GENERAL ADMINISTRATION
EMPLOYEE

045 LEAVE

045.5 Administrative Leave Policy

045.5.1 Purpose

This policy defines the purposes and authorizations required for administrative leave for Human Services Department (HSD) employees.

045.5.2 Definitions

A. "Administrative leave" means authorized and paid absence from work activities granted to employees for specific purposes as set forth in State Personnel Board rules.

B. "Business unit" means immediate organizational home of employee (i.e., Bureau, Office).

C. "Domestic Partner" means a person related to an employee where the employee and the partner presently can affirm that:

1. the partners are in an exclusive and committed relationship for the benefit of each other, and the relationship is the same as, or similar to, a marriage relationship in the state of New Mexico;
2. the partners share a primary residence and have done so for twelve or more consecutive months;
3. the partners are jointly responsible for each other's common welfare and share financial obligations;
4. neither partner is married or a member of another domestic partnership;
5. both partners are at least 18 years of age;
6. the partners are not related by blood to a degree of closeness that would prevent them from being married to each other in the state of New Mexico.

D. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

045.5.3 Policy

A. Administrative leave may be authorized to HSD employees under certain conditions as described in State Personnel Board rules. In addition, each agency is authorized to grant administrative leave for up to five consecutive days when it is in the best

interest of the agency to do so.

B. This section lists the various purposes for which administrative leave is granted within HSD. It also specifies the supervisory/managerial level authorized to approve each type of leave. As administrative leave is an employee benefit, it is important that it be administered equitably throughout the agency.

C. Administrative leave, by definition, is neither work time nor official state business. Use of administrative leave constitutes an employee's release of HSD from any liability associated with such leave. Employees on administrative leave may not be reimbursed for mileage or per diem or use a state vehicle.

045.5.4 Authorized Uses of Administrative Leave

Supervisors and managers may grant administrative leave for the following purposes:

A. Voting. An immediate supervisor may authorize up to two hours of administrative leave for the purpose of voting as set forth in State Personnel Board Rule 1.7.7.14. Supervisors and office managers retain the right to schedule such leave. This leave is not available to employees whose work day begins more than two hours after the opening of the polls or ends more than three hours prior to the closing of the polls. Employees who are on leave for that full day for whatever reason are ineligible for administrative leave for voting purposes.

B. Court-Related. An immediate supervisor may grant administrative leave for the actual time required during an employee's regularly scheduled work day, including travel, for an employee serving as a witness by subpoena or serving on a jury. (See State Personnel Board Rule 1.7.7.14.) No compensation will be given for witness or jury time outside work hours unless testifying on behalf of the department. Fees received as a witness or as a juror, excluding any reimbursement for travel, shall be remitted to HSD's Administrative Services Division. (NMAC 1.7.7.14)

C. Pre-Retirement Counseling. An immediate supervisor may grant up to eight hours administrative leave for PERA pre-retirement counseling. Employees may use this one time in their career at HSD.

D. Initial Counseling Session. An immediate supervisor may authorize administrative leave for an initial counseling session with an Employee Assistance Program counselor. This authorization is limited to the time required, including travel, for the initial session. See Section I below for situations involving drug or alcohol self-identification.

E. On-the-Job Injury. An immediate supervisor may authorize administrative leave for the day of the occurrence for transportation and emergency medical treatment for an employee who suffers an on-the-job injury or illness.

F. Hazardous Roads/Weather. Administrative leave may be granted for inclement weather and hazardous road conditions as described in HSD's policy on Hazardous Roads/Weather.

G. Dangerous/Unhealthy Work Place Conditions. A county director or bureau chief may request administrative leave for dangerous or unhealthy work place conditions with the approval of the appropriate Division Director, provided that the temporary relocation of employees is not practicable. The closure must be reported to the Office of the Secretary, the Office of Human Resources, and HSD's Loss Prevention and Control Coordinator prior to the decision or by close of business on the day thereof.

H. Interviews. A county director or bureau chief may grant administrative leave for the actual time required, including travel, for an employee to interview for a position within HSD, provided that office efficiency is maintained.

I. Voluntary Self-Identification. The OHR Drug Abuse Coordinator may grant administrative leave to an employee to participate in an employee assistance program, counseling, or a drug or alcohol rehabilitation program for up to 240 hours for the initial voluntary self-identification only. (See State Personnel Board Rule 1.7.8.19.)

J. Discipline Situations. A county director or bureau chief may authorize up to eight hours administrative leave when requiring an employee to leave the premises in a disciplinary or potential disciplinary situation or other situation where an employee's behavior is disruptive or threatening to the office, provided the OHR's Employee Relations Section is notified prior to or within 24 hours. The OHR Manager is authorized to grant up to 160 work hours during a disciplinary action process or investigation. (See State Personnel Board Rule 1.7.11.12.)

K. Educational Leave. The OHR Educational Leave Coordinator may authorize educational leave with pay during work hours for up to a maximum of 7 hours per week (inclusive of travel time), per semester, with the approval of the immediate supervisor, the county director or bureau chief, and the Division Director or designee. (See HSD's *Educational Leave Policy*.)

L. Bereavement Leave.

1. A manager may authorize Bereavement Leave for employees affected by the death of a relation by blood or marriage within the third degree or by the death of a person residing in the employee's household. Each Division will designate the authorized signature and notification process.

2. A manager may authorize a maximum of three (3) days of Bereavement Leave for a death that occurs locally and a maximum of five (5) days of Bereavement Leave for a death that occurs one or more travel days from the employee's work site. The leave must be approved and taken in a timely manner. A copy of the certificate of death or a published death notice may be requested. Each Division will designate the authorized signature and notification process.

3. Employees may request Annual Leave to attend funeral services of family or friends not considered a relation by blood or marriage within the third degree or of a person not residing in the employee's household.

4. The Division Director, Deputy Director or Regional Operations Manager may authorize up to three (3) hours of Bereavement Leave for employees to attend the local funeral of another employee within the same business unit.

M. Military Leave.

Military leave is granted in accordance with the United States Code, State Personnel Board Rules, and any other applicable law on paid or unpaid military leave. Members of organized reserve units or the National Guard ordered to active duty training shall be given up to 15 workdays of paid military leave per federal fiscal year. 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 15 workdays per federal fiscal year. 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 15 workdays per federal fiscal year. Members of the Civil Air Patrol shall be granted military leave not to exceed 15 workdays per calendar year for search and rescue missions. 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.

N. Other Purposes. Supervisors and managers are authorized to grant administrative leave only for the above purposes. Administrative leave for any other purpose may be granted only with the explicit authorization of the OHR Manager and/or the HSD Secretary.

045.5.5 References

State Personnel Board Rules
HSD Hazardous Roads/Weather Policy
HSD Disciplinary Actions Policy
HSD Educational Leave Policy

APPROVED: DATE:

PAMELA S. HYDE, J.D., Secretary 6/26/09