



LEAVE REQUEST AND APPROVAL POLICY

I. PURPOSE

- A. The purpose of the New Mexico Department of Finance and Administration ("DFA") Leave Request and Approval Policy ("Policy") is to explain the circumstances under which leave is available to Employees, the eligibility requirements for leave, and the procedures for Employees to request leave, in accordance with State Personnel Board ("SPB") Rule 1.7.7 NMAC.

II. POLICY

- A. All requests for leave must be made in advance unless Good Cause is shown.
- B. Treat all requests for leave as Confidential Information.
- C. Process all leave requests in accordance with this Policy.

III. PROCEDURES

- A. Step One: Employees must submit leave requests to their supervisor via Microsoft Teams Shifts in advance of the requested leave period, unless Good Cause is shown. For Good Cause, employees shall submit the written leave request via Microsoft Teams Shifts upon return to work.
- B. Step Two: The supervisor shall review the leave request submitted in Microsoft Teams Shifts and approve or disapprove it within the application. If additional approvals are required, the supervisor should notify the DFA Human Resources Bureau ("HR") as appropriate. The supervisor and DFA HR will determine whether additional approval is necessary. Additional approval may be obtained from the State Personnel Office ("SPO") and/or the Agency Head, as previously described.
- C. Step Three: Before approval in Microsoft Teams Shifts, consideration will be given to the impact of the leave request on the unit's work responsibilities and other relevant factors.



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- D. Step Four: The approved or disapproved leave request, with its status indicated in Microsoft Teams Shifts, will be returned electronically to the requesting employee.
- E. Step Five: If the requested leave is denied, the supervisor shall meet with the employee and explain the reason for the denial. The denial status shall also be recorded in Microsoft Teams Shifts.
- F. Official Record: The SHARE HCM system is the official system of record for all leave and time reporting. All Microsoft Teams Shifts leave requests and approvals must be accurately reflected in SHARE's HCM system.

IV. DEFINITIONS

- A. "Agency" means any state department, bureau, division, branch, or political subdivision of the state, and any of their branches, agencies, departments, boards, instrumentalities, or institutions bound by the New Mexico SPB Rules and Regulations ("SPB Rules").
- B. "Agency Head" means the DFA Cabinet Secretary.
- C. "Advance Notice" means that the request should be made at least twice as far in advance as the length of the leave requested (e.g., twenty days in advance for ten days of leave).
- D. "Confidential Information" means non-disclosable information and data of any kind concerning any matters affecting or relating to DFA, the business or operations of DFA, including, but not limited to, financial documents and plans, customers, suppliers, partners, marketing strategies, vendors, products, technical product data, product samples, costs, sources, strategies, operational procedures, proprietary concepts, technical advice or knowledge, contractual agreements, software, data, and/or the products, drawings, plans, processes, or other data of DFA not generally known or available outside the Agency. "Confidential Information" includes communications made privately and not intended for further disclosure except to other persons in furtherance of the purpose of the communication.
- E. "Disciplinary Action" means any action taken by an Agency to influence an Employee's performance or behavior to meet the expected standard, including letters of reprimand, suspensions, demotions, and Dismissal.
- F. "Dismissal" means the involuntary separation from employment with the



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- G. "Employee" means (i) any person in a position in the classified service; (ii) an individual employed by the DFA, receives a wage from DFA, and whose work is under the direct control and supervision of the DFA; (iii) term, probationary, temporary, permanent, and exempt positions; or (iv) an applicant for employment within the DFA. "Employee" does not include independent contractors who perform work for New Mexico.
- H. "Good Cause" means a substantial reason that provides a legal excuse or constitutes a legally sufficient ground or reason, as determined by the supervisor and/or the DFA Human Resources Bureau ("HR"). The supervisor and/or HR may consider any relevant factors to determine whether Good Cause exists. Good Cause includes circumstances that prevent the Employee from submitting the request in advance.
- I. "Supervisory Chain" refers to the hierarchical structure within the DFA. An employee's immediate or first-line supervisor is the first step in the supervisory chain.

V. SICK LEAVE

- A. Sick leave for an unanticipated medical condition or illness must be reported by an Employee to their immediate supervisor or designee within established time frames, but in any event, no later than one-half hour after the start of the workday, unless circumstances prevent notification (e.g., a car accident). Employees must indicate how long they will be absent so that work assignments can be reassigned or rescheduled. Employees who are not on approved leave must call in each day they are absent unless their supervisor authorizes otherwise. Supervisors or their designees must approve or disapprove all leave requests. Any unapproved absence is considered absence without leave (AWOL) and grounds for Disciplinary Action.
- B. Sick leave is accrued and/or used in accordance with SPB Rules. If an employee knows in advance that they will need sick leave (e.g., pre-scheduled doctor's appointments), they will request leave from their immediate supervisor or manager as soon as practicable. Employees should remain aware of deadlines and meetings when they schedule their appointments.
- C. Employees may use sick leave in minimum increments of one-quarter hour. Sick leave may be used for an absence due to the Employee's own illness or injury, the illness of a relative by blood or marriage within the



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third degree, or the illness of a person residing in the Employee's household. For prolonged absences of three (3) or more consecutive workdays, or when sick leave abuse is suspected, an Employee may be required to submit a doctor's note/excuse to the HR manager.

- D. Family and Medical Leave Act (FMLA). Upon review of the medical certification, if the DFA determines that the circumstances fall within the FMLA regulations, the DFA may place the Employee on family and medical leave in accordance with the FMLA. Before an Employee returns from sick leave for the Employee's own serious medical condition lasting more than one week, the Employee may be required to submit a fitness-for-duty certification from the Employee's health care provider, with respect to the condition for which the leave was taken, stating that the Employee is able to resume work.

VI. ANNUAL LEAVE

- A. Annual leave is accrued and/or used in accordance with SPB Rules. Requests for annual leave must be submitted in advance to the immediate supervisor or manager. If the immediate supervisor is unavailable, employees will request approval from another supervisor in their Supervisory Chain. To ensure the office's service needs are met, advance notice requires submitting the request at least twice as far in advance as the length of the leave requested (e.g., twenty days in advance for ten days of leave). In cases of unexpected occurrences or emergencies, a shorter notice period may be allowed. Each request will be reviewed based on several factors, including the DFA's business needs and staffing requirements. Annual leave not requested in advance may be denied by the supervisor on that basis alone.
- B. Employees may use annual leave in minimum increments of a quarter hour. Authorized leave shall not be used before it is accrued and must be authorized in advance by the Employee's supervisor before it is taken.

VII. ADMINISTRATIVE LEAVE

- A. Administrative Leave Approval. The Agency Head may authorize leave with pay for up to five (5) consecutive workdays when it is in the best interest of the DFA. Administrative leave for more than five (5) consecutive workdays requires the prior written approval of the SPO Director.
- B. DFA Interviews. Employees may request up to two hours of administrative leave per interview for DFA positions, with a maximum



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of four (4) interviews per calendar year. Administrative leave will not be granted for interviews with other agencies or employers.

- C. **Voting Time.** Employees who are registered voters may be absent from work for up to two hours to vote between the polls' opening and closing. The Agency Head or unit leader may specify the hours within that period when the voter may be absent. This leave is not available to Employees whose workday begins more than two (2) hours after the polls open or ends more than three (3) hours before the polls close.
- D. **Jury/Witness Duty.** Employees are entitled to paid administrative leave when they appear as witnesses in response to a subpoena before a grand jury, court, or federal/state agency. Any witness fees received, excluding travel reimbursements, must be turned over to DFA. Employees serving on a grand or petty jury also qualify for paid leave, and juror fees, excluding travel and per diem allowances, should be remitted to DFA. Employees must notify their immediate supervisor as soon as possible about the required leave for jury duty or subpoena, and they must also provide a copy of the subpoena, jury summons, or court notice to DFA HR. Additionally, employees who serve on a state board or commission may be eligible for paid leave to attend meetings or conduct official business.
- E. **Parent-Teacher Conference Policy.** Employees with children enrolled in school are eligible for paid administrative leave to attend parent-teacher conferences, under these conditions: (i) the leave is used solely to attend a conference during the employee's usual work hours; (ii) the leave is not for participating in or helping with extracurricular school activities; (iii) the employee must follow all DFA procedures for requesting this leave; and (iv) the employee must give reasonable notice to the agency to prevent operational disruptions, as per 1.7.7.14 NMAC. A Request for Parent-Teacher Conference Leave must be submitted and approved.
- F. **Inclement Weather.**
 - 1. Employees should report to work as close as possible to their regular start time. During severe weather conditions that significantly impair driving, the Agency Head may approve administrative leave for Employees arriving late. Division or bureau leaders must be notified of such leave. If an Employee arrives after the authorized administrative leave, they will need to use annual leave or may make up the time with supervisory



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- approval through an adjusted schedule.
2. Employees already on previously approved leave when a delay, early release, or closure occurs will not be entitled to administrative leave.
3. The Agency Head may also consider individual Employees who are unable to report to work due to inclement weather and/or road conditions affecting their residential commute.
4. In accordance with the Governor's inclement weather policy, the Governor may authorize the closure, late reporting, or early release of employees due to inclement weather. Notifications are typically disseminated by local radio stations and the SPO website.

G. Leave Without Pay (LWOP).

1. LWOP may be approved when the DFA can assure a position of like status and pay at the same geographic location upon the Employee's return from LWOP. The Employee agrees in writing to waive the requirement.
2. DFA will not routinely approve LWOP. LWOP is normally intended for: (1) hardship situations in which an Employee has exhausted annual and sick leave but is not yet able to return to work; (2) situations in which an Employee is combining annual or sick leave with LWOP under FMLA; and (3) other situations deemed by the Agency Head to be in the best interests of the DFA and public service.
3. LWOP may not exceed thirty (30) consecutive calendar days for Employees in emergency or temporary status.
4. LWOP may not exceed thirty (30) consecutive calendar days for probationers or Employees, or for Employees in term status with less than one (1) year of employment, without the prior approval of the DFA. Any LWOP exceeding thirty (30) consecutive calendar days shall not be credited toward the probationary period unless the Employee was called to active military duty.
5. LWOP for Employees in career or term status with more than one (1) year of employment shall not exceed twelve (12) consecutive months without the agency's prior written approval.
6. Employees may be authorized LWOP for up to one (1) year to temporarily accept a position in exempt service. Such LWOP may be extended with the approval of the State Personnel



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Board.

H. Absence Without Leave (AWOL):

1. Employees who fail to report for work without authorized leave, or who report for work but are unprepared or unable to perform their duties, shall be AWOL.
2. Employees shall not be paid for any periods of AWOL and shall not accrue annual or sick leave during those periods.
3. AWOL is just cause for Disciplinary Action.
4. In accordance with SPO rule, employees absent without leave on a workday before or immediately after a holiday shall not be paid for the holiday.

I. Military Leave:

1. Employees who are members of an organized reserve unit or the National Guard and are ordered to active-duty training shall be granted up to fifteen (15) workdays of paid military leave per federal fiscal year. These fifteen (15) workdays are in addition to other authorized leave. Employees in temporary or emergency status are not eligible for this leave.
2. Full-time employees who are members of the State Defense Force shall be granted up to fifteen (15) days of paid military leave per federal fiscal year to attend officially authorized training or instruction courses.
3. Employees who are members of the Civil Air Patrol shall be granted military leave of up to fifteen (15) workdays per calendar year for search and rescue missions.
4. 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, in accordance with the provisions of 38 U.S.C. Section 2024. This does not apply to employees in temporary or emergency status.

J. Personal Leave Day.

1. Employees in career status are entitled to two (2) personal leave days each calendar year. The personal leave days will align with the employee's normal workday and must be taken in consecutive hours (One day can be used separate from the



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other). Such leave must be requested and approved in advance by an employee's immediate supervisor or designee.

2. The personal leave days must be taken by December 31st, or they will be lost. Employees who do not take the personal leave days will not be paid for them upon separation from the classified service.

K. Bereavement Leave.

1. The DFA recognizes the profound impact that death can have on an individual or a family; therefore, in accordance with State Personnel Board Rule 1.7.7.14 NMAC, the agency may authorize Administrative Leave with pay for up to five (5) consecutive workdays when it is in the agency's best interest. Administrative Leave shall be granted only by the Agency Head.
2. Immediate Family Member within the 1st Degree. In the event of the death of an immediate family member (parent, spouse, child/stepchild, in-laws), an employee is allowed bereavement leave of up to three (3) regular workdays following the immediate family member's death, and up to an additional two (2) days with Agency Head approval.
3. Family Member within the 2nd or 3rd Degree. In the event of the death of a family member (sister/brother, half-sister/half-brother, grandparent/grandchild, 2nd degree; great-grandchild, niece/nephew, aunt/uncle, great-grandparent, 3rd degree), an employee is allowed bereavement leave for a family member in the second and third degree, up to one (1) regular workday following the immediate family member's death.
4. Notification to Supervisor. The employee requesting bereavement leave must notify their supervisor as soon as practicable. When possible, administrative leave must be requested in advance unless other circumstances warrant it. In such cases, verbal requests should be made to the immediate supervisor for authorization. Justification for administrative leave shall be at the discretion of the immediate supervisor.

VIII. COMPENSATORY TIME (FLSA EXEMPT EMPLOYEES)

A. Purpose and Applicability.

1. Compensatory time ("Comp Time") may be granted, at DFA's sole



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discretion, to FLSA-exempt Employees for hours worked in excess of eighty (80) hours in a pay period. DFA currently does not employ FLSA-covered non-exempt employees; therefore, compensatory time under this Policy applies only to FLSA-exempt Employees.

2. Compensatory time shall not be granted in lieu of overtime compensation where prohibited by the Fair Labor Standards Act (FLSA) or the State Personnel Board (SPB) Rules.

B. Advance Approval Requirement.

1. Compensatory time must be approved in advance and in writing by both:
 - a. The Division Director; and
 - b. Agency Head.
2. Unauthorized overtime work by exempt employees does not create an entitlement to compensatory time.

C. Accrual and Use.

1. Compensatory time for exempt Employees shall accrue on a one-for-one basis unless otherwise authorized under SPB Rule.
2. The usage of compensatory time must be requested and approved in advance via Microsoft Teams Shifts and recorded in SHARE HCM, which remains the official system of record.
3. Use of compensatory time is subject to operational needs and supervisory approval.

D. Fiscal Year Limitation.

1. Employees may earn up to 80 hours of compensatory time per fiscal year.
2. All compensatory time earned by FLSA-exempt Employees must be used no later than the last pay period of the fiscal year (June 30).
3. Compensatory time balances (COMPTIME, HOLIDAYACC, HOLIDAYCMP) not used by the end of the fiscal year shall be forfeited. DFA does not pay out unused compensatory time for FLSA-exempt employees upon separation or at fiscal year-end.



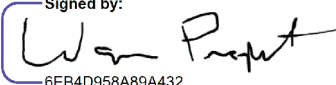
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IX. This Policy is effective upon the signature of the DFA Cabinet Secretary, below.

Signed by:

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Wayne Propst, Cabinet Secretary

2/18/2026

Date