



Policy Number: 30-1010	Issued Date: 10/18/2007 Effective Date: 10/18/2007 Revised Date: 4/08/2013, 2/13/2020 Next Review Due Date: 2/13/2022	Number of Pages: 7
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1. MATERIAL CHANGES

- 1.1. Reformatted to conform to new format.
- 1.2. Material Changes section added causing renumbering of subsequent sections.
- 1.3. Revised date added.
- 1.4. Next review due date added.
- 1.5. Policy number changed from 10-05 to 30-1010 to conform to new numbering system.
- 1.6. Types of leave reordered to be in alphabetical order.
- 1.7. Bereavement leave section edited. The list of relatives expanded to include in-laws, nieces, nephews, aunts, and uncles.
- 1.8. Subsection on parent-teacher conferences added.
- 1.9. Edits made to administrative leave section to comply with SPO updates to 1.7.7.14 NMAC effective 1/1/2020:
 - 1.9.1. Added list of election types for which administrative leave may be used.
 - 1.9.2. Added statement that administrative leave may not be used for early or absentee voting.
 - 1.9.3. Additional amendments made to address leave for court appearances and parent-teacher conferences.
- 1.10. Substantial edits made throughout.

2. PURPOSE

- 2.1. The purpose of this policy is to establish guidelines for the correct use of administrative leave by TRD employees.

3. ORGANIZATION AFFECTED

- 3.1. This policy and these procedures apply to all TRD employees.

4. **AUTHORITY**

- 4.1. 1.7.7.14 NMAC Administrative Leave.
- 4.2. 1.7.11.12 NMAC Administrative Leave Pending Disciplinary Action.

5. **DEFINITIONS**

- 5.1. **Administrative Leave:** paid leave of absence that is not charged to any accumulated leave total, is applicable towards leave accruals, benefits, and is authorized by the Cabinet Secretary or his or her designee, a division director, or the Governor.
- 5.2. **HRB:** TRD's Human Resource Bureau.
- 5.3. **SPO:** State of New Mexico Personnel Office.
- 5.4. **TRD:** State of New Mexico Taxation and Revenue Department.

6. **REFERENCES**

- 6.1. 1.7.7.14 NMAC Administrative Leave.
- 6.2. 1.7.11.12 NMAC Administrative Leave Pending Disciplinary Action.
- 6.3. SPO General Memorandum 2011—006 (Revised 3/1/2019).

7. **POLICY**

- 7.1. Approved administrative leave allows employees to be paid for times when their assigned duties are not performed because of reasons listed in this policy (e.g., death of a relative, board or commission meetings, jury duty, emergency closings, employment-related meetings, inclement weather closings or delays, parent-teacher conferences, workplace investigations, seasonal observances, job interviews within TRD, and voting).
- 7.2. It is the responsibility of supervisors, bureau chiefs, and division directors to closely monitor administrative leave ensuring that it is used appropriately for the circumstances for which it is granted. To do less would violate the trust of the taxpayer of the State of New Mexico.
- 7.3. Intentional falsification of information for the purposes of receiving administrative leave will result in disciplinary action up to and including termination.
- 7.4. Contact with the Governor's Office concerning administrative leave shall be made by the Secretary or his/her designee *only*.
- 7.5. The Secretary or his or her designee must notify HRB immediately whenever administrative leave is granted for any reason except for voting.

Bereavement

- 7.6. Administrative leave may be granted for employees to attend funerals of their relatives. Sick leave may also be used under these circumstances (1.7.7.10 NMAC). To qualify for bereavement leave, employees must be related to the deceased within the third degree by blood, marriage, or domestic partner. Those relatives are employees' spouses, domestic partners, children, children of domestic partners, step-children, foster children, parents, step-parents, siblings, step-siblings, fathers-in-law, mothers-in-law, sisters-in-law, brothers-in-law, grandparents, grandchildren, nieces, nephews, aunt, or uncle. The employees, or employees' supervisors on behalf of employees, may

request and division directors may approve up to three (3) days of paid administrative leave for bereavement.

7.6.1. If employees require more than three (3) days for this purpose, employees' supervisors may authorize employees to use their accrued leave or leave without pay.

7.6.2. TRD may require documentation supporting requests for bereavement leave.

Board and Commission Meetings

7.7. Employees who are members of state boards or commissions may be entitled to administrative leave to attend meetings or transact the business of those boards or commissions during their regularly scheduled work hours. For purposes of benefits programs, when employees are granted administrative for this purpose, they are considered to be working.

Court Related

7.8 Employees are entitled to administrative leave when they are called to serve on a grand or petit jury during their regularly scheduled work hours.

7.9 Employees shall be entitled to administrative leave when appearing during regularly scheduled work hours in obedience to a subpoena as a witness before a grand jury or court or before a federal or state agency in which the State of New Mexico or TRD is a party or the employee is a party related to the employee's employment with the State of New Mexico. Fees received as a witness, excluding reimbursement for travel, shall be remitted to TRD.

Emergency Closings

7.9 When emergencies such as fires, power failures, or floods disrupt TRD's operations and cause the closing of any TRD facility, administrative leave will be granted to employees in nonessential positions.

7.9.1 Employees in essential positions may be required to work when there is an emergency and will receive regular pay.

7.9.2 When an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

Employment Related Meetings

7.11 Division directors shall grant administrative leave to full-time, term, probationary or career employees for them to attend employment-related meetings. The type of meeting and the amount of administrative leave granted are:

7.11.1 Meetings at PERA to arrange retirement. A maximum of four (4) hours of administrative leave will be granted. Employees must provide proof of eligibility to retire to HRB.

7.11.2 The first hour of counseling of the first visit with the State Employee Assistance Program (EAP). One (1) hour administrative leave will be granted. Employees' accrued leave must be used for subsequent counseling sessions and meetings.

7.11.3 Meetings during normal working hours surrounding grievances and/or complaints as described in TRD's Problem Resolution Policy. Two (2) hours

of administrative leave will be granted. If additional time is needed, employees must speak with their supervisor to see what, if any, other arrangements can be made.

- 7.11.4 Interviews for positions **within** TRD. A maximum of eight (8) hours of administrative leave shall be granted per TRD position for which employees are interviewing, depending on the location of the interview(s). Employees are limited to receiving administrative leave for two (2) position interviews per calendar year.
- 7.12 Employment-related meetings that do not qualify for administrative leave are:
 - 7.12.1 Interviews for positions **outside** of TRD.
 - 7.12.2 Employment-related matters with federal agencies, non-state agencies or organizations.
 - 7.12.3 Other matters that are considered personal in nature and are more appropriately carried out while on annual leave.

Inclement Weather

- 7.12 During inclement weather it is the responsibility of employees to report to work as close as possible to normal work times.
- 7.13 When an official delay, early release, or a closure occurs, non-essential employees will be granted administrative leave for the amount of time of the delay, early release or closure.
 - 7.13.1 Employees in essential positions may be required to work when an official delay, early release, or closure is announced and will receive regular pay. Those employees must always defer to and follow their chain of command for all communication related to inclement weather.
- 7.14 Employees who are already on approved leave when a delay, early release, or closure occurs may not substitute administrative leave for the delay, early release, or closure, nor can it be used at a later date.
- 7.13 TRD will follow the inclement weather policy outlined in SPO's General Memorandum 2011—006 (Revised) (available under "Policy," then "Interpretive Memos and Other Information," and then "Inclement Weather Delays and Office Closures," or at this link on the TRD intranet: http://trd_intra/uploads/FileLinks/f53f20d60cbc4846b4df3b230e475e75/general_memo_on_inclement_weather_3_1_19.pdf). Briefly, it states:
 - 7.13.1 Santa Fe offices will follow the decision of the Santa Fe Public Schools regarding inclement weather delays, early releases, and closures.
 - 7.13.2 TRD offices in cities and towns other than Santa Fe will follow those school district's decisions regarding inclement weather delays, early releases, and closures.
 - A. Employees residing in cities or towns different from their work location will follow the decisions of the school districts in both their home city or town and the city or town where they work. For example:

- If the school district where they reside announces a delay, early release, or closure, but if there is no similar announcement by their work location's school district, they will be granted administrative leave for the amount of time based on their home city or town's school district's inclement weather announcement.
- If the school district where they work announces a delay, early release, or closure, but there is no similar announcement by the school district where they reside, they will be granted administrative leave for the amount of time based on their work location's school district's inclement weather announcement.

7.13.3 If school is not in session in Santa Fe and Albuquerque, SPO will announce inclement weather delays, early-releases, or closures on its website. Delays, early releases, or closures elsewhere will be announced by the Cabinet Secretary or his or her designee.

7.14 Any directive issued by the Governor's Office or SPO supersedes all else.

Parent-Teacher Conferences

7.15 Administrative leave may be granted for employees who are parents of children in enrolled in school to attend parent-teacher conferences that occur during employees' normal work hours.

7.16 Parental participation or assistance in extra-curricular activities does not qualify for administrative leave.

7.17 Employees with three (3) or more children may be granted up to four (4) hours of administrative leave during the spring semester, and up to four (4) hours of administrative leave during the fall semester to attend parent-teacher conferences.

7.18 Employees with one (1) child or two (2) children may be granted up to two (2) hours administrative leave during the spring semester, and up to two (2) hours of administrative leave during the fall semester to attend parent-teacher conferences.

7.19 Parents who are both employed by TRD may request available leave to attend the same scheduled parent-teacher conference for their child(ren).

7.20 To qualify for administrative leave to attend parent-teacher conferences, employees must fill out the Request for Parent-Teacher Conference Leave form which is available on the TRD intranet under "Human Res," then "HR Forms," then "Forms," and at this link: http://trd_intra/uploads/FileLinks/909ecc4e570a4904aba6275f56192a58/parent_teacher_conference_leave.pdf. A sample of the form is attached to and incorporated into this policy.

Pending Disciplinary Actions and Workplace Investigations

7.21 When employees have pending disciplinary actions, they can be placed on administrative leave pursuant to 1.7.11.12 NMAC Administrative Leave Pending Disciplinary Action.

7.22 Administrative leave for pending disciplinary actions should only be used in extreme circumstances when the health and welfare of other employees is in question or the

security of the premises or data is at issue. Only individuals at or above the division director level may authorize this type of administrative leave.

Special Occasions

- 7.25 Special occasion (e.g., Christmas Eve, Good Friday etc.) administrative leave that is granted by the Governor will be administered in accordance with the provisions of the specific memorandum that authorizes such leave.
- 7.26 Employees who are on full-time leave without pay status are not entitled to special occasion administrative leave.
- 7.27 Part-time employees scheduled to work 20 or more hours per week will be granted half the number of hours granted full-time employees. Part-time employees scheduled to work less than 20 hours per week will not be granted special occasion administrative leave.

Voting

- 7.26 Two (2) hours of administrative leave will be granted to employees who are registered to vote and vote on the day of general, primary, statewide special and school district elections, and elections to fill congressional office vacancies. Administrative leave does not apply to absentee or early voting.
- 7.27 Polls generally open at 7:00 am and close at 7:00 pm. Employees whose work day begins more than two (2) hours after the opening of the polls or ends more than three (3) hours before polls close are not entitled to administrative leave for voting.
- 7.28 Employees who take other leave on an election day that results in the situation outlined in 7.27 are not entitled to administrative leave for voting purposes.
- 7.29 Supervisors can schedule times throughout an election day for their employees to vote to ensure business operations are maintained. Supervisors are not obligated to accommodate van pool schedules or the Rail Runner schedule when scheduling employees' times to vote.
- 7.30 Employees must make every effort to inform their supervisors in advance of any local or special elections in which they want to vote.
- 7.31 For overtime computation purposes voting leave is considered hours worked.

8. PROCEDURES

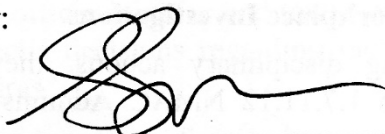
- 8.1. Procedures (if any) are listed within subsections for each type of administrative leave outlined in this policy.

9. ATTACHMENTS

- 9.1. Sample of Request for Parent-Teacher Conference Leave form.

10. APPROVAL

- 10.1. Approved by:



Stephanie Schardin Clarke

2/12/2020

Date



**TAXATION
&
REVENUE**
NEW MEXICO

REQUEST FOR PARENT-TEACHER CONFERENCE LEAVE

Name: _____ Telephone No.: _____

Other Contact Information: _____

Job Title and Location: _____

Date of Request: _____

Period of leave (date/time) and total number of working hours being utilized for Parent-Teacher leave:

Beginning: _____ Ending: _____
Date Time Date Time

Total number of hours requested: _____ Total number of Parent-Teacher leave hours utilized to date: _____

Number of children: 3 or more children, up to four (4) hours of leave per semester 1 or 2 children, up to two (2) hours of leave per semester

Child's name: _____ Child's Grade: _____

School: _____

Please indicate which conference you will be attending Fall Spring

Teacher's name: _____ Teacher's phone no.: _____

I certify that the above information is true and accurate.

Employee signature: _____ Date: _____

Approved Disapproved

Supervisor Signature: _____ Date: _____

HRB Use Only

Received by: _____ Date: _____