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GENERAL ADMINISTRATION
EMPLOYEE

045 LEAVE

045.5 Administrative Leave Policy

045.5.1 Purpose

This policy defines the purposes and authorizations required for administrative leave for Health Care Authority (HCA) employees.

045.5.2 Definitions

A. "Administrative leave" means authorized and paid absence from work activities granted to employees for specific purposes as set forth in State Personnel Board (SPB) rules. Administrative leave is neither work time nor official state business.

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

C. "Classified Service" means all position in the executive branch of state government which are not exempt by law.

D. "Domestic Partner" means two individuals who have shared a common, primary residence for at least 12 consecutive months, sign an affidavit of domestic partnership, and meet all of the following criteria:

1. both domestic partners must be unmarried;

2. domestic partners must have been in a mutually exclusive relationship, intending to do so indefinitely, and the relationship is similar to a marriage relationship in the State of New Mexico;

3. domestic partners must meet the age requirements for marriage in New Mexico (18 years of age) and be mentally competent to consent to contract;

4. domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico;

5. domestic partners must be jointly responsible for the common welfare of each other and share financial obligations;

6. domestic partner must not be married or a member of another domestic partnership; nor have been so during the past 12 months. If domestic

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partnership dissolves and the same two people want to become partners again, they must once again meet the 12-month requirements; and

7. domestic partners must provide proof of one of the following: joint mortgage or lease; joint ownership of a motor vehicle; joint bank account; joint credit account; domestic partner named as beneficiary of life insurance; domestic partner named as beneficiary of retirement benefits; domestic partner named as primary beneficiary in the employee's will; domestic partner assigned durable property or health care power of attorney; or documentation of sharing of household expenses by both partners.

E. "Employee" means a person in a position in the classified service.

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

045.5.3 Policy

A. Administrative leave may be authorized to HCA employees under certain conditions as described in SPB rules. In addition, each agency is authorized to grant administrative leave for up to five (5) consecutive days when it is in the best interest of the agency to do so.

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

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

045.5.4 Authorized Uses of Administrative Leave

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

A. Bereavement Leave.

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

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

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

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

B. Court-Related. An immediate supervisor may grant administrative leave for the actual time required during an employee's regularly scheduled workday, including travel, for an employee serving as a witness by subpoena, serving on a jury, or before a federal or state agency. No compensation will be given for witness or jury time outside work hours unless testifying on behalf of the department. Fees received as a witness or as a juror, excluding any reimbursement for travel, shall be remitted to HCA's Administrative Services Division.

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

D. Discipline Situations. A county director or bureau chief may authorize up to eight (8) hours administrative leave when requiring an employee to leave the premises in a disciplinary or potential disciplinary situation or other situation where an employee's behavior is disruptive or threatening to the office, provided the OHR's Employee Relations Section is notified prior to or within 24 hours. The OHR Manager is authorized to grant up to 160 consecutive work hours during a disciplinary action

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process or investigation.

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

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

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

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

I. Military Leave. Military leave is granted in accordance with the United States Code, SPB Rules, and any other applicable law on paid or unpaid military leave. Members of organized reserve units or the National Guard ordered to training shall be given up to 15 workdays of paid military leave per federal fiscal year. The Governor may grant members of the National Guard paid military leave for training, in addition to that already given by law. Such additional leave must not exceed 15 workdays per federal fiscal year. Members of the state defense force shall be granted paid military leave to attend officially authorized training or instruction courses. Such leave applies only to full-time employees and must not exceed 30 workdays per federal fiscal year. Members of the Civil Air Patrol shall be granted military leave not to exceed 30 workdays per calendar year for search and rescue missions. Employees who are members of a reserve component of the United States armed forces shall, upon request, be granted unpaid leave for the period required to perform active duty for training or inactive duty training in the United States armed forces. Employees on military leave with pay shall accrue annual and sick leave.

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

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K. Parent-Teacher Conferences. An immediate supervisor may grant administrative leave to an employee to attend a parent-teacher conference during the employee's normal workday provided that the express purpose of the leave is to attend the parent-teacher conference. The employee should provide reasonable notice and follow established leave request procedures. The administrative leave provided is as follows:

1. Employees with three (3) or more children may be granted up to four (4) hours of paid administrative leave during the spring semester and up to four (4) hours of paid administrative leave during the fall semester.

2. Employees with one or two children may be granted up to two (2) hours of paid administrative leave during the spring semester and up to two (2) hours of paid administrative leave during the fall semester.

3. Two employees may request available administrative leave to attend the same scheduled parent-teacher conference for their children.

L. Pre-Retirement Counseling. An immediate supervisor may grant up to eight (8) hours administrative leave for PERA pre-retirement counseling. Employees may use this one time in their career at HCA.

M. Volunteer Leave. A manager, county director, or bureau chief may grant up to sixteen (16) hours administrative leave per calendar year for the actual time required, including travel, for an employee to participate in volunteer activities within their communities. This includes but is not limited to volunteering time at group shelters, community coordinated events, animal shelters, and any state or county events or initiatives requiring volunteers. The employee must not receive any form of payment for their volunteer activities. Employees must submit a volunteer leave request form to be considered for this leave.

N. Voluntary Self-Identification. The OHR Drug Abuse Coordinator may grant administrative leave to an employee to participate in an employee assistance program, counseling, or a drug or alcohol rehabilitation program for up to 240 hours for the initial voluntary self-identification only. (See HCA's Drug and Alcohol Free Workplace Policy)

O. Voting. An immediate supervisor may authorize up to two (2) hours of administrative leave for the purpose of voting on election day to employees who are registered voters. as set forth in State Personnel Board Rule 1.7.7.14. Supervisors and office managers retain the right to schedule such leave. This leave is not available to employees whose workday begins more than two hours after the opening of the polls

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or ends more than three hours prior to the closing of the polls nor is it available for absentee or early voting. Employees who are on leave for that full day for whatever reason are ineligible for administrative leave for voting purposes.

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

045.5.5 References

1.7.7 NMAC
1.7.11 NMAC
HCA Disciplinary Actions Policy
HCA Drug and Alcohol Free Workplace Policy
HCA Hazardous Roads/Weather Policy

APPROVED: **DATE:**

DocuSigned by:
Kari Armijo
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12/3/2024

Kari Armijo, Cabinet Secretary