GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.1 Safety, Loss Prevention and Control Policy

043.1.1 Purpose

The Human Services Department (HSD) is committed to provide a safe working environment for its employees. The purpose of this policy is to put in place practices that prevent or mitigate loss. The policy complies with 1.6.4 NMAC in order to reduce costs and to provide a safe workplace by identifying, preventing, and reducing or eliminating exposure to risks that may result in bodily injury, property damage, or other types of liability. Under the guidance of the HSD Loss Prevention and Control Coordinator (Coordinator), the local offices shall develop specific guidelines tailored to their needs in alignment with this policy.

The Coordinator shall ensure regular self-inspections of HSD's safety and security needs, procedures, and policy, taking into account changes in the physical characteristics of each office. The Coordinator shall provide recommendations and develop the proposed budget required to carry out those recommendations.

043.1.2 Definition

A. "Loss prevention and control" means any managerial system or systems intended to identify potential or actual loss situations and the implementation of a strategy or strategies to prevent or manage losses. These systems work to reduce in the frequency and costs associated with losses and to eliminate the causes that allow losses to occur. Loss situations may be bodily injury, death, property damage, and employment-related civil rights violations, or other types of potential or actual liability covered under insurance or self-insurance programs.

043.1.3 Committees

A. HSD's Secretary shall appoint the Loss Prevention and Control Committee (Committee) duties at the Departmental level. The Committee composition and duties of the representatives are described in HSD's Loss Prevention and Control Plan. HSD's Loss Prevention and Control Committee shall perform specific duties as required by 1.6.4 NMAC (as may be amended).

B. Division Directors or designees shall appoint a Safety Lead from the management-appointed representatives on any Safety Committee established under a Collective Bargaining Agreement. The Safety Lead shall report health

and safety issues to the Coordinator on a regular basis.

043.1.4 Duties of the Loss Prevention and Control Coordinator

The Secretary shall appoint a Coordinator who is knowledgeable and experienced in loss prevention and control. The Coordinator shall have specific duties as detailed in the job description including but not limited to Committee representation, reporting to the Secretary on matters pertaining to the program, acting as liaison with the state loss control manager and other coordinators, reviewing HSD loss claims and making recommendations to prevent future losses, organizing self-inspection and audit procedures, and conducting training. The Coordinator will communicate with the Safety Committees established under any applicable Collective Bargaining Agreement.

043.1.5 Personnel Security

To ensure the security of employees, customers, and visitors, every effort will be made to provide adequate safety measures and mechanisms at each work site. HSD will not tolerate verbal threats or threatening or violent behavior, implied or actual, by any person, including members of the public, directed towards HSD personnel or property and made during official HSD business and shall take reasonable measures to protect HSD employees and property against such threats or behaviors. All such threats must be taken seriously and reported to one's immediate supervisor, through the chain of command of the division or to the HSD's Office of Human Resources (OHR).

043.1.6 Risk Management

To prevent or mitigate loss, HSD will identify potential and actual loss situations and will implement corrective action based on their findings. HSD shall ensure that:

1. Loss information is compiled, analyzed and evaluated, and recommendations for correction are developed to be forwarded to HSD's Loss Prevention and Control Coordinator, with additional action initiated as appropriate.

2. Self-inspections and audits are conducted at least semi-annually using HSD's checklist, supplemented locally as appropriate. Managers may consider recommendations from office staff and any certified collective bargaining representative.

3. A written self-inspection or audit report is made by management in each office of all noted conditions and copied to the Coordinator. For each noted condition, a written response and corrective action shall be taken or initiated no later than thirty (30) days after notice by the supervisory person most immediately responsible for the related operation.

043.1.7 Investigation of Losses

HSD shall establish and implement loss investigation procedures as described in the HSD most current Loss Prevention and Control Plan. Supervisors will conduct investigations of losses, in their areas of responsibility, as soon as possible after becoming aware of the incident. The investigation information gathered by the supervisor must be submitted to the Coordinator to ensure appropriate action can be taken.

043.1.8 Loss Prevention and Control Training

HSD shall implement Loss Prevention and Control training as described in HSD's most current Loss Prevention and Control Plan.

043.1.9 Incident Reporting

All safety and security incidents shall be reported to the office manager. The office manager will submit written incident reports to the Division Director, the Coordinator, the local Safety Committee, and HSD's Medical Issues Coordinator when appropriate.

043.1.10 Agency Response to Incidents

Local management, in collaboration with the local Safety Committee, is responsible to immediately investigate any reported incident.

043.1.11 Inter-Agency Coordination

A. In those buildings where HSD's offices are co-located with other state agencies, local office managers shall initiate the creation of a security plan for the entire building. Unresolved discrepancies concerning safety and security shall be documented by the local office managers and referred to the Coordinator.

B. Local office management shall seek interagency cooperation in sharing information about security incidents and persons with a history of violent, abusive or disruptive behavior, as documented in a police report.

043.1.12 Policy Violations and Discipline

Safety and security violations by any HSD employee may result in disciplinary action.

043.1.13 Policy Exemptions

Exemptions from any of the safety and security standards specified in this policy shall be justified in writing and approved by HSD's Cabinet Secretary upon recommendation of the HSD's Loss Prevention and Control Coordinator.

043.1.14 References

New Mexico Human Services Department's Loss Prevention and Control Plan dated January 25, 2015
NMAC 16.4 State Loss Prevention and Control Program
OSHA—Code of Federal Regulation (CFR) 29 CFR 1910 General Industry
NMAC 11.5.1 Occupational Health and Safety - General Provisions

APPROVED:

BRENT EARNEST, Secretary

DATE:

June 15, 2016

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.2 Smoking Policy

043.2.1 Purpose

The purpose of this policy is to protect the health and health concerns of the employees and public by prohibiting smoking in Human Services Department (HSD) owned or leased vehicles or building areas and requiring designated areas for smoking. The policy adheres to requirements for a smoke free work environment in accordance with standards established in the New Mexico Administrative Code 1.5.3, the Dee Johnson Clean Indoor Air Act, and the Human Services Department.

043.2.2 Definitions

A. "Dee Johnson Clean Indoor Air Act" means 24-16-1 NMSA 1978 (Dee Johnson Clean Indoor Air Act).

B. "Department" means the Human Services Department.

C. "Designated outdoor smoking area" means an area where smoking may be permitted, designated by an employer or manager, outside an indoor workplace or indoor public place provided that the conditions described herein are maintained.

D. "Enclosed" means any interior space predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings or open or closed windows.

E. "Fumes" means any smoke-like or vaporous exhalation from matter or substances, especially of an odorous or harmful nature.

F. "Indoor public place" means the enclosed area within any governmental place to which the public is invited or in which the public is permitted regardless of whether work or public business, meetings or hearings occur at any given time.

G. "Indoor workplace" means any enclosed place where one or more persons engage in work, including lobbies, reception areas, offices, conference and meeting rooms, employee cafeterias and lunchrooms, break rooms and employee lounges, classrooms, auditoriums, hallways, stairways, waiting areas, elevators and restrooms and includes all indoor workplaces and enclosed parts regardless of whether work occurs at any given time.

H. "Reasonable distance" is 25 feet unless the local jurisdiction's legal requirements are longer. If the property line is less than 25 feet, the "smoking permitted" area shall be the furthest point possible away to ensure that persons entering or leaving the building or facility shall not be subjected to breathing fumes and in a location ensuring that fumes do not enter the building or facility through entrances, windows, ventilation systems or any other means.

I. "Secondhand smoke" means vapors or fumes emitted from lighted, smoldering, heated or burning products when the smoker is not inhaling, fumes emitted at the mouthpiece during puff drawing and fumes exhaled by the smoker.

J. "Smoke free area" means any building or other enclosed space where smoking is prohibited.

K. "Smoking" means inhaling, exhaling, burning, carrying or holding any lighted or heated product, including all types of cigarettes, cigars and pipes including electronic cigarettes and any other device that emits fumes.

L. "Smoking-permitted area" means any building or other enclosed space where smoking may be permitted; provided that secondhand smoke does not infiltrate any area where smoking is prohibited pursuant to the Dee Johnson Clean Indoor Air Act.

043.2.3 Prohibition of Smoking

A. Smoking and the use of smokeless products of any type is prohibited in all State owned or operated vehicles.

B. Smoking shall not be permitted in any State owned or HSD leased building or near any building entrance, including a door, window or ventilation system so as to prevent secondhand smoke from entering the indoor workplace or indoor public place regardless of whether work or public business, meetings or hearings occur at any given time.

C. Employees or members of the general public shall not be required to walk through the smoking area to gain entrance to the indoor workplace or indoor public place.

043.2.4 Responsibilities of HSD Managers

A. The owner and local office management of any HSD premise shall work together to establish a smoke free area that extends a reasonable distance from any entrances, windows and ventilation systems to any enclosed areas where smoking is prohibited.

B. The reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing fumes and to ensure that the fumes do not enter the building or facility through entrances, windows, ventilation systems or any other means.

C. A "NO SMOKING" sign shall be posted where it is clear, conspicuous and easily legible at each public entrance. Posting of "NO SMOKING" signs is the responsibility of the owner and/or local office management having control of the indoor workplace or indoor public place.

D. The owner and local office management of any HSD premise shall work together to designate appropriate outdoor smoking areas and post clear, conspicuous and easily legible signs indicating designated outdoor smoking areas, e.g., "SMOKING PERMITTED".

E. The owner and local office management must follow the specification in The Dee Johnson Clean Indoor Air Act that permits smoking at a site that is being used in connection with the practice of cultural or ceremonial activities by Native Americans and that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

F. HSD management shall not discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment or customer because that employee, applicant or customer exercises any rights afforded by the Dee Johnson Clean Indoor Air Act or reports or attempts to prosecute a violation of that act.

G. Local HSD management and supervisors are responsible to ensure that "smoking breaks" are in compliance with applicable policies or agreements.

043.2.5 HSD Responsibility for Enforcement of Policy

Complaints of possible violations may be made to the local office management or alternately, to the HSD Office of Human Resources. HSD managers are responsible and accountable for ensuring this policy is implemented and enforced. Violation of this policy is cause for disciplinary action.

043.2.6 Enforcement of the Dee Johnson Clean Indoor Air Act

The local fire, police or sheriff's department shall enforce the act by issuance of a citation and penalties. The owner and/or local office management shall not be subject to a penalty if a person on the premises is in violation as long as the owner and/or local office management has posted signs, implemented the policy and informed the person that the person is in violation of the Dee Johnson Clean Indoor Air Act.

043.2.7 References

House Bill 283, 48th Legislature, State of New Mexico, 2007: the Dee Johnson Clean Indoor Air Act (Section 24-16 NMSA)
NMAC 1.5.3 Authorization and Use of State Vehicles, Nov 1, 2002

APPROVED: DATE:

Sidonie Squier 1/6/14

SIDONIE SQUIER, Secretary

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.3 Personal Telephone Calls and Electronic Device Use Policy

043.3.1 Purpose

To establish guidelines for the personal use of telephones, other telecommunications equipment, and electronic devices in the Human Services Department (HSD). This policy is in addition to and does not replace any HSD, state, or federal information technology policies.

043.3.2 Definitions

A. "Minimum" means the least quantity or amount possible.

B. "Personal Electronic Device" means any device used to store, access or transmit information by electronic systems, including but not limited to, cellular telephones, personal data assistants (PDA), tablets, and laptop computers.

C. "Text messages" means individual messages sent from personal electronic devices.

D. "Texting" means the common term for sending text messages.

E. "Personal use" means any use not directly connected with an employee's official work duties.

043.3.3 Policy

A. Personal communications, including phone calls, emails and texts whether occurring on state equipment or on an employee's personal electronic device, shall be kept to a minimum and must not interfere with workflow.

B. Use of personal electronic devices for accessing the internet, mobile applications, social networking sites, or other online services and downloads unrelated to work duties shall be limited to breaks and lunch periods.

C. Office managers and/or bureau chiefs are responsible and accountable for overall implementation of this policy and procedures in their offices.

D. All HSD employees must comply with this policy and any New Mexico laws relating to telephone and personal electronic device use.

043.3.4 Prohibited Use of State Equipment

The following conduct is considered misuse or abuse of state equipment and is prohibited:

043.3.4 Prohibited Use of State Equipment

The following conduct is considered misuse or abuse of state equipment and is prohibited:

A. Use of state telephones to place long-distance personal calls or to accept collect calls billed to the state, without approval from a supervisor;

B. Use of state cell phones for personal texting and internet access, and excessive personal calls;

C. Any use of HSD telephones or telecommunications equipment in connection with outside employment or in connection with the operation of a business;

D. Texting while driving and/or operating a state vehicle;

E. Speaking on a cell phone in a state vehicle without use of a hands-free device; and

F. Facsimile machines are for business use only and personal use of such equipment shall be minimal and must have prior approval by a supervisor.

043.3.5 Prohibited Use of Personal Electronic Devices at Work

The following conduct is prohibited:

A. Excessive personal electronic device use, including but not limited to calls, texting, internet access, mobile applications and social networking;

B. Use of a personal electronic device to take pictures or video in private and/or secured work areas where confidential information, as defined by State and federal laws, State Personnel Board Rules and HSD policies, is exposed or another worker's privacy is violated;

C. Use of a personal electronic device where the personal safety of the employees are placed at risk; and

D. Any interruption of formal work duties, including customer assistance, meetings and trainings, except in the case of an emergency.

043.3.6 References

HSD Code of Conduct.

APPROVED: DATE:

Sidonie Squier 1/6/14

SIDONIE SQUIER, Secretary

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.4 Hazardous Roads/Weather Policy

043.4.1 Purpose

This policy sets forth the conditions and circumstances under which administrative leave may be granted in the event of hazardous road and weather conditions. It demonstrates concern for the safety of the employee balanced with the need to maintain human services when at all possible. Hazardous road and weather conditions in this policy refer to road and weather conditions in the immediate area where the worksite is located. Unless a decision has been made by the appropriate authority to delay opening of the office or to close the office, it is the responsibility of the individual employee to report to work as close as possible to normal work time during inclement weather as the nature of work and services provided by state government prohibit the curtailment of these services.

043.4.2 Definitions

A. "Inclement or hazardous weather": For purposes of this policy, "inclement or hazardous weather" means a natural occurrence which will create dangerous driving conditions or any weather or other environmental condition (including but not limited to flooding, fire, tornado, or earthquake) which is determined by the Department of Transportation, the state police, or other law enforcement official to create a safety hazard in terms of driving conditions.

B. "Hazardous road conditions": For purposes of this policy, "hazardous road conditions" means any public road's status of a temporary nature resulting from any inclement or hazardous weather circumstances or any other local or regional condition for which an emergency has been declared by any authorized federal or state official and which is determined by the Department of Transportation, the state police, or other law enforcement official to create a safety hazard in terms of driving conditions.

C. "Field Office": For purposes of this policy, "field office" is the Income Support Division (ISD) unit at the local level responsible for the direct administration of ISD's food, medical, energy, and financial assistance programs, the Child Support Enforcement Division unit at the local level responsible for the direct administration of child support programs and activities, and the Office of Inspector General (OIG) offices outside Santa Fe. Other HSD employees may be housed within these offices and come under the jurisdiction of this policy.

043.4.3 Delays, Closing, Arriving Late

A. The Governor's Office or the HSD Office of the Secretary will make final decisions regarding delays or closing Santa Fe Central, Santa Fe field offices, and Albuquerque. If no decision is made by the Governor's Office, the order of authority for making these decisions is the Secretary, Deputy Secretary, and then the Communications Director.

B. When local school districts outside of Santa Fe and Albuquerque are on a 2 hour delay due to inclement weather, field offices outside of Santa Fe and Albuquerque will also be on a 2 hour delay. However, when local school districts are closed for more than 2 hours, it does not mean that the field offices will be closed for that time. If local school districts are on a 2 hour delay, field office management are responsible to inform the Director's Office of such delays, prior to the start of the work day. If there is an inconsistency or question, the Office of the Secretary should be contacted for clarification. The Governor's Office or the Office of the Secretary in consultation with the ISD and CSED directors will make final decisions regarding closing of field offices in excess of 2 hours outside Santa Fe and Albuquerque. The action of local school districts as announced on local television and/or radio news stations or media websites will be considered in making decisions on the scope and length of closures. Decisions will also be informed by concerns expressed by various HSD managers located in the same geographic area. Any concerns about delaying or closing shall be conveyed by field office management speaking directly to the Division Director or his/her designee. Voicemail or email notification is not acceptable. The Division Directors Offices can be contacted by cell phone in the event these offices are closed.

C. Individuals may not be granted administrative leave for delay or inability to arrive at work because they live outside their assigned place of employment and administrative leave will not be granted when the employee is late due to travel difficulties.

D. Administrative leave may be granted only if the office is closed or delayed for everyone. If an office is closed after some employees have already arrived at work, administrative leave will still be granted only after a decision is made to close the office for everyone.

E. When a decision to delay an office has been made and the employee is still unable to arrive at work, administrative leave will be authorized for the official delay period. The supervisors may make a judgment about how to manage the balance leave time for the employee (see below, Section F).

F. When a decision has not been made to delay opening or close the office, employees who make personal choices to delay coming to work or not to come to work because of weather must call their supervisor to advise him/her of the

decision. The supervisors may make a judgment about how to manage the time of employees:

1. Employees may be allowed to work from another office if possible; or

2. Employees may be allowed to make up time on other days within FLSA guidelines; or

3. Employees may work from home when appropriate; or

4. Employees may be required to take annual leave or available compensatory for those hours he/she is unable to get into the office.

G. Local media may be only contacted about decisions to close or delay opening an office by the HSD Communications Director.

043.4.4 Leaving Early

When inclement weather begins during normal working hours, staff should seek the guidance of their supervisors and office managers who should call the appropriate Division Director. Staff should NOT contact the Office of the Governor, the State Personnel Office or the HSD Office of the Secretary.

043.4.5 Status of Employees on Leave

If an office closes or if employees are granted administrative leave to arrive late or leave early because of hazardous road conditions, employees already on annual leave, sick leave, compensatory time off or other types of paid or unpaid leave are not credited with any administrative leave for hazardous road conditions.

043.4.6 Notification and Approval Procedures

A. Consistent with the Inclement Weather-Work Delay/Office Closure guidelines from the State Personnel Office, the announcement to delay or close will be made as soon as practical via local television and radio stations. Information will also be available on media websites, the SPO website, office "telephone trees", and the State Information Line for Office Delays and Closures (866-654-3828). Employees are instructed to tune into their local television and radio stations for this information. They are not to phone the Governor's office or State Personnel Office.

B. Managers shall check with the appropriate Division Director for guidance when in doubt.

C. Offices closing for more than one day shall secure approval from the Division Director or designee.

D. The ISD and CSED Director or their designee must inform the ASD Director's office when administrative leave has been granted for all or part of a day in field offices outside Santa Fe or Albuquerque.

E. Any delays or closures must be conveyed by the Division Director to the Communications Director or his/her designee. Voicemail or email notification is not acceptable. The Communications Office can be contacted by cell phone in the event the office is closed.

043.4.7 Instructions from the Governor's Office

Instructions from the Governor's office (or the State Personnel Office on behalf of the Governor's office) concerning office closings because of road conditions supersede provisions of this policy where applicable. No administrative leave is granted in the Santa Fe or Albuquerque area because of road conditions without specific instructions from the Governor's office or the Office of the Secretary.

043.4.8 References

HSD Administrative Leave Policy

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 2/25/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.5 Use of State Information Technology Resources Policy

043.5.1 Purpose

The purpose of this policy is to provide staff with guidance on the acceptable use of the Human Services Department's (HSD) information technology resources regarding the protection of the confidentiality, integrity, and availability of those resources.

HSD's information technology resources are and shall remain the property of HSD, subject to its sole control. Improper use of information technology resources poses increased risk to the department and its resources. HSD's staff has the responsibility to safeguard information technology resources.

043.5.2 Definitions

A. "Access" means the ability to read, change, or enter data using a computer or an information system.

B. "Availability" means timely and reliable access and use of information technology resources by an authorized user.

C. "Confidential" or "Confidentiality" means restrictions on information access and disclosure of data including personal privacy and proprietary information.

D. "Confidential Data" This is highly sensitive data intended for limited, specific use by a workgroup, department, or group of individuals with a legitimate need-to-know. Explicit authorization by the Data Owner is required for access because of legal, contractual, privacy, or other constraints. Unauthorized disclosure could have a serious adverse impact on the business of HSD or affiliates, the personal privacy of individuals, or on compliance with federal or state laws and regulations or HSD contracts. Confidential data types require a very high level of security controls. Examples include but, are not limited to:

- Income tax records (FTI)
- Medical records (PHI)
- Personally Identifiable Information (PII).
- Social Security Number
- Date of birth
- Financial Information
- Place of birth
- Driver license numbers
- Mother's maiden name

- Credit card numbers
- Bank account numbers
- Personal address
- Authentication tokens (e.g., personal digital certificates, passwords, etc.)

E. "Equipment" means computers, monitors, keyboards, mice, routers, switches, hubs, networks, or any other information technology assets.

F. "Federal Tax Information" (FTI) means federal taxpayer returns and tax return information. The IRS requires that appropriate safeguards are maintained to protect confidentiality of FTI.

G. "Freeware", "Open-Source" or "Shareware" means software that is available free of charge and available for download from the Internet. Freeware is protected by a copyright and is subject to applicable copyright laws.

H. "Information Technology Resources" (IT Resources) means computer hardware, software, databases, electronic message systems, communication equipment (including USB memory sticks), computer networks, all current and future internet, intranet and telecommunications circuits, and any information that is used by HSD to support programs or operations that is generated by, transmitted within, or stored on any electronic media.

I. "Integrity" means accuracy and authenticity of the information within IT resources.

J. "Malicious Code" means any type of code intended to damage, destroy, or delete a computer system, network, file, or data.

K. "Materially Interferes" means such use burdens the department or state with additional costs, or interferes with the user's employment duties or other obligations to the department or state.

L. "Personally Identifiable Information" (PII), as used in information security, is information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify, contact, or locate a single individual. Examples are full name, driver's license number, social security number.

M. "Pirated Software" means licensed software installed on a computer system for which a license has not been purchased or legally obtained.

N. "Protected Health Information" (PHI), also referred to as Personal Health Information, means information that identifies a single individual or describes the individual's past, present or future physical or mental health condition.

O. "Removable Media" are data storage devices capable of computer system removal without powering off the system. Removable media devices are used for backup, storage or transportation of data. Examples include but, are not limited to; USB drives, CDs, Memory Cards, Disk packs, external hard drives, Digital cameras, and Smart Phones.

P. "Security Incident" the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system.

Q. "Security mechanism" means IT resources to prevent the disruption or denial of services or the unauthorized use, damage, destruction, or modification of data and software.

R. "Sexually explicit", "extremist materials", and "libelous and defamatory material" means:

1. "Sexually explicit" material is material that the average person would find, applying contemporary community standards, appeals to the prurient interest. It is material that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable New Mexico law, and taken as a whole, lacks serious literary, artistic, political or scientific value.

2. "Extremist material" is material which advocates resorting to violence or other unlawful action, particularly with respect to achieving the objectives of political, racial or religious ideologies. It includes material advocating violent or otherwise unlawful action toward groups or individuals based on race, religion, gender, sexual orientation, national origin or political views.

3. "Libelous and defamatory material" is material that contains any false and malicious statement affecting the reputation, business or occupation of another, or which exposes another to hatred, contempt, ridicule, degradation or disgrace and which is circulated without good motives and justifiable ends.

This also means images, documents, or sounds that can reasonably be construed as:

1. Discriminatory or harassing; or

2. Obscene or pornographic; or

3. Threatening to an individual's physical or mental well-being; or

4. Read or heard for any purpose that is illegal

S. "Staff" or "Staff Member" means:

1. An individual working for the Human Services Department

2. An individual working under contract or as a vendor to the state

3. A volunteer providing services to the state

043.5.3 Policy

The Internet and other information technology resources are important assets that HSD can use to gather information to improve external and internal communications and increase business efficiencies. To encourage effective and appropriate use of the state's IT resources, the following policies are in effect:

A. HSD staff shall sign and date a statement indicating they have received and read this policy.

B. HSD shall keep the staff member's signed statement on file throughout the tenure of the staff member.

C. Staff shall have no expectations of privacy with respect to state IT resource usage. HSD may install software and/or hardware to monitor and record all IT resources usage, including email and Web site visits. HSD may record or inspect any and all files stored on the assigned computing device, e.g., laptop, desktop or mobile device. These techniques may be used with the authorization of the HSD Chief Information Officer (CIO), the HSD Secretary or designate, the HSD Information Technology Division (ITD) Security Officer, the Office of Human Resources (OHR) Director, or the HSD Inspector General as part of an official investigation. Information derived from such monitoring or recording may be used in an administrative, personnel, or criminal inquiry. Illegal activity involving state IT resource usage may be referred to the appropriate authorities for prosecution.

D. Staff shall utilize state IT resources solely for state business purposes (except as described below) and shall conduct themselves in a manner consistent with appropriate behavior standards as established in existing state policies. All existing State of New Mexico policies relating to intellectual property protection, privacy, misuse of state equipment, harassment, hostile work environment, data security, and confidentiality apply to staff use of IT resources. Staff must also comply with laws governing political speech.

E. Staff shall follow all procedures regarding password security including sharing, displaying, or revealing passwords. All passwords are to be treated as sensitive, confidential HSD information.

F. Staff shall follow all IT Security and Privacy Procedures and Regulations

including protection of Personally Identifiable Information (PII), Protected Health Information (PHI), and Federal Tax Information (FTI).

G. Staff shall adhere to mandatory requirements for Information Technology training and follow all content contained within the trainings regarding computer access including computer and laptop security, password security, email security, and computer virus avoidance.

043.5.4 Prohibited Use of State IT Resources

A. Staff shall not use any state IT resources for anything other than official state business unless otherwise specifically allowed by their immediate supervisor and bureau chief/county director or another authority designated by HSD Office of the Secretary. Personal use of the state's IT resources shall be permitted only in accordance with Section 043.5.5 of this policy.

1. Staff shall not upload or otherwise transfer out of the state's direct control any software licensed to the State nor data owned or licensed by the State without explicit authorization from the manager responsible for the software or data.

2. Staff shall not use IT resources to reveal confidential or sensitive information, client data, or any other information covered by existing State or federal privacy or confidentiality laws, regulations, rules, policies, procedures, or contract terms. Staff who engage in the unauthorized release of confidential information via the State's IT resources, including but not limited to newsgroups, social media sites, or chat rooms, will be subject to sanctions as outlined in existing policies and procedures associated with unauthorized release of such information.

3. Staff shall save all HSD information only on an approved, encrypted removable media device.

4. Staff shall encrypt confidential data while at rest, in use, and in transit. For example, saving confidential data to a hard drive or emailing confidential data.

5. Staff shall report suspected security incidents to the immediate supervisor and the Information Security Officer upon discovery of the incident.

6. Staff shall respect copyrights, software, licensing rules, property rights and privacy agreements.

7. Staff shall not download software, including freeware, open-source, and shareware, unless it is required to complete their job responsibilities and they have prior supervisory and ITD approval.

8. Staff shall not use State equipment to download or distribute pirated software or data, including music or video files.

9. Staff shall not use State IT resources to deliberately propagate any malicious code.

10. Staff shall not use state IT resources to intentionally disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of the state's IT resources.

11. Unauthorized dial-up access to the Internet is prohibited from any device that is attached to any part of the State's network. Staff shall not use the state's IT resources to establish connections to non-state internet service providers unless they are authorized to do so in writing by the ITD Chief Information Officer or the ITD Security Officer.

12. Staff shall not access, store, display, distribute, edit or record sexually explicit or extremist material using state IT resources.

    a. Where the display or use of sexually explicit or extremist materials falls within legitimate job responsibilities, the HSD Secretary or designee may exempt a staff member in writing from the requirements. HSD shall keep the letter on file throughout the tenure of the staff member.

    b. The incidental and unsolicited receipt of sexually explicit or extremist material, such as might be received through email, shall not constitute a violation of this section, provided that the material is promptly deleted and neither stored nor forwarded to other parties.

13. Staff is prohibited from accessing or attempting to access IT resources for which they do not have explicit authorization by means of user accounts, valid passwords, file permissions or other legitimate access and authentication methods.

14. Staff shall not use state IT resources to override or circumvent any security mechanism belonging to the state or any other government agency, organization or company.

15. Staff shall not use state IT resources for illegal activity, gambling, or to intentionally violate the laws or regulations of the United States, any state or local jurisdiction, or any other nation.

043.5.5 Personal Use of the Internet

A. Occasional and incidental personal use of the state's IT resources and Internet

access is allowed subject to limitations.

1. Personal use of the Internet is prohibited if:

   a. it materially interferes with the use of IT resources by the state, e.g, downloading or streaming of internet video files that consume excessive internet bandwidth and slow down the work of others on the state network; or opening a malicious website which could make the computer vulnerable to a damaging virus or malware infection, with potential to infect other computers on the HSD network; or

   b. such use burdens the state with additional costs, e.g., downloading an application on a smartphone, or the associated administrative cost to repair, disinfect, and otherwise clean up state resources from the negative effects of viruses and malware often attached to infected freeware and web sites; or

   c. such excessive use interferes with the staff member's employment duties or other obligations to the state; or

   d. such personal use includes any activity that is prohibited under this policy.

043.5.6 References

HSD Code of Conduct
Governor Susana Martinez Code of Conduct Adopted April 26, 2011, Section 4. Use of State Information Technology Resources
State Security Rule (Title 1 General Government Administrative, Chapter 12 Information Technology, Part 20 Information Security Operation Management)
IRS 1075 Publication
National Institute of Standards and Technology (NIST) Special Publication 800-53 Recommended Security Controls for Federal Information Systems and Organizations

APPROVED: DATE:

Sidonie Squier 10/27/14

SIDONIE SQUIER, Secretary

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.6 Solicitation of Department Employees on Department Premises Policy

043.6.1 Purpose

To establish a fair, uniform, and effective process to govern solicitation of Human Services Department (HSD) employees on HSD property.

043.6.2 Definitions

A. "Employee" means a person employed by HSD in a permanent, probationary, term, temporary, or emergency position.

B. "Solicitation" means any activity which may be considered or reasonably interpreted as being for the advertisement, promotion, or sale of products, or services, or for the participation in a commercial venture of any kind.

043.6.3 Policy

A. All persons entering HSD facilities are prohibited from soliciting or requesting or receiving political donations.

B. Solicitation materials may only be posted on designated bulletin boards.

C. With the exception of bulletin boards designated for posting solicitation materials, neither state property, supplies, services nor equipment may be used for solicitation purposes other than those activities authorized by HSD for state-connected business or state-sponsored charitable purposes. This includes email.

D. Individuals or organizations wishing to solicit should obtain prior permission from the office manager. (For state-owned buildings, refer to 1.5.24 NMAC 1978.)

E. Division Directors or their designees retain authority to bar solicitations of any type except for those solicitations on behalf of employee labor organizations, in accordance with provisions of the collective bargaining agreement.

F. Solicitation may take place only during non-work time, i.e., break and lunch periods, or before or after work hours.

G. Solicitation may take place only in non-work areas. Under no circumstances shall solicitation take place at employees' desks or work stations.

H. Each HSD facility shall display a sign at public entrances informing the public of restrictions on solicitation.

I. This policy does not apply to solicitations officially sponsored or endorsed by the State of New Mexico or activities authorized by the Office of the Secretary, such as the United Way Campaign.

043.6.4 References

State Personnel Board Rules 1.5.24 NMAC 1978 *Conduct On and Use of State Property.*
Collective Bargaining Agreement

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 7/16/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.7 Workers' Compensation Policy

043.7.1 Purpose

The Human Services Department (HSD) provides Workers' Compensation coverage for medical care, hospital care, and lost wages due to a work-related injury or occupational illness sustained by an employee. This policy establishes guidelines for reporting, monitoring, controlling, and managing Workers' Compensation claims.

043.7.2 Definitions

A. "Employee" means a person employed by HSD in a permanent, probationary, term, temporary, or emergency position.

B. "Workers' Compensation Administration (WCA)" means the New Mexico Workers' Compensation Administration.

C. "Workers' Compensation Bureau (WCB)" means the WCB Bureau in the Risk Management Division, General Services Department.

043.7.3 Policy

A. Workers' Compensation is a State law which mandates payment of medical costs and partial reimbursement of lost wages to an employee who sustains an injury by accident, or a disease or illness, arising out of the course of employment. HSD pays the entire premium for this special insurance. It is an employee benefit.

B. The Workers' Compensation Bureau (WCB) of the Risk Management Division, General Services Department handles all claims. However, **HSD supervisors are responsible for completing Workers' Compensation claim forms and returning them to the Medical Issues Coordinator in the Office of Human Resources for processing and forwarding to WCB.** All forms are available from the Office of Human Resources or the HSD Website.

C. As an employer, HSD is required to comply with all provisions of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. If a conflict arises with the interpretation of the Workers' Compensation Policy and any provision of the cited federal mandate, the federal mandate prevails.

043.7.4 Reporting Requirements

A. Employees must report all accidents or accidental injuries, no matter how minor, and all occupational disease or illness, to their immediate supervisors as soon as possible.

B. The "Notice of Accident" form, Form NOA-1, is completed by an employee and his/her supervisor to report any accident on the job, even if there is no injury. The supervisor did not have to witness the accident to be able to sign the form. The supervisor's signature is only an acknowledgement that the employee informed him/her about an alleged accident. It is not intended to be an agreement by the supervisor that an accident or work-related injury took place. The supervisor keeps the original and provides copies to the employee and the Medical Issues Coordinator. An employee has 15 days from the date of accident to file the Notice of Accident and have it signed by his/her supervisor. A delay in filing may occur if the injury, or some other cause beyond the employee's control, prevents him/her from giving notice within that time. In those exceptional cases, he/she must give notice as soon as possible.

C. The form for initiating all Workers' Compensation claims is the "Employer's First Report of Injury or Illness", Form E1.2. It is the supervisor's responsibility to correctly complete this form for every injury, sign it, and submit it to the OHR Medical Issues Coordinator with a copy to the employee. All white areas must be filled in on all claims. The E1.2 must be filed even if the supervisor disputes the worker's claim that the accident was work-related.

D. The Workers' Compensation Administration (WCA) imposes penalties for failure to submit the Employer's First Report of Accident as well as for submission of an incomplete or illegible report. Late reporting not only causes HSD to incur a penalty but may also delay benefits for employees.

E. The employee must notify the treating physician that he/she (the injured employee) is covered by Workers' Compensation insurance and that the physician will be asked to complete reports required by the WCA.

043.7.5 Medical Benefits, Compensation Rate, and Disability Benefits

A. An employee is entitled to medical benefits after injury, continuing as long as medical or surgical attention is determined to be necessary, based on communication between the WCB and the medical provider. The amount of medical and hospital benefits is unlimited.

B. The weekly compensation rate for disability as a result of an injury or disease is 66-2/3% of the average weekly gross salary of the individual at the time of the injury or disablement up to the cap determined by the WCA. A public employee of the State of New Mexico may collect up to 100% of his/her average weekly wage by using annual or sick leave to make up the wage not paid by Workers' Compensation but not more than 100% of the weekly wage.

C. Initial payment of weekly disability benefits starts on the eighth calendar day of time lost after the injury. Benefits are paid for the first five workdays only if the period of disability is more than 28 calendar days. Otherwise, the employee receives no compensation for the first five workdays. The weekly disability benefits cease when the employee is able to return to work.

D. All claims will be thoroughly investigated by the WCB. Fraudulent claims will be reported to appropriate authorities.

043.7.6 Leave for Work-Related Injuries

A. An employee who misses work due to a work-related injury must use the appropriate amount of sick leave, annual leave, Family Medical Leave or Leave Without Pay to make up the time not paid by Workers' Compensation. Approval of Family Medical Leave and/or Leave Without Pay requests is not automatic. The employee is responsible for making the request for Family Medical Leave and/or Leave Without Pay, and completion of the appropriate paperwork if the absence from work will be for more than three (3) work days. 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.

B. If Family Medical Leave or Leave Without Pay is approved, a return date must always be specified. It is the employee's responsibility to request an extension if he/she cannot report to work on the return date. Failure to report to work on the return date or failure to request an extension prior to the return date is just cause for disciplinary action, including dismissal. For specific provisions and procedures for handling Leave Without Pay and Family Medical Leave requests refer to the appropriate HSD policies.

043.7.7 Supervisor's Responsibilities

A. If no medical attention is received or requested, it is the responsibility of the immediate supervisor to:

1. Make sure the employee completes the Notice of Accident Form, NOA-1. Keep the original, give a copy to the employee, and send a copy to the Office of Human Resources. (See 043.6.4 Reporting Requirements.)

2. Complete the Employer's First Report of Accident (Form E1.2). Give a copy to the employee and forward the original within twenty-four hours to the Office of Human Resources along with the copy of the Notice of Accident Form. (See 043.6.4 Reporting Requirements.)

B. If medical attention is required or requested, it is the supervisor's responsibility to:

1. Escort the injured worker to one of the designated health care providers or to the nearest emergency room if the situation warrants.

   If a designated medical provider is available in the area, and medical care is furnished by a medical provider other than those designated, Workers' Compensation may not pay the bill, and the employee will be responsible for payment. A list of designated medical providers can be obtained on the HSD website or by contacting the Office of Human Resources. An exception exists in cases where an employee must be taken by ambulance to the nearest hospital emergency room, or is injured after normal working hours, on a weekend, or while on State business outside the service area. In those cases, if immediate care is needed, the employee should go to the nearest emergency room and then contact the approved medical providers if follow-up treatment is needed.

2. Forward the completed Notice of Accident Form (NOA-1), Employer's First Report of Accident Form (E1.2) and Authorization to Release Medical Information Form to the Office of Human Resources, within 24 hours of the accident or injury.

3. Employee turns over all paperwork received on the day of the incident to their supervisor who forwards to the Office of Human Resources.

4. Notify the Office of Human Resources immediately when an injured employee is absent from work because of a Workers' Compensation injury or illness.

043.7.8 Informal Hearings

A. Disputes as to disability or compensation for disability may be brought before the WCA for an informal hearing or mediation. The objective of the informal hearing is to resolve possible differences with the injured employee at an administrative level. The WCB may request an agency supervisor with knowledge of the incident to attend these hearings. If a supervisor is requested to attend, he/she must do so.

B. If a supervisor is served directly with a summons, he/she must send it immediately to the WCB. The WCB is required to respond to the summons within seven days of its receipt by the supervisor. A copy of the summons and cover letter must be sent to the Medical Issues Coordinator.

043.7.9 Return to Work Process

A. Since the supervisor has been personally involved and usually has current updates on the medical status of the employee, he/she will be in a position to coordinate the employee's return to work, scheduling issues, and/or modified duty assignments with the Office of Human Resources. The employee must have a release from a health care provider to return to work.

B. The Office of Human Resources along with the supervisor should try to get estimated return dates for partial and full release to work. The employee's return to work benefits HSD and the employee; HSD gets the employee back on a productive work schedule and the employee resumes gainful employment.

043.7.10 References

HSD Leave Without Pay Policy
HSD Safety, Loss Prevention and Control Policy
HSD Family Medical Leave Policy

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 1/13/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.8 Employee Dress Code Policy

043.8.1 Purpose

To provide direction on appropriate attire in the workplace.

043.8.2 Definitions

A. "Appropriate professional attire" means what management would consider suitable attire for a state government employee in the workplace.

B. "Good personal hygiene" means behavior associated with ensuring good health and cleanliness.

043.8.3 Policy

Employees must maintain good personal hygiene and dress appropriately for the tasks of their position.

043.8.4 Guidance

A. HSD consists of various Divisions, some having more and some having less direct contact with the public. Employees in specific technical job occupations, such as those employed as truck drivers or in the warehouse may be allowed or required to wear jeans and steel-toed boots. With limited exceptions such as these, HSD offices will adhere to the standards of what constitutes professional attire.

B. Local Office Managers do not have the authority to establish dress standards that differ from the general HSD standard. Managers should use their judgment in determining what appropriate professional attire is. Should a question arise, managers should refer the question through the chain of command for the Division or office.

C. Examples of inappropriate dress are:

- Tee shirts or jerseys with advertisements or logos (exception being HSD or collective bargaining representative logos);
- Sweat suits or sweat pants;
- Jogging clothes;

- Provocative clothing (such as, see-through or low-cut blouses, muscle shirts, spaghetti strap tops, halter tops, tank tops) not covered by another piece of clothing;
- Articles of clothing that exposes undergarments;
- Beach or pool-type flip-flops, not including dress slides (all other shoes are appropriate including athletic shoes);
- Torn, soiled or ragged clothing, including shoes;
- Shorts; and
- Blue jeans, unless it is a Friday, a day before a state-observed holiday, or a specific event day designated by a manager as a "dress down day." Dress down days shall be the exception, rather than the rule. Other professional denim is generally acceptable.

D. An employee is expected to be properly attired to meet the demands of the workday. An employee who arrives at work in inappropriate attire is to have a private meeting with his/her supervisor over the dress issue and is to then be sent home on annual leave or leave without pay to change into appropriate clothing.

043.8.5 References

HSD *Code of Conduct Policy*

APPROVED: DATE:

PAMELA S. HYDE, J.D., Secretary 7/9/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.9 Use of State Vehicles Policy

043.9.1 Purpose

To establish guidelines for the use of state vehicles by Human Services Department (HSD) employees in accordance with rules and regulations issued by the General Services Department.

043.9.2 Definitions:

A. "Authorized Driver" means a state employee holding a valid New Mexico driver's license and a National Safety Council Certified Defensive Driving certificate who is permitted to use a state vehicle in furtherance of official state business. A valid New Mexico driver's license **does not** include provisional, limited, restricted, or administrative permits.

B. "Authorized Passenger" means an individual (i.e., state employee) who is permitted to occupy a state vehicle in furtherance of official state business or a person who has received prior written authorization from the Transportation Services Division (TSD) Director to occupy a state vehicle.

C. "Commercial motor vehicle" means a self–propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle is:

1. operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated on in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds.

2. designed or used to transport more than eight passengers, including the driver, and is used to transport passengers for compensation.

3. designed or used to transport sixteen or more passengers, including the driver, and is not used to transport passengers for compensation; or

4. used to transport hazardous materials of the type or quantity requiring placarding under rules prescribed by applicable federal or state law.

D. "Commute" means domicile-to-duty privilege provided by a Cabinet Secretary to vehicle operators where it is in the state's best interest to allow these employees to use a state vehicle to and from work and residence.

E. "Official Purpose" means the use of a state vehicle in the furtherance of official State business and not solely for the benefit of the employee.

F. "Valid New Mexico Driver's License" means driver's license issued by the New Mexico Motor Vehicle Division (MVD) not including provisional, limited, restricted, any court order restricted or administrative license or permit.

G. "GSD/TSD Director" means the General Services Department Transportation Services Division Director.

043.9.3 Policy

A. State vehicles should be used by HSD employees to conduct their official duties. Occasional parking of the state car overnight at home in the furtherance of state business is permitted. HSD employees may use their personal vehicles if no state vehicles are available and/or with prior approval by their supervisor. Anyone taking a state vehicle home will note it in the *Vehicle Checkout Log.* Prior approval by the supervisor for the use of a personal car for state business will be verified by approval of the Itemized Schedule of Travel Expenses (ISTE) form.

B. A state employee holding a valid New Mexico driver's license and a National Safety Council Certified Defensive Driving certificate may be permitted to use a state vehicle in furtherance of official state business. A valid New Mexico driver's license **does not** include provisional, limited, restricted, or administrative permits. A state employee driving a "commercial motor vehicle" must possess a valid New Mexico commercial driver's license (CDL).

C. Authorized drivers shall only operate a state vehicle in the furtherance of official state business. The use of a state vehicle for personal business is prohibited.

D. Only authorized drivers and/or passengers may drive or occupy a state vehicle. An individual who is not a state employee must obtain written authorization from the GSD/TSD Director prior to occupying a state vehicle.

E. The GSD/TSD Director may suspend or revoke the state vehicle operator privileges of any state employee who permits a state vehicle to be driven by an unauthorized driver or who transports or permits the transportation of an unauthorized passenger. A state employee may be held personally liable to the

extent allowed by law for any liability, personal injury, death, or property damage arising out of unauthorized use or occupancy of the state vehicle.

F. All state employees are required to complete a six (6) hour National Safety Council Certified Defensive Driving Course prior to operating any state vehicle and take a defensive driving refresher course every four (4) years. Employees are to carry the card portion of the defensive driving certificate or the original defensive driving certificate with them when they are driving a state vehicle. Valid certificates of completion shall be submitted by the state employee to the proper training representative in order to register for the refresher course.

G. Authorized drivers will give copies of the Defensive Driving Certificate to their respective fleet managers to be placed on file before first signing out a state vehicle. If a state employee needs to operate a state vehicle in furtherance of state business but has not successfully completed the defensive driving course, the state employee must register for the next available defensive driving course. The state agency must request waiver of the certification requirement from the TSD Director; the waiver request shall include the state employee's name, New Mexico driver's license number, and the date the state employee is scheduled to attend the driving course.

H. It is recommended that employees who have approval to use their personal car in furtherance of state business also comply with the requirement for authorized drivers to have a valid Defensive Driving Certificate. HSD will not reimburse the insurance deductible of a state employee using a personal car for state use who does not have a valid Defensive Driving Certificate.

I. An employee who receives a traffic citation while in a state vehicle must report the citation to their immediate supervisor. The supervisor shall notify their Division Director and ASD's fleet manager. An authorized driver who receives a traffic citation or parking ticket while using a state vehicle shall be personally responsible for the citation or ticket. HSD shall not pay or reimburse employees for parking tickets or other traffic violation fines incurred while operating a state vehicle. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in discontinued use of state vehicles and may result in disciplinary action up to and including dismissal.

J. All state vehicles must be signed out and the keys obtained from the respective fleet manager or their designee. Prior to returning a state vehicle the employee will refuel the vehicle and ensure that the vehicle is clean and cleared of all personal belongings and trash. The employee shall return the keys and credit card, and immediately report any accidents or problems encountered with the use of the vehicle to the respective fleet manager or their designee.

K. An employee must receive prior approval from the GSD/TSD Director for all out-of-state travel in a state vehicle.

L. All drivers and occupants of state vehicles shall wear seat belts. Violation of this law may result in loss of state operator privileges.

M. No employee shall operate a state vehicle while under the influence of intoxicating alcohol, controlled substances, or drugs. No employee shall transport alcohol, whether in open or unopened containers, or illegal drugs of any type in a state vehicle. No employee shall operate a state vehicle when impaired by a legal drug that may render them incapable of operating a motor vehicle in a safe or responsible manner.

N. No employee shall smoke or use smokeless tobacco products in a state vehicle.

O. No employee shall possess a weapon in a state vehicle.

P. No pets are allowed at any time in state vehicles. Certain pets (i.e., service animals) may be authorized upon written request from the TSD Director.

Q. Authorized drivers shall utilize a cell phone with a hands-free device while operating a state vehicle, if the need for cell phone communication arises.

R. Authorized drivers are responsible for the safekeeping and return of a state vehicle. Authorized drivers must turn off the ignition, close all windows, and lock the doors and trunk of a state vehicle whenever the state vehicle is left unattended. Damage or destruction of a state vehicle through negligence on the part of the driver shall be cause for disciplinary action.

S. The HSD Secretary alone may grant an authorized driver permission to commute in a state owned vehicle based on the agency's written policy. The state agency will maintain records of regular commuters by name and position with other regulatory information. (1.5.3.17 NMAC).

T. Failure to obey state laws when operating or occupying a state vehicle or failure to comply with established rules shall be just cause for appropriate disciplinary action.

U. An authorized driver shall file a police accident report for any auto accident in a state vehicle as soon as possible, especially if there is property damage, bodily injury, or the authorized driver is possibly at fault. The authorized driver shall notify their supervisor immediately if possible and provide a copy of the police accident report to the Department. A vehicle accident report should be completed within 24 hours. An official police report should be obtained by the responsible HSD office assigned to the vehicle involved.

V. Nothing in this section shall be construed to prohibit the use or occupancy of a state vehicle:

1. To render emergency aid or assistance to any person; or

2. By private sector automobile mechanics or maintenance and repair personnel performing required maintenance or repair.

W. Each HSD location that has state vehicles assigned to it shall report vehicle usage to GSD on a monthly basis by the 25th of the month by 5:00 pm. Failure to do so may result in a $1,000 penalty fee payable to GSD/TSD.

X. Each HSD location that has state vehicles assigned to it shall ensure that current copies of the required documents are kept in the glove compartment. Documents required to be in each state vehicle include:

1. Vehicle registration and proof of insurance.

2. Instructions and procedures for the use of fuel credit cards and a current list of statewide authorized vendors for fuel.

3. Instructions and procedures for emergency repairs and towing for mechanical breakdowns during and after normal business hours.

4. The Auto Accidents in State Vehicles package provided by the Risk Management Division.

043.9.4 References

1.5.3 NMAC-N, 11-01-02
66-1-1 NMSA 1978

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 1/13/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.10 Employee Service Recognition Policy

043.10.1 Purpose

The purpose of this policy is to define the Human Services Department (HSD) employee service recognition program.

043.10.2 Definitions

A. "Break in employment" means any period of separation from HSD of at least one workday of not being in classified service.

B. "Continuous service" means no break in employment at HSD.

C. "Employee" means a career or term HSD employee.

043.10.3 Policy

HSD recognizes its employees who, through many years of service, have helped the department carry out it its mission. The HSD Employee Service Recognition Policy recognizes employees with specified levels of tenure by authorizing awards for continuous service with the department.

043.10.4 Award Levels

HSD employees may receive recognition in increments of 5, 10, 15, 20, 25 and 30 years of continuous service.

043.10.5 Program Implementation

HSD's Office of the Secretary distributes letters of recognition and certificates through the Office of Human Resources. Divisions are encouraged to arrange for presentation of the awards at staff meetings, luncheons, or other employee gatherings, during or after work hours.

043.10.6 References

1.7.1.7 NMAC 1978

APPROVED: DATE:

PAMELA S. HYDE, J.D., Secretary 7/9/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.11 Medical Documentation Policy

043.11.1 Purpose

The policy describes the Human Services Department (HSD) position on medical documentation that may be required for a variety of purposes in the course of HSD employment.

043.11.2 Definitions

A. "Medical data" means facts and items of information pertaining to physical or behavioral health examinations and treatment.

B. "Medical documentation" means records and documentation pertaining to physical or behavioral health examinations and treatment.

C. "Serious Health Condition" means an injury, illness, impairment, or physical or mental condition that involves:

1. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care; or

2. Continuing treatment by a health care provider including any one of more of the following:

a) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

1) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider or under orders of a health care provider; or
2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

b) Any period of incapacity due to pregnancy, or for prenatal care.

c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition which:

1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or under direct supervision of a health care provider;
2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

d) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective but under the continuing supervision of a health care provider.

e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or under the orders of a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (such as chemotherapy, radiation, etc.).

043.11.3 Policy

A. HSD maintains uniform, consistent procedures for requesting, submitting, filing and gaining access to medical information while at the same time ensuring its confidentiality.

B. HSD's Office of Human Resources (OHR) may require medical documentation to be submitted by an employee for a variety of purposes including but not limited to the following:

1. justify using sick leave, leave without pay (LWOP) or Family and Medical Leave (FMLA);
2. document a medical condition justifying a transfer of donated annual leave;
3. document fitness for duty when the need arises to question the continued ability of an employee to do the job;
4. certify that an employee is able to return to work after an absence for medical reasons;
5. determine if an employee is entitled to a reasonable accommodation under the Americans with Disabilities Act (ADA), and if so, help identify an effective accommodation; and
6. provide supporting documentation for a Workers' Compensation claim.

C. Medical documentation pertaining to physical or behavioral health examinations and treatment of persons, including those confined to any institutions are considered confidential under state law and State Personnel Board Rules (Subsection C of 1.7.1.12 NMAC). Medical documentation maintained for purposes of the Americans with Disabilities Act are also regarded as confidential.

D. Employee medical information shall not be used to illegally discriminate against an employee in any employment practice. Use of medical or behavioral health information to illegally discriminate in any manner against an employee is grounds for disciplinary action up to and including dismissal.

E. All supervisors should obtain approval from OHR before requesting medical documentation.

043.11.4 Ensure Confidentiality of Information

A. Individuals Authorized to be Informed of or Inspect Medical Data

People on a strict need-to-know basis who may be informed of or permitted to inspect employee medical data include:

1. Supervisors and managers;

2. Health care professionals who are evaluating an employee's medical information or otherwise making medical examinations or inquiries as authorized by law;

3. Rehabilitation specialists, occupational and physical therapists, organizations with expertise in adaptations for specific disabilities, and other similar professional personnel who are evaluating employee medical information as authorized by law or HSD policy;

4. Officials charged with investigating or otherwise assuring compliance with HSD policies and state and federal laws and regulations (such as, the EEO Officer, designated human resource personnel, legal or investigative staff, Human Rights Division or EEOC staff);

5. Employees who process documents containing medical data or who are designated to file or maintain medical records;

6. Officials from Workers' Compensation and insurance companies; and

7. Persons presenting signed releases from employees designating them as authorized recipients.

B. Prohibition Against Divulging Medical Data to Unauthorized Persons

Employees authorized to be informed of or inspect employee or employee family member medical data may not divulge or release such data to unauthorized persons inside or outside HSD. Employees who inadvertently come upon such medical data (e.g. by opening a misrouted letter) may not divulge such data to other persons.

C. Security and Maintenance of Medical Information

All employee medical data and documentation, including information about an employee's family member, shall be maintained in locked files separate from other employee records. Medical data and documentation and other employee information shall not be located in the same file cabinet. OHR will maintain general medical data and documentation files for HSD. Only designated staff in OHR have access to the medical file. Medical data and documentation in the possession of individual offices shall be forwarded to OHR.

043.11.5 Maintaining Maximum Confidentiality

A. An employee who prefers maximum confidentiality regarding a serious health condition may use the following procedure:

1. If medical documentation is requested, the employee submits such documentation directly to the OHR Medical Issues Coordinator.

2. The OHR Medical Issues Coordinator, after reviewing such documentation, will inform the employee's immediate supervisor whether or not the requested leave should be approved.

3. Information regarding the medical condition triggering the need for leave or any long-term prognosis for the condition will not be disclosed to unauthorized individuals. All such medical data and documentation will only be maintained in confidential files in OHR.

B. This procedure is available for leave requests, annual leave donation requests, "fitness for duty" inquiries, certification of ability to return to work, and reasonable accommodation requests.

043.11.6 Form for Supplying Medical Documentation

OHR will provide employees with its *Certification of Health Care Provider Form* for requesting and submission of medical data. Medical data in another format may be accepted if it contains all the information requested on OHR's *Certification of Health Care Provider Form.* OHR's *Application for Family Medical Leave, Annual Leave Donations, and Leave without Pay for Medical Reasons Form* must also be submitted as appropriate.

043.11.7 Right to Require Additional Medical Documentation

Submission of OHR *Certification of Health Care Provider Form* does not waive HSD's right to request additional or clarifying information, or to request additional releases from an employee for health care provider(s) to supply information, or to require an employee to secure a second and third medical opinion at HSD's expense. Any request for additional medical documentation should have prior approval from OHR. Failure to submit additional information as required may be cause for denial of the employee's

request and/or placement on AWOL and/or disciplinary action. Examples of additional documentation follow.

1. Sick Leave: Medical documentation may be required. See HSD's *Annual and Sick Leave Policy.*

2. Leave without Pay (LWOP) for Medical Reasons: Medical documentation may be required when LWOP is requested for medical reasons. See HSD's *Leave without Pay Policy.*

3. Family and Medical Leave (FMLA): Medical documentation shall be required for FMLA. See HSD's *Family and Medical Leave Policy*

4. Request for Leave Donations: Medical documentation shall be provided in all cases when leave donations are requested by an employee. See HSD's *Leave Donation Policy.*

5. "Fitness-for-Duty" Inquiries: The OHR Manager may require an employee to provide documentation that is job related and consistent with business necessity, to determine if the employee is able to do the job and/or poses no significant, direct threat to the employee's or others' health and safety.

6. Certification That an Employee is Able to Return to Work: Medical documentation or certification may be required by an employee returning to work after medical leave. See HSD's *FMLA Policy*, *Leave without Pay Policy*, *Leave Donation Policy*, *Annual and Sick Leave Policy*, and *Public Health Emergency Threat Policy.*

7. Medical Information Necessary for Reasonable Accommodation: Medical information may be required, if an employee requests an accommodation on the basis of disability, in order to determine if the employee has a medical condition covered by ADA, is entitled to an accommodation, and if so, to help identify an effective reasonable accommodation. See HSD's *ADA Reasonable Accommodation Policy.*

8. Public Health Emergency Threat: Medical documentation may be required for an employee to qualify for paid administrative leave during or returning to work following an Enhanced Public Health Advisory or a Public Health Emergency: See HSD's *Public Health Emergency Threat Policy.*

9. Employee Assistance Program (EAP): Documentation from an EAP provider demonstrating an employee's attendance, cooperation, and compliance may be required for those employees whose EAP participation is mandated by the OHR Manager.

043.11.8 References

Americans with Disabilities Act
Section 14-2-1, NMSA 1978
State Personnel Board Rules
New Mexico Human Services Department

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 6/26/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.12 Use of a Breast Pump in the Workplace Policy

043.12.1 Purpose

In accordance with House Bill 613 enacted by the State of New Mexico legislature 2007, the following policy sets forth responsibilities of all Human Services Department (HSD) offices and facilities in order to foster the ability of a nursing mother who is an employee to use a breast pump in the workplace.

043.12.2 Definitions

A. "Breast Pump" means a mechanical device (powered manually or by electricity) used by women who are lactating.

B. "Employee" means a person employed by New Mexico's HSD in a permanent, probationary, term, temporary, or emergency position.

C. "Space" means a clean, private and enclosed area that is not a bathroom and is near the employee's workspace, that is, in the same office building.

D. "Workplace" means the same office building as the employee's workspace.

043.12.3 Responsibilities of HSD Managers

A. Each HSD office and facility shall provide:

1. Flexible break times; and

2. A clean, private and enclosed space for using the breast pump that is not a bathroom and is near the employee's workspace, that is, in the same office building.

    a. The space provided may be used for other purposes when not needed by a nursing mother. In this case, provisions will be made to allow nursing mothers to reserve the space in advance and to receive priority for its use.

    b. Local office management shall provide signage that is placed by the nursing mother on the door to the room indicating the room is currently in private use.

    c. If necessary, the space(s) designated may be flexible, for example, when offices are not in use because of currently open positions.

B. The location of designated spaces must be communicated to all personnel working within the building or facility.

C. Each office/facility will report to their Division Director identifying the space to be used for this purpose and subsequent changes to this location. Each Division Director will provide this location and subsequent changes to property management in the General Services Bureau of HSD's Administrative Services Division (ASD).

D. HSD management is not liable for:

1. Storage or refrigeration of breast milk;

2. Payment for a nursing mother's break time in addition to established employee breaks; or

3. Payment of overtime as a result of time spent by a nursing mother using a breast pump.

043.12.4 References

House Bill 613, 48th Legislature, State of New Mexico, 2007: An Act Relating to Nursing Mothers; Safeguarding a Nursing Mother's Right to Use a Breast Pump in the Workplace and to have a Flexible Break Time in Which to Use It (28-20-2 NMSA 1978).

APPROVED: DATE:

PAMELA S. HYDE, J.D., Secretary 1/13/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.13 Domestic Abuse Referral Policy

043.13.1 Purpose

To establish guidelines to assist Human Services Department (HSD) employees who are victims of domestic abuse.

043.13.2 Definitions

For purposes of this policy, the terms are defined as follows:

A. "Batterer, Perpetrator, or Abuser" means an individual who commits domestic abuse.

B. "Continuing personal relationship" means a dating or intimate relationship. (30-3-11 NMSA, 1978). Crimes Against Household Members Act

C. "Domestic abuse/violence" (Family Violence Protection Act)

i. means an incident of stalking or sexual assault whether committed by a household member or not;

ii. means an incident by a household member against another household member consisting of or resulting in:

1. physical harm;
2. severe emotional distress;
3. bodily injury or assault;
4. a threat causing imminent fear of bodily injury by any household member;
5. criminal trespass;
6. criminal damage to property;
7. repeatedly driving by a residence or work place;
8. telephone harassment;
9. harassment; or
10. harm or threatened harm to children as set forth in this paragraph;
11. a pattern of coercive behavior that is used by a person against a household member to gain power and control over the other household member in the relationship; and

iii. does not mean the use of force in self-defense or the defense of another.

D. "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.

E. "Family member" means a minor child of the employee or a person for whom the employee is a legal guardian.

F. "Household member" means a spouse, former spouse, domestic partner or family member, including a relative, parent, present or former step-parent, present or former in-law, a co-parent of a child or a person with whom a person has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. (30-3-10 NMSA 1978) Crimes Against Household Members Act. (40-13-02 NMSA 1978) Family Violence Protection Act.

G. "OHR" means HSD's Office of Human Resources.

H. "Pattern of conduct" means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

I. "Survivor or Victim" means an individual subjected to domestic abuse/ violence.

J. "Sexual assault" means an act of sexual violence whereby a party forces, coerces, or manipulates another to participate in sexual activity.

K. "Stalking" means purposely pursuing a pattern of conduct directed at a specific person when the individual knows or should know that the pattern of conduct would cause a reasonable person to fear for his or her safety or the safety of a household member.

043.13.3 Policy

HSD provides assistance and support to its employees who are victims of domestic abuse.

043.13.4 Resource Awareness

A. HSD will make available upon the hiring of new personnel and at least every two years thereafter training in Domestic Violence, Sexual Assault and Stalking in the Workplace Prevention Training.

B. HSD will post in locations of high visibility such as bulletin boards and online sources, a statewide list with contact information for counseling, advocacy and referral resources for victims of domestic abuse, as well as intervention program resources for perpetrators.

043.13.5 Threats or Commission

Threats or commission of domestic abuse/violence by any employee on HSD premises, during working hours or at an HSD-sponsored event, whether directed at an HSD employee or other person, are prohibited.

043.13.6 Non-discrimination

It is prohibited to discriminate against employees because they have been victimized by domestic abuse/violence.

043.13.7 Responsibility to Report Domestic Abuse/Violence

A. Any supervisor who has knowledge of domestic abuse/violence taking place in the workplace must report it as soon as possible to OHR's Employee Relations Section.

B. HSD employees who witness threats or incidents of domestic abuse/violence taking place in the workplace should call 911 when appropriate and are strongly encouraged to report the event immediately to OHR.

C. HSD will comply with any State Personnel Office (SPO) requirements for aggregate data reporting on domestic abuse/violence.

043.13.8 Leave

A. Employees who are victims of domestic abuse/violence or who have family members who are victims of domestic abuse/violence will upon request be assisted by OHR in determining leave options available to them to address their domestic abuse/violence including, for example, judicial relief, physical injuries, obtaining domestic violence shelter, relocation, or obtaining mental health counseling related to the experience of domestic abuse, sexual assault or stalking. Retaliation against an employee for using such leave is prohibited.

B. An employee requesting such leave may be required to provide verification, and if so, an employee shall provide one of the following forms of verification in a timely fashion:

1. a police report indicating that the employee or a family member was a victim of domestic abuse;

2. a copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse, but the document does not constitute a waiver of confidentiality or privilege between the employee and the employee's advocate or attorney;

3. the written statement of an attorney representing the employee, a district attorney's victim advocate, a law enforcement official or a prosecuting attorney that the employee or employee's family member appeared or is scheduled to appear in court in connection with an incident of domestic abuse; or

4. the written statement of a licensed counselor or advocate from a domestic violence/abuse or sexual assault program verifying the need for leave for the employee or employee's family member to relocate, find shelter, counseling, or seek treatment related to the domestic abuse/violence.

C. The confidentiality and anonymity of victims will be protected to the fullest extent possible and in accordance with law.

043.13.9 Appeal

Employees who claim to be aggrieved in violation of this policy are encouraged to follow the HSD's complaint procedures. (See HSD *Complaint Policy.*) Employees who believe that HSD has not followed this policy may file a claim with the New Mexico's Workforce Solutions Department.

043.13.10 References

NMSA 30-3-11(A) , Criminal Offenses, Harassment and Stalking
Governor's Executive Order 2008-047 Establishing Preventative Domestic Violence, Sexual Assault, and Stalking Workplace Policies in All New Mexico State Agencies
State of New Mexico Model Domestic Violence and the Workplace Policy, New Mexico Domestic Violence Leadership Commission, October 2008.
HSD *Complaint Policy and Procedure*
HSD *Safety, Loss Prevention and Control Policy.*
SB 68 *Domestic Violence Victim Financial Independence Act* (2009)

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 10/2/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.15 Email Retention Policy

043.15.1 Purpose

To provide guidance to Human Services Department (HSD) employees to manage information sent or received through email transmissions and to ensure emails that might be public records are managed appropriately.

043.15.2 Definitions

A. "Business transaction" means the process of responding to external and internal requests for resources, goods, services or information relating to a defined area of HSD responsibility or authority and the exchange of resources, goods, services or information that occurs as a result.

B. "Email" means an electronic mail message created in or received through an electronic mail system, including all attachments, such as word processing and other electronic documents sent over a communications network, using a computer or other electronic device. Emails sent via cell phone or personal digital assistant are included. (1.13.4.7.L NMAC 1978)

C. "Electronic mail system" means a system that enables users to compose, transmit, receive and manage electronic mail across networks and through gateways connecting to other local area networks. (1.13.4.7.M NMAC 1978)

D. "Employee" means probationary, career, term, temp or emergency status HSD employee.

043.15.3 Policy

All email generated or received by HSD employees that might be public records are to be saved in a lawful and effective manner.

043.15.4 Guidelines

A. Employees shall take all necessary steps to save email transmissions, both sent and received, that contain the following types of information:

1. final policies and directives;
2. final correspondence or memoranda related to official business;
3. final minutes of governing boards, advisory groups, ad-hoc committees, or work groups developing programs;

4. final messages that initiate, authorize, or complete a business transaction; or
5. final reports or recommendations.

B. Upon employee separation from employment, supervisors shall ensure that the above emails saved by the employee are retained.

C. The following emails need not be saved for purposes of this policy:

1. duplicate copies of messages sent to multiple people;
2. personal messages and announcements not related to official business;
3. preliminary drafts of letters, reports and memoranda;
4. messages considered brainstorming or preliminary thought processes in nature, reflecting the exchange of ideas preliminary to the development of a final decision or position of the agency;
5. transmittal emails that do not add substantive information to the attachment(s) being transmitted;
6. copies of documents distributed for convenience or reference;
7. announcements of social events, such as retirement parties;
8. spam (unsolicited, commercial emails); and
9. messages to or from email distribution lists (listserv) not directly related to agency business.

043.15.5 Retention Periods

Emails that must be saved under this policy shall be retained in accordance with New Mexico's record retention schedules and may be permanently deleted or destroyed after the applicable time period stated in the schedules has expired. Questions may be directed to your Division/Office's records liaison.

043.15.6 References

1.13.4 NMAC 1978 *Records Management Requirements for Electronic Messaging*
1.15.NMAC 1978 *General Records Retention and Disposition Schedules*
1.18.603 NMAC *1978 Executive Records and Disposition Schedules, Human Services Department*
14-2 NMSA 1978 *Inspection of Public Records Act*
14-3 NMSA 1978 *Public Records*

APPROVED:

PAMELA S. HYDE, J.D., Secretary

DATE: 6/26/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.17 Confidentiality Policy

043.17.1 Purpose

The purpose is to maintain the privacy of confidential, personal information that may be provided by Human Services Department (HSD) employees, clients, or consumers in the course of accessing services or employment.

043.17.2 Definitions

A. "Business Associate" means a person or entity that performs certain functions or services on behalf of HSD involving the use or disclosure of individually identifiable confidential information. These include claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, and practice management. They also include, other than in the capacity of the HSD workforce, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for HSD. (8.300.2.7 NMAC 1978, except "health" not "confidential" information.)

B. "Breach of Confidentiality" means unauthorized disclosure or misuse of information obtained in the course or conducted on behalf of HSD-related business activities, including unauthorized disclosure or use of protected health information. This includes failure to guard or shred documents that contain the name, social security number or other confidential information.

C. "Client" means an individual applying for and/or receiving services from HSD. For the purpose of this policy, "client" is synonymous with "customer" and "recipient".

D. "Confidential or Official Information" means information whose disclosure is prohibited by law or regulation or would be contrary to HSD's best interests. Examples of confidential information are Social Security numbers, federal tax information, medical condition and treatment, all protected health information, income, assets, living arrangements including addresses and phone numbers and relationships with family members, HSD network architecture diagrams and IP addresses.

E. "Disclosure" means to release, transfer, provide access to, or divulge in any other manner (verbally, written, or electronic) confidential information outside the HSD

workforce or to an HSD business associate. (Adapted from 8.300.2.7 NMAC 1978)

F. "Minimum necessary" means the least amount of information needed to accomplish a given task. (8.300.2.7 NMAC 1978)

G. "Need to know" means necessary to perform certain functions or services for or on behalf of HSD.

H. "Protected health information" means health information that exists in any form (verbal, written or electronic) that identifies or could be used to identify a recipient (including demographics) and relates to the past, present, or future physical or mental health or condition of that recipient. It also includes health information related to the provision of health care or the past, present, or future payment for the provision of health care to a recipient. (8.300.2.7 NMAC 1978)

043.17.3 Policy

A. An employee may not disclose confidential or official information if the disclosure of such information is prohibited by law or regulation or would be contrary to the best interests of the department or its clients. This includes confidential information from other entities that employees may gain access to through electronic data connections. (HSD Code of Conduct, 041.8.1, Prohibited by Law.)

B. Confidential or official disclosure of information must be the minimum amount necessary and shall be provided on a need to know basis.

C. An employee may not disclose or misuse confidential or official information not generally available to the public, or acquired by virtue of his/her employment with HSD, for his/her own or another's private gain. This includes any information regarding awarding contracts or grants by the department before the official release of such information. (HSD Code of Conduct, 041.8.2 Private Gain)

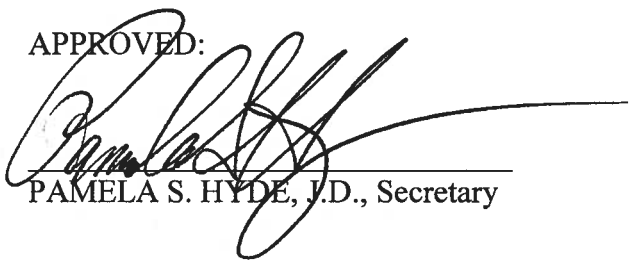
D. An employee must adhere to any additional confidentiality regulations or direction specific to their HSD assignments including the Health Insurance Portability and Accountability Act (HIPAA) and the Internal Revenue Service (IRS).

E. Any breach of confidentiality concerning confidential or official information may result in disciplinary action up to and including dismissal as well as possible prosecution to the fullest extent of the law, where applicable.

043.17.4 References

8.300.2 NMAC 1978 (HIPPA Policies)
45 CFR 160.103 (Public Welfare and Human Services)
IRS Publication 1075

APPROVED: DATE:



PAMELA S. HYDE, J.D., Secretary

10/2/09

GENERAL ADMINISTRATION
EMPLOYEE

043 GENERAL OFFICE POLICIES

043.18 Electronic Communications Policy

043.18.1 Purpose

To establish guidelines for professional, efficient communications sent on electronic devices belonging to the Human Services Department (HSD). This policy is in addition to and does not replace any HSD, state, or federal information technology policies.

043.18.2 Definitions

A. "Instant Messaging" or "IM" means a system for exchanging typed electronic messages instantly via the Internet or a cellular network, using a shared software application on a personal computer or mobile device.

B. "Chat" means text-based communication in real time between two or more users over a network or the Internet.

C. "Electronic Messages" means work-related messages sent by any device used to store, access or transmit information, including but not limited to, cellular telephones, desk top computers, tablets, and laptop computers, by electronic systems such as, I M, email, and texting.

D. "Email" means a system for sending messages from one individual to another via telecommunications links between computers or terminals.

E. "FTI" means Federal Tax Information, which is information received from the Internal Revenue Service or a secondary source, such as the Social Security Administration, Federal Office of Child Support Enforcement, or Bureau of Fiscal Service. FTI also includes any information created by the recipient that is derived from tax return or tax return information.

F. "Staff" or "Staff Member" means:

1. An individual working for HSD;

2. An individual working under contract or as a vendor to the department; or

3. A volunteer providing services to the Department.

G. "Text messages" means individual messages sent from electronic devices.

H. "Texting" means the common term for sending text messages.

I. "PHI" means Protected Health Information, which is information that may consist of identifiers such as name, address, birth date, Social Security Number (SSN), member number, medical record number, or any number that uniquely identifies an individual in a system.

J. "PII" means Personally Identifiable Information, which is any information about an individual maintained by an agency, including any information that can be used to distinguish or trace an individual's identity, such as name, SSN, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial and employment information.

043.18.3 Policy

A. All electronic messages shall be professional, and should use proper language and techniques to convey a professional image, as would be used in written business correspondence.

B. The communication methods referenced in this policy may not be available to all HSD employees.

C. For communications requiring more detail, such as negotiating contracts, placing orders or discussing assignments, staff shall use email, telephone, video conferencing or face-to-face meetings.

D. As referenced in the HSD *Use of Information Technology Resources Policy, 043.5*, staff shall have no expectation of privacy with respect to State IT resource usage. HSD may install software and/or hardware to monitor and record all IT resource usage, including email, website visits, chat messages and any other electronic messages. HSD may record or inspect any and all files stored on HSD owned equipment.

E. All HSD employees shall comply with this policy. Violation of this policy may subject an employee to disciplinary action including dismissal.

043.18.4 Prohibited Use of Instant Messaging, Chat and Texting

Staff is prohibited from sending the following types of information using IM, chat or text messages:

1. Confidential or personnel work related information;
2. PHI;
3. PII;
4. FTI;
5. Final policies and directives;
6. Final correspondence or memoranda related to official business;
7. Final minutes of governing boards, advisory groups, ad-hoc committees, or work groups developing programs;
8. Final messages that initiate, authorize, or complete a business transaction; and

9. Final reports or recommendations.

043.18.5 Prohibited Communications Using Any State Equipment

Sending messages exhibiting any of the following conduct is considered misuse of State electronic communications and is prohibited:

A. Any unlawful endeavors including hacking or phishing;

B. Ridiculing or spreading rumors about staff or the department;

C. Sending sexually explicit, harassing or extremist comments or material;

D. Making or forwarding discriminatory or tasteless jokes;

E. Using threatening, abusive, or profane language;

F. Sending communications supporting outside business functions not related to department business; or

G. Advocating for any political or religious cause.

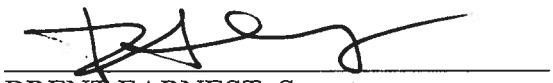
043.18.6 Retention

A. Instant messaging retention rules will follow the requirements set forth in the HSD Email Retention Policy, 043.15.

043.18.7 References

HSD Code of Conduct
HSD Use of Information Technology Resources Policy, 043.5
HSD Email Retention Policy, 043.15

APPROVED: DATE:



6/15/16

BRENT EARNEST, Secretary