service training and participating in a general or an administrative capacity in various federal, state, or local law enforcement task forces.

Office administration - Supervising staff, ordering office supplies, maintaining the library, training new staff on policies/procedures and computers, computer and file maintenance/storage, facilities management, preparing grants and budgets, preparing accounts payable and receivable documents; hiring, firing, recruiting; payroll processing; benefits processing; and attending staff meetings. Ensuring compliance with federal/state employment regulations. Compiling the data/information and preparing the required documents for Performance Based Budgeting.

In-Court Activities

Arraignments - Providing support to prosecutors, etc. in court during arraignments.

Limited jurisdiction court proceedings (Magistrate/Metro Court) - Filing of criminal complaints and/or dismissals of criminal complaints.

Grand jury proceedings - Testifying before grand juries.

Pre-trial hearings/motions (District Court) - Appearing in district court for pre-trial hearings or motions, giving testimony, and taking notes and assisting the prosecutor.

Bench trial (District Court) - Appearing in district court for bench trials.

Jury trial (District Court) - Appearing in district court for a jury trial and helping select a jury.

Post adjudication trial/hearings - Appearing in court for sentencing hearings, probation revocations, post conviction relief, parole hearings, and appeals from lower courts.

Juvenile court proceedings - Attending or assisting with proceedings in children’s court.

Grand jury proceedings, preliminary hearings, and other pre-trial hearings/ motions - Attending or assisting with grand jury proceedings, preliminary hearings, and other pre-trial hearings and motions.

Bench or jury trial - Attending or assisting with proceedings pertaining to bench or jury trials, including jury selection.

Post adjudication activities - Attending or assisting in court with post-adjudication activities such as sentencing hearings, probation revocations, appeals, etc.

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
INVESTIGATOR SERIES**

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years _____ months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: 35/7 = 5 Section 2: 24/5 = 4.8 Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____

Employee Comments:

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
INVESTIGATOR SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Investigator

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Case-Related Activities: Case screening/initiating an investigation; Case preparation; Post-adjudication investigation and related activities; General case-related investigative activities.		
2. Non-Case Related Activities: Non-case administration; Community outreach; Law enforcement coordination		
3. In-Court Activities: Limited jurisdiction court proceedings (Magistrate/Metro Court) ; Juvenile court proceedings; Grand jury proceedings; Pre-trial hearings/motions (District Court); Bench trial (District Court); Jury trial (District Court); Post adjudication trial/hearings;		
4. Other(s):		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INVESTIGATOR SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INVESTIGATOR SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

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**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*INVESTIGATOR SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
INVESTIGATOR SERIES**

Job Assignment Activities for Investigators

Case-Related Activities

Case screening/initiating an investigation - Performance of the following activities **prior** to the filing of charges, an accusation, or indictment: working with law enforcement on case development; screening potential cases/warrants; investigating citizen complaints; locating and interviewing victims or witnesses; conducting new investigations, investigations at crime scenes, or viewing evidence; collecting, reading, and reviewing preliminary reports; preparing accusations; pre-charge case discussions with law enforcement, prosecutors, etc.; prepare for grand jury and transport witnesses to grand jury; and preparing paperwork to transfer a case to the DA.

Case preparation - Performance of the following activities **after** the filing of charges, an accusation, or indictment: reviewing case files; continuing investigation; collecting reports and certified copies of prior convictions; processing evidence; preparing and serving subpoenas; conducting background investigations on defendants, victims, jurors, and witnesses; preparing tapes, exhibits, and charts for trial; scheduling hearings; and locating and transporting victims or witnesses for interviews and court appearances.

Post-adjudication investigation and related activities - Storing and disposing of evidence; re-investigation for appealed convictions; and responding to restitution inquiries.

General case-related investigative activities - Maintaining the evidence vault; and preparing weekly/monthly reports.

Non-Case Related Activities

Non-case administration - Processing mail, attending staff meetings, completing monthly reports, or supervising personnel.

Community/outreach - Handling general information inquiry phone calls (unrelated to the initiation of a case), attending community meetings, conducting liaison activities with community organizations, conducting crime prevention activities, and other civic activities performed for work.

Law enforcement coordination - Conducting law enforcement in-service training and participating in a general or an administrative capacity in various federal, state, or local enforcement task forces.

In-Court Activities

Limited jurisdiction court proceedings (Magistrate/Metro Court) - Appearing in magistrate or metro court for arraignments, hearings, trial on the merits, and dispositional hearings such as dismissals and guilty pleas; and talking to victims, witnesses and attorneys.

Juvenile court proceedings - Appearing in children’s court for delinquency and status offense proceedings and dispositional hearings including waiver hearings.

Grand jury proceedings - Testifying before grand juries and coordinating witness appearances during grand jury proceedings.

Pre-trial hearings/motions (District Court) - Appearing in district court for pre-trial hearings or motions, giving testimony, and taking notes and assisting the prosecutor.

Bench trial (District Court) - Appearing in district court for bench trials.

Jury trial (District Court) - Appearing in district court for a jury trial and helping select a jury.

Post adjudication trial/hearings - Appearing in court for sentencing hearings, probation revocations, post conviction relief, parole hearings, and appeals from lower courts.

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years _____ months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

**Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1**

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____

Employee Comments:

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Victim Witness

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Case-Related Activities: case initiation; case-related written notification; victim witness assistance services; post-adjudication activities; case-related administration activities		
2. Non-Case Related Activities: General office/administrative activities ; Community/outreach ; Law enforcement coordination		
3. In-Court Activities: Limited jurisdiction court proceedings; Juvenile court proceedings; Grand jury proceedings; Pre-trial hearings/motions (District Court); Bench or jury trial (District Court); Sentencing hearings/victim impact statements; Post adjudication trial/hearings		
4. Other(s):		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

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**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*VICTIM WITNESS SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

Job Assignment Activities for Victim Witness Series

Case-Related Activities

Case initiation - Performance of the following activities **prior** to the filing of charges, an accusation, or indictment: contacting victims or witnesses by phone or in person shortly after the crime; working with investigators to locate and interview victims or witnesses; collecting, reading, and reviewing police reports to identify victims or witnesses and obtaining contact information; reviewing investigator’s reports; mailing information to victims, and perform on-call crime scene assistance activities.

Case-related written notification - Performance of the following activities **after** the filing of charges, an accusation, or indictment: preparing and mailing victim assistance information brochures, notification letters, or letters confirming case-related meetings, etc.; verifying addresses for such mailings; and supervising subordinates, interns, or volunteers in the performance of these activities.

Victim/witness assistance services (face-to-face or telephone contact) -Performance of the following activities **after** the filing of charges, an accusation, or indictment: Discussing a plea agreement with a victim or witness; explaining upcoming court proceedings; explaining how to complete case-related forms (e.g., victim impact statements, crime victims’ compensation or restitution document, etc.); providing referrals to local service providers; acting as a liaison between the attorneys and the victims/witnesses with support and counseling; arranging for transportation for victims/witnesses to court proceedings or case-related meetings; contacting agencies and service providers regarding cases; obtaining or verifying phone numbers; reviewing case files, and supervising subordinates, interns, or volunteers in the performance of these activities.

Post-adjudication activities - Performance of the following post-adjudication activities: Notifying victims/witnesses of case disposition, sentencing and orders of restitution, information about corrections victim notification procedures; responding to victim inquiries and contacts; responding to requests related to appealed convictions; and supervising subordinates, interns, or volunteers in the performance of these activities.

Case-related administration activities - Preparing dockets; responding to discovery requests; updating victims’/witnesses’ addresses and contact information in databases and case files; scheduling interviews with victims/witnesses for prosecutors; and discussing cases with other advocates, supervisors, or attorneys.

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
VICTIM WITNESS SERIES**

Job Assignment Activities for Victim Witness Series (continued)
Non-Case Related Activities

General office/administrative activities - Coordinating the placement and initial training/ orientation of volunteers; preparing victim/witness assistance program brochures and other written promotional or informational materials; drafting program policies/procedures; developing lists of service delivery resources for referrals; attending staff meetings, supervising staff; writing grant proposals or preparing grant budgets; conducting administrative activities required by grants or contracts; and producing statistical reports of services provided.

Community/outreach - Handling general information inquiry phone calls; conducting liaison activities with community organizations, victims groups, and service providers; planning and participating in national and local Crime Victims’ Rights Week activities; conducting community presentations on crime victims’ rights and services and crime prevention activities; participating in state or local multi-disciplinary meetings; and performing other job-related civic activities.

Law enforcement coordination - Conducting law enforcement in-service training and participating in a general or an administrative capacity in various federal, state, or local enforcement task forces.

In-Court Activities

Limited jurisdiction court proceedings (Magistrate/Metro Court) - Coordinating victim/witness appearances in magistrate or metro court for arraignments, hearings, etc.

Juvenile court proceedings - Coordinating victim/witness appearances in children’s court for delinquency and status offense proceedings and dispositional hearings including waiver hearings.

Grand jury proceedings - Coordinating victim/witness appearances during grand jury proceedings and accompanying victims/witnesses to appearances at grand jury proceedings.

Pre-trial hearings/motions (District Court) - Taking notes and assisting the prosecutor; escorting victims/witnesses to and from court; and attending calendar calls.

Bench or jury trial (District Court) - Working with victims/witnesses in the courtroom or in close proximity to the courtroom during bench or jury trials or when a jury is being selected. Coordinating the flow of witnesses as directed by the prosecutor; accompanying victims in the courtroom; assisting victims/witnesses in the designated waiting area; or providing information to victims about progress in the trial.

Sentencing hearings/victim impact statements - Appearing in court for victim or community impact statements; accompanying victims to make impact statements; or assisting or delivering impact statements.

Post adjudication trial/hearings - Appearing in court for probation revocations, post conviction relief, parole hearings, and appeals from lower courts.

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title: _____

Rater: _____ Job Class/Title: _____

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years
months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____
Employee Comments: _____

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Program/Prosecution Series

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Case-Related Activities: Case screening/initiating an investigation; Case preparation; Case management activities; General case-related activities;		
2. Non-Case Related Activities: Non-case administration; Community / outreach; Law enforcement coordination		
3. In-Court Activities: Limited jurisdiction court proceedings (Magistrate/Metro Court) ; Grand jury proceedings; Pre-trial hearings/motions (District Court); Bench trial (District Court); Jury trial (District Court); Post adjudication trial/hearings;		
4. Other(s):		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

**Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3
Needs Improvement = 2 Unacceptable = 1**

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
PROGRAM & PROSECUTION SUPPORT SERIES**

**Job Assignment Activities for Program & Prosecution Support Series
(Pre-Prosecution Diversion, Worthless Checks, etc.)**

Case-Related Activities

Case screening and investigation - Performance of the following activities **prior** to the filing of charges or indictment: working with law enforcement on case development; screening potential cases/warrants; investigating citizen or merchant complaints; locating and interviewing victims or witnesses; conducting additional investigations and viewing evidence; collecting, reading, and reviewing preliminary reports; pre-charge case discussions with law enforcement, prosecutors, etc.; prepare for grand jury.

Case preparation activities - Performance of the following activities **prior** to the filing of charges or indictment: reviewing case files; continuing investigation; collecting reports and certified copies of prior convictions; conducting background investigations on defendants; conducting defendant interviews; reviewing program contracts and admission statements; and notifying clients of acceptance or rejection into program.

Case management activities - Performance of the following activities **prior** to the filing of charges or indictment: establishing guidelines for clients; making arrangements for payment of restitution; collecting program fees; providing counseling or making referrals to counseling and other services; releasing evidence to victims; attending monthly meetings with clients; and determining successful or unsuccessful completion of program.

General case-related activities - Maintaining of client records and program statistics; and preparing quarterly/yearly reports.

Non-Case Related Activities

Non-case administration - Processing mail, attending staff meetings, completing reports, and supervising personnel.

Community/outreach - Handling general information inquiry phone calls, attending community meetings, conducting liaison activities with community organizations, conducting crime prevention activities, and other job-related civic activities.

Law enforcement coordination - Conducting law enforcement in-service training and participating in a general or an administrative capacity in various federal, state, or local law enforcement task forces.

In-Court Activities

Limited jurisdiction court proceedings (Magistrate/Metro Court) - Filing of criminal complaints and/or dismissals of criminal complaints.

Grand jury proceedings - Testifying before grand juries.

Pre-trial hearings/motions (District Court) - Appearing in district court for pre-trial hearings or motions, giving testimony, and taking notes and assisting the prosecutor.

Bench trial (District Court) - Appearing in district court for bench trials.

Jury trial (District Court) - Appearing in district court for a jury trial and helping select a jury.

Post adjudication trial/hearings - Appearing in court for sentencing hearings, probation revocations, post conviction relief, parole hearings, and appeals from lower courts.

**New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
CLERICAL/LEGAL SECRETARY SERIES**

Part I. GENERAL INFORMATION

Employee: _____ Job Class/Title:

Rater: _____ Job Class/Title:

Appraisal Period: (FY _____) (from _____ to _____) Employee Service: _____ years
months

Reason: () Annual () End of Probationary Period () Other

Part II. OVERALL PERFORMANCE APPRAISAL: (Check Only One)

[Instructions: Determine final rating as follows:

Add up each Sections' ratings, divide by the number of ratings for that Section's average, then add the two Sections' averages and divide by two to get the number to put in here for the Overall Performance Rating. Mark the box to match where that Rating falls, and put the Final Rating Number to the right of that Rating.

Example only: Section 1: $35/7 = 5$ Section 2: $24/5 = 4.8$ Combined for FINAL RATING: $5 + 4.8 = 9.8/2 = 4.9$

Consistently Exceeds Expectations = 4.1 - 5 Exceeds Expectations = 3.1 - 4 Meets Expectations = 2.1 - 3
Needs Improvement = 1.1 - 2 Unacceptable = 0 - 1

[] **(E)Consistently Exceeds Expectations -**

[] **(D)Exceeds Expectations -**

[] **(C)Meets Expectations -**

[] **(B)Needs Improvement -**

[] **(A)Unacceptable -**

Part III. ACKNOWLEDGMENTS:

I acknowledge that my Employee Performance Appraisal and Development Plan has been discussed with me, and that a copy has been provided to me.

Employee's Signature: _____ Date: _____
Employee Comments:

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

District Attorney's Signature: _____ Date: _____

New Mexico District Attorneys'
Employee Performance Appraisal & Development Plan
CLERICAL/LEGAL SECRETARY SERIES

SECTION 1: Assessment of Essential Job Responsibilities

Based on job description(s) for: Clerical/Legal Secretary Series

Based on (other):

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Essential Job Responsibility	Highlights/Accomplishments/Comments	Points
1. Case-Related Activities: file preparation and maintenance, typing and document production, case preparation and administration, scheduling, post adjudication activities		
2. Non-Case Related Activities: Non-case related clerical activities; Office administration; Administrative support for community outreach;		
3. In-Court Activities: Arraignments; Juvenile court proceedings; Grand jury proceedings, preliminary hearings, and other pre-trial hearings/ motions; Bench or jury trial; Post adjudication activities		
4. Other(s):		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
CLERICAL/LEGAL SECRETARY SERIES**

SECTION 2: Assessment of Job-Related Capabilities

Use this Point System:

Consistently Exceeds Expectations = 5 Exceeds Expectations = 4 Meets Expectations = 3

Needs Improvement = 2 Unacceptable = 1

Competency Standard	Description/Comments	Points
1. Quality of Work: Work is performed accurately and neatly. Work is consistent, thorough, and complete.		
2. Quantity of Work: Amount of work performed on a daily basis is appropriate for job function.		
3. Professional/Technical Job Knowledge: Possesses skills and technical competence to job duties; ability to learn and apply new skills; is current on pertinent job developments and requirements; understands how job relates to others; uses resources effectively		
4. Decision Making & Analysis: Has ability to weigh facts and arrive at an appropriate decision and course of action		
5. Organizing/Planning: Accomplishes both quantity and quality of work in a consistently efficient and effective manner; can direct others so they also function effectively on overseen tasks		
6. Interpersonal skills: Possesses positive work attitude, is attentive when dealing with outside agencies, the public, any assignments, co-workers, supervisors, their DA and the NMDAA.		
7. Attendance: Regular and timely attendance. Requests leave in advance, does not abuse leave. Is attentive and available when in the office.		
8. Work Timeliness: Has ability to meet deadlines in advance; able to adapt quickly to changing situations and apply the changing situation to improve service.		

Competency Standard	Description/Comments	Points
9. Communication Effectiveness: Has ability to interpret follow instruction/orders. Has ability to exchange ideas with supervisors and co-workers to produce timely meaningful information.		
10. Other		

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
CLERICAL/LEGAL SECRETARY SERIES**

SECTION 3. EMPLOYEE DEVELOPMENT PLAN - Please complete each section as instructed below:

A. Job/Career Goals - To be completed by employee. Check all those that apply.

	Improve and/or enhance my skills and/or knowledge in specific areas related to my current position.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a transfer to a position in a different career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a promotion to a higher position in the same career ladder within the agency.
	Improve and/or enhance my skills and/or knowledge with the goal of working towards a position outside the agency.
	Other (please explain):

B. Training Plan - To be completed by rater. Check all those items which will help fulfill the goals listed in item A above and address the “Skills and Knowledge to be Developed” areas in Section 2.

	Long-term Classroom Instruction (i.e., university, college, or technical/vocational course)
	Short-term Classroom Instruction (i.e., conference, workshop, or seminar)
	On-the-Job Training (i.e., group or one-on-one training with mentor or supervisor)
	Cross-Training (i.e., job exchange or temporary assignments)
	Other (please explain):

Comments:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
*CLERICAL/LEGAL SECRETARY SERIES***

SECTION 3. EMPLOYEE DEVELOPMENT PLAN (continued)

Areas of Your Work you are Doing Well:

Areas of Your Work that Need Improvement:

**New Mexico District Attorneys’
Employee Performance Appraisal & Development Plan
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Job Assignment Activities for Clerical/Legal Secretary

Case-Related Activities

File preparation and maintenance - Setting up and maintaining case files; assigning case numbers; obtaining reports for investigator/attorney review such as warrants and law enforcement reports; locating witnesses; requesting evidence; and entering case information into a case management/tracking system.

Typing and document production - Preparing, typing and producing case-related documents such as subpoenas, notices for arraignments, motions, witness lists, transportation orders, evidence logs, dismissal letters, grand jury dockets, letters regarding bond hearings or detainers, accusations/indictments, pre-sentencing orders, and briefs.

Case preparation and administration – Filing court documents and retrieving court documents from clerks’ offices; processing warrants; preparing discovery and copying case materials; compiling or preparing exhibits for trials (videotapes, photographs, pictures, charts, or tables); arranging for special needs such as translators; locating victims/witnesses; case-related phone calls; and any other general case-related clerical activities.

Scheduling – Scheduling arraignments, grand juries, hearings/motions, and trials; preparing court calendars; maintaining attorneys’ calendars; and scheduling interviews with victims, witnesses, and law enforcement officers.

Post-adjudication activities - Closing out cases after adjudication, reviewing files for completeness, filing disposition forms; destroying documents, and copying case materials.

Non-Case Related Activities

Non-case related clerical activities - Answering phones, greeting the public and office visitors, processing and delivering in-coming and out-going office mail, and typing and copying of non-case related matters.

Office administration - Supervising staff, ordering office supplies, maintaining the library, training new staff on policies/procedures and computers, computer and file maintenance/storage, facilities management, preparing grants and budgets, preparing accounts payable and receivable documents, and attending staff meetings.

Administrative support for community outreach - Preparing speeches, talking points, and resource materials.

Job Assignment Activities for Clerical/Legal Secretary

In-Court Activities

Arraignments - Providing support to prosecutors, etc. in court during arraignments.

Juvenile court proceedings - Attending or assisting with proceedings in children's court.

Grand jury proceedings, preliminary hearings, and other pre-trial hearings/motions - Attending or assisting with grand jury proceedings, preliminary hearings, and other pre-trial hearings and motions.

Bench or jury trial - Attending or assisting with proceedings pertaining to bench or jury trials, including jury selection.

Post adjudication activities - Attending or assisting in court with post-adjudication activities such as sentencing hearings, probation revocations, appeals, etc.