

 <p>CD-032800</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;">"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	ISSUE DATE: 04/18/01	REVIEWED: 10/24/16
	EFFECTIVE DATE: 04/23/01	REVISED: 10/24/16
TITLE: Leave Request and Approval		

AUTHORITY:

Policy *CD-010100*

REFERENCE:

State Personnel Board Rule 1.7.7 NMAC, Absence and Leave and Official Agreement between the State of New Mexico and American Federation of State, County, and Municipal Employees, New Mexico Council 18 (Collective Bargaining Agreement).

PURPOSE:

To establish a process for requesting and granting leave to Corrections Department Employees.

APPLICABILITY:

All classified employees of the New Mexico Corrections Department (NMCD).

FORMS:

- A. **Request for Leave Without Pay** form (*CD-032801.1*)
- B. **Request for Union Time** form (*CD-032801.2*)

ATTACHMENTS:

None

DEFINITIONS:

- A. Appointing Authority: the level of authority within the New Mexico Corrections Department that can authorize hire.
- B. Career Status: An employee who has completed the one-year probationary period.
- C. Custody Employee: All positions with a working title of Correctional Officer Cadet, Correctional Officer, Sergeant, Lieutenant, Captain and Major.
- D. Non-Custody Employee: All other employees who do not fall under the definition of custody employee.
- E. Relation by blood or marriage within the third degree: Spouse, domestic partner, child, parent, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepchild, brother, stepbrother,

brother-in-law, sister, stepsister, sister-in-law, grand parent, grandchildren, uncle, aunt, nephew, niece, great grandchild and great grandparent.

- F. *Roster Management Coordinator*: The individual designated at each prison facility that is authorized to approve leave requests for employees.
- G. *PeopleSoft (Time and Labor)*: The automated payroll system used for the purpose of reporting time and exceptions for those employees having access to this system.

POLICY:

- A. NMCD shall grant leave in a fair and equitable manner, consistent with State Personnel Board Rules and other applicable State and Federal laws.
- B. To the extent possible, employees must request any and all types of leave in advance and in writing.
- C. For the purpose of this policy, when referring to submitting planned leave requests, custody employees, with the exception of a Major, but including C.O. Specialists, shall do so by using the **SPB101 Request for Leave** form through Roster Management and non-custody employees, including Majors, shall submit leave requests via email to their immediate supervisor.
- D. Employees must indicate the period of time for which leave is requested so that reasonable decisions can be made and work assignments can be planned.
- E. Supervisors or the facility Roster Management Coordinator must either approve or disapprove all requests for leave. If a request for leave is submitted in writing, the approval or disapproval must be in writing. If an employee uses any falsehood to support a request for leave, any leave authorized may be rescinded and the employee may be subject to disciplinary action. Leave may be granted contingent upon the employee presenting sufficient justification.
- F. Employees are responsible for accurately reporting their time.

Correctional Officers will request annual leave in accordance with the negotiated collective bargaining agreement. Annual leave for correctional officers will be determined by State Personnel Board Rules. In cases of multiple requests for the same time period, annual leave for correctional officers will be determined by greater seniority.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

10/24/16
Date

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AUTHORITY:

Policy *CD-032800*

PROCEDURES:

A. Annual Leave:

1. Employees, except those on full-time educational leave with pay, absence without leave, leave without pay, unpaid Family Medical Leave Act (FMLA), or suspension, shall accrue annual leave at the rate of:
 - a. 3.08 hours per pay period if less than three years of cumulative employment;
 - b. 3.69 hours per pay period if three years or more, but less than seven years of cumulative employment;
 - c. 4.61 hours per pay period if seven years or more, but less than eleven years of cumulative employment;
 - d. 5.54 hours per pay period if eleven years or more, but less than fifteen years of cumulative employment;
 - e. 6.15 hours per pay period if fifteen years or more of cumulative employment.
2. Employees employed on a part-time basis shall accrue leave on a prorated basis.
3. Employee shall be permitted to carry forward balances up to a maximum of 240 hours of annual leave after the last pay period beginning in December.
4. Annual leave shall not be used before it is accrued and may not be used unless the employee requests it in advance and it is authorized in advance by the employee's immediate supervisor or designee, or, in the case of custody employees, the Roster Management Coordinator.
5. Annual leave shall not be granted for any employee to serve a sentence of incarceration.
6. Custody Employees:
 - a. Custody employees will bid for annual leave in accordance with time frames and procedures established by Roster Management.

- b. Where all factors to be considered are otherwise equal in granting of specific dates for annual leave, the employee having the longest unbroken length (Agency Seniority) of service with the Department shall be given priority.
- c. Requests for annual leave outside of the bidding process must be submitted to the Roster Management Coordinator.

7. Non-Custody Employees:

- a. Non-custody employees must request annual leave via email to their immediate supervisor with sufficient notice so that supervisors can plan for the employee's absence.
- b. Non-custody employee supervisors will review the employee's request and notify the employee via email as soon as possible so that the employee may plan his/her absence.

B. Sick Leave:

- 1. Employees, except those on full-time educational leave with pay, absence without leave, leave without pay, unpaid FMLA leave, or suspension, shall accrue sick leave at the rate of 3.69 hours per pay period.
- 2. Employees employed on part-time basis shall accrue leave on a prorated basis.
- 3. Sick leave shall not be used before it is accrued.
- 4. Employees may use sick leave for personal medical treatment or illness or for medical treatment or illness of a relation by blood or marriage within the third degree or a person residing in the employee's household.
- 5. There is no limit to the amount of sick leave that may be accrued.
- 6. Employees on sick leave must indicate the period of time for which leave is requested so that reasonable decisions can be made and work assignments can be planned.
- 7. The Department does not condone the practice of the inappropriate or unjustified use of extended sick leave immediately prior to retirement and will examine such long-term sick leave requests as any other such request.
- 8. Supervisors who suspect abuse of sick leave may request that the employee provide a doctor's certification. The employee will be notified immediately that certification is required before final approval of sick leave can be granted. Sick leave abuse is "just cause" for, and may result in, disciplinary action up to and including dismissal.
- 9. Employees will be required to provide healthcare provider certification for the use of sick leave if the request for sick leave is for more than three (3) consecutive workdays.

10. All requests for long-term (40 hours or more) sick leave use will be evaluated to determine if the request meets the requirement of the Family Medical Leave Act (FMLA). If the request meets the requirement of the FMLA, the employee will be notified immediately that they are being placed on Family Medical Leave and will be provided a copy of the Department's FMLA policy.
11. Non-custody employees requesting unplanned sick leave shall follow the call-in procedure as outlined in *CD-030600* and exceptions shall be entered in PeopleSoft upon return to work. Requests for planned sick leave shall be submitted via email to the employee's supervisor with sufficient notice to allow for workload planning.
12. Custody employees requesting sick leave must complete an **SPB 101 Request for Leave**. Such leave requests shall be submitted to the employee's immediate supervisor immediately upon returning to work. Requests for planned sick leave shall be submitted to the Roster Management Coordinator with sufficient notice to allow for roster planning.
13. Supervisors or Roster Management staff shall review the request and either approve or disapprove the request. If additional information is needed, the supervisor shall so advise the employee in writing.
14. Sick leave shall not be granted for an employee to serve a sentence of incarceration.

C. Administrative Leave:

1. The Secretary may authorize an employee administrative leave up to five consecutive workdays when it is in the best interest of the Department. Administrative leave in excess of five consecutive days must have written approval of the State Personnel Director. The Secretary, upon written request by a Deputy Secretary of Operations, may authorize up to 160 consecutive hours of Administrative leave during a disciplinary action or investigation.
2. Employees who are registered voters may absent themselves from work for up to two hours for the purpose of voting between the time of the opening and the closing of the polls. The supervisor may specify the hours during the period in which the voter may be absent. This leave is not available to employees whose workday begins more than two hours after to the opening of the polls or ends more than three hours before the closing of the polls. Employees who take voting leave must actually vote. Failure to do so may result in disciplinary action.
3. Employees shall be entitled to administrative leave when appearing in obedience to a subpoena as a witness before a grand jury or court or before a federal or state agency. Fees received as a witness, excluding reimbursement for travel and per diem shall be remitted to the Department.
4. Employees shall be entitled to administrative leave with pay for serving on a grand or petit jury. Fees received, as a juror, excluding reimbursement for travel and per diem shall be remitted to the Department.

5. In accordance with the Governor's inclement weather policy, the Governor and Cabinet Secretary may authorize the closure, late reporting or early release of employees due to inclement weather. Local radio stations, the State Personnel Office and the Human Resource Bureau, normally carry out notifications on the website, or Weather Hotline at 855-320-1506.
6. Employees shall be entitled to sixteen (16) hours of administrative leave per calendar year for the purpose of interviewing for other positions within the Corrections Department.
7. All requests for administrative leave not specifically authorized above (e.g., voting, jury, and obedience to a subpoena) must be submitted in writing to the Department's Secretary, signed by a Deputy Secretary of Operations and must state the specific reason(s) for the requested leave.
8. The Secretary will review the request and notify the requesting Appointing Authority in writing that the request has been approved or disapproved or that in addition to his/her approval the request requires the approval of the State Personnel Director.
9. Employees must complete an **SPB 101, Leave Request** form or submit a request via email requesting administrative leave when requesting such leave for voting, in obedience to a subpoena or for serving on a grand or petit jury. The completed form, along with supporting documentation, must be submitted to the immediate supervisor or Roster Management Coordinator for approval.
10. Administrative leave shall not be granted for an employee to serve a sentence of incarceration.

D. Bereavement Leave

1. An employee may request bereavement leave for the death of a family member, or a relative by blood or marriage to the third degree.
2. Division Directors may approve bereavement leave for employees in their division(s) for 3 days for in-state and 5 days for out-of-state. The employee may request use of additional leave personal leave, the approval for which shall be at the discretion of the appropriate Division Director. Employees are required to provide proof, such as an obituary, upon returning from the leave.
3. Bereavement leave shall not be granted for an employee to serve a sentence of incarceration.

E. Leave Without Pay:

1. All leave (annual, sick, compensatory time, personal leave day) must be exhausted before authorizing leave without pay unless otherwise approved by the Secretary, or in cases of approved disability thru the State's Risk Management Division (RMD). It will be up to the employee to provide the agency HR dept with the approved disability notification from RMD. The employee will be responsible for paying insurance premiums in accordance with the Risk Management admin guide.

2. Appointing authorities or their designees may approve leave without pay requests for up to five consecutive workdays. Requests for leave without pay for greater than five days must be reviewed by the Human Resource Bureau and approved by the Bureau Chief, Division Director, Deputy Secretary or Secretary (whichever is appropriate). Requests for leave without pay over 30 days must be approved by the appropriate Deputy Secretary and/or Secretary.
3. Leave without pay may not exceed thirty (30) consecutive calendar days for probationers or employees in term status with less than one year of employment without the prior approval of the Division Director and the appropriate Deputy Secretary. Any leave without pay in excess of thirty (30) consecutive calendar days shall not be credited toward the probationary period unless the employee was called to active military duty.
4. Leave without pay shall not exceed thirty (30) consecutive calendar days for employees in emergency or temporary status.
5. Leave without pay for employees in career or term status with more than one year of employment status may be approved in increments not to exceed 30 calendar days and shall not exceed 12 consecutive months.
6. The Department must assure a position of like status and pay, at the same geographic location, upon return of the employee from leave without pay or the employee must agree in writing to waive that requirement.
7. Employees requesting leave without pay must do so by completing the **Request for Leave without Pay** form (*CD-032801.1*) with a statement explaining the reason(s) for their request and shall submit their request to their immediate supervisor or Roster Management Coordinator.
8. Leave without pay shall not be granted for an employee to serve a sentence of incarceration.

F. Personal Leave Day:

1. Employees in career status are entitled to one personal leave day each calendar year. The personal leave day will be consistent with the employee's normal workday. Such leave must be requested and approved in advance.
2. The personal leave day must be taken during consecutive hours.
3. The personal leave day must be taken by December 31st, or it will be lost.
4. Employees who do not take the personal leave day shall not be paid for it upon separation from the classified service.

5. Employees requesting a personal leave day must submit an **SPB 101, Leave Request** form to Roster Management, or submit their request by email to their immediate supervisor for approval or disapproval.
6. The employee's immediate supervisor or Roster Management will review the request and determine if the employee is in fact entitled to a personal leave day by contacting their respective payroll officer. If the employee is entitled to a personal leave day, the supervisor or Roster Management Coordinator will approve/disapprove the request.
7. If it is determined that the employee is not entitled to a personal leave day, the immediate supervisor or Roster Management will disapprove the request and notify the employee.
8. A personal leave day shall not be granted for an employee to serve a sentence of incarceration.

G. Union Time

1. In accordance with Article 9, Section 3, of the Collective Bargaining Agreement, union time must be pre-approved and will not be disapproved except for operational reasons.
2. All union time must be pre-approved by the supervisor on the **Request for Union Time** form (*CD-032801.2*).
3. Requests for incidental time (less than 15 minutes) shall not require the submission of a request form, but does require prior approval by the supervisor.
4. Requests for union time shall state the time left and the approximate time of return. Requests shall state the general purpose of the request without being invasive.
5. All request forms shall be forwarded by the respective stewards to their immediate supervisor. The immediate supervisor shall coordinate the use of union time with the Department's central point of contact, the Labor Relations Manager, prior to approving union time.

Requests for union time by correctional officers shall be forwarded by the supervisor to Roster Management for time reporting purposes.

6. Union time shall be counted as hours worked in determining the appropriate overtime compensation.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

10/24/16
Date

**NEW MEXICO CORRECTIONS DEPARTMENT
REQUEST FOR LEAVE WITHOUT PAY**

Employee Name: _____ Date _____

Classification: _____

Employment Status: _____

LWOP may not exceed thirty (30) calendar days for probationers or employees in term status with less than one year of employment without the prior approval of the Secretary, or twelve (12) consecutive months for career and term status employees with more than one year of employment, unless approved by the Secretary.

Length of Leave: from _____ to _____ (A specific date must be entered. Unknown is not acceptable).

Reason for Leave: _____

I understand that the Corrections Department **can** assure a position in the same geographic location upon my return.

I understand that the Corrections Department **cannot** assure a position in the same geographic location upon my return. I accept this as a condition for my Leave without Pay.

I also understand that failure to report for work upon the expiration of approved Leave without Pay may be grounds for disciplinary action.

Employee Signature: _____ / _____
Print/Sign Date

Appointing Authority: _____ / _____
Print/Sign Date

The above request is in accordance with applicable SPB Rules.

Human Resource Bureau Chief: _____ / _____
Print/Sign Date

Division Director: _____ / _____
(If Applicable) Print/Sign Date
 Approved Disapproved

Secretary of Corrections: _____ / _____
Print/Sign Date
 Approved Disapproved

cc: File
SPO

Agency/Division _____

Request for Union Time

INSTRUCTIONS: When an employee is requesting union time the employee will give an approximate amount of time. If an employee is requesting Union time and or Administrative leave the request must state the general purpose for the time and must state the general destination. The employer may only deny a union time request for operational reasons. If the employer denies the request, they must include an explanation for the denial. The explanation will propose an alternative time for the union time to be taken. Each request for union time should be considered on a case-by-case basis and each case should be considered unique with its own merits in regards to union time and the request. Union time is applicable towards overtime. Any issues related to the use, or allegations of misuse of union time shall be handled in accordance with Article 9 section 3 of the CBA. Upon return the employee will log the actual dates and times of the union time taken.

Requests for annual leave, accrued comp-time, and LWOP will be submitted separately in writing and shall be submitted in accordance with Article 9 section 5 A & B of the CBA.

Employee

Name-Last	First	Middle	Date of Request	Date of Union Time Needed
Destination: _____ _____				
General Purpose: (Please include approximate amount of time requested) Grievances: (check one) <ul style="list-style-type: none"> • Meeting Face to Face: () • Process & Investigate: () SPB Process: (check one) <ul style="list-style-type: none"> • SPB Hearing: () • NCA Response: () • Disciplinary Appeal Prep/Investigation: (4) hrs. 			Miscellaneous: <ul style="list-style-type: none"> • Labor Management Training (Circle one): (4) (8) • Other: (specify CBA Article & section provide a brief description of purpose): _____ _____ _____ _____ 	

Supervisor

<input type="radio"/> Approved <input type="radio"/> Disapproved (may only be for operational reasons) _____ _____ _____	Signature: _____ Date: _____
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Employee

Human Resource Dept.

Date Left: _____ Time: _____ AM/PM Return Time: _____ AM/PM Total Time Used (including travel if any): _____ Employee Signature: _____	<input type="radio"/> Union Internal Use Total Hours Used: _____ Comments: _____ _____ _____ Signature: _____ Date: _____
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DISCLAIMER: THE PARTIES AGREE THAT THIS DOCUMENT DOES NOT CONSTITUTE A WAIVER OF ANY RIGHTS UNDER PEBA OR THE CBA.