



TITLE: 400 HUMAN RESOURCES ADMINISTRATION
CHAPTER 106 EMPLOYMENT PRACTICES
PART 5 Staying Healthy And Rejuvenated Program (SHARP)

EFFECTIVE DATE: November 12, 2022

PURPOSE: The purpose of the policy is to provide the Law Offices of the Public Defender (LOPD) employees with paid time off to support employees' efforts to engage in activities that promote wellness, and improve employee conduct, performance, and job satisfaction. To establish guidelines for the request, approval and administration of the SHARP policy to eligible employees.

APPLICABILITY: All Eligible LOPD employees

AUTHORITY: Section 31-15-7 NMSA 1978; 10.2.7 NMAC Absence and Leave; 10.12.2 NMAC Appointments; 10.12.1 NMAC General Provisions; 10.12.6 General Working Conditions

CROSS-REFERENCES: Executive Order 2019-024

RELATED FORMS: Request to Participate in the SHARP

1. DEFINITIONS

- A. **SHARP leave:** Administrative leave not accrued by employees and approved by the LOPD Chief Public Defender or designee for employees to pursue a healthy lifestyle.
- B. **SHARP Activities:** activities that promote physical and/or mental wellbeing, including physical exercise (for example, bicycling, walking, fishing, jogging, yoga, weight training, swimming, tennis, volleyball, softball and racquetball), health risk appraisals, wellness screenings, fitness testing, mindfulness and meditation exercises, healthy eating classes, nutrition consultation, health behavior change coaching, smoking cessation classes, and spending time with family.
- C. **HR:** Law Offices of the Public Defender Human Resources.
- D. **Modified work schedule:** a work schedule other than the normal work schedule 8:00 AM to 5:00 PM that allows an employee to deviate from the standard workday by establishing an alternate workday that begins and/or ends at different times. An employee will work a forty-hour week, eight hours per day, but may have his/her workday begin and end at times other

than the standard 8:00 a.m. to 5:00 p.m. workday.

2. POLICY

- A. The LOPD recognizes the benefits of employee health and wellness and supports time for wellness activities. The LOPD also recognizes that such activities are mutually beneficial to the LOPD and its employees because they improve productivity, work performance and morale.
- B. Employees are eligible to participate in this program unless the following criteria apply to them:
 - i. They are in a Temporary or Probationary status (see 10.12.2 NMAC) – not eligible;
 - ii. They have been disciplined in the form of a written reprimand, suspension; or demotion within the previous twelve (12) months;
 - iii. They are on a performance development plan;
 - iv. They have received an overall evaluation rating of Does Not Achieve in the previous rating period; or Interim in the current rating period; or
 - v. They have been counseled on excessive absenteeism or tardiness.
- C. SHARP activities are not limited to physical exercise or activity. An employee may select an activity (i.e. art, music, dance, meditation, fishing, etc.) that inspires self-care, relaxation, stress reduction, and contributes to employee's personal sense of wellness.
- D. Employees may request modified work schedules that permit the employee up to two (2) hours total per week for SHARP activities.
- E. The two (2) hours includes any time needed for travel, taking showers, changing clothes and readiness for work.
- F. Employees may use SHARP leave at the beginning of their workday, and start work later than normal. SHARP leave may also be used to end the workday earlier than normal.
- G. Employees may use SHARP leave in conjunction with their lunch.
- H. Breaks should NOT be used in conjunction with SHARP leave.
- I. Employees may elect to forego a scheduled period of SHARP activity. However:
 - i. missed SHARP time may not be accumulated and taken during subsequent days or weeks;
 - ii. missed SHARP time may not be added onto other activities during the same work week; and,
 - iii. Missed SHARP time may be made up at another time during the same workweek provided written prior approval from supervisors is obtained.
- J. SHARP actives will not be counted toward the earning of Fair Labor Standards Act (FLSA) Overtime or State compensatory Time.

- K. While considering and reviewing requests for participation in the SHARP, supervisors shall maintain adequate coverage to meet LOPD business and client needs, and not unfairly shift workloads to other staff members.
- L. Requests to participate in the SHARP shall be approved for one (1) year. Requests will be considered each year in January. If an employee's initial request is approved in the middle of a year, the employee must renew the employee's requests the following January.
- M. Supervisors are not required to consider a request for a schedule change to participate in the SHARP more frequently than every sixty (60) days for any participant. However, schedules may be modified at any time provided all the provisions of the policy are fulfilled and provided employees' supervisors agree to consider and evaluate new requests.
- N. The employee is responsible for notifying his or her supervisor should they cease to engage on a regular basis in the SHARP activities as specified in the request.
- O. No part of this policy shall be construed to imply either a requirement of participation in SHARP activities or an endorsement of participation in any particular SHARP activities by employees.
- P. As a condition of participating in an approved SHARP activity, employees irrevocably agree to indemnify and hold the LOPD and the State of New Mexico harmless from any and all liability and waive any claims, including but not limited to workers' compensation, for any and all injuries or illnesses caused by or aggravated by SHARP activities undertaken pursuant to this policy.
- Q. Participation in SHARP is a privilege afforded to employees by the LOPD and will not take precedence over employees' work responsibilities or agency workload requirements. Employee's participation in the SHARP activities may be temporarily or permanently adjusted by supervisors to accommodate the business needs of the LOPD or failure of the employee to meet eligibility requirements.

3. PROCEDURES

- A. Employees who wish to participate in the program must download a Request for Participation in the SHARP from the LOPD Website. The request form is attached to this policy.
 - i. The form is available on the [LOPD website](#), or by clicking on this link: [Resources & Policies](#)
- B. When completed, employees must submit forms to their immediate supervisor, for approval.
 - i. The criteria for supervisors to consider employee requests shall be based on meeting both the business needs of the agency and the individual needs of employees, in a way that the employee's work meets the established level of performance and timeliness, as well as eligibility criteria as stated in this policy and procedure.

- ii. Once an employee submits the Request Form to participate in the SHARP, the supervisor is expected to reach a decision and communicate it to the employee in a timeframe not to exceed fifteen (15) business days.
- C. When all signatures are secured, employees must forward completed forms to LOPD-HR@lopdm.us.
- D. HR will keep completed and signed forms in the employee's personnel file.
- E. Once participation in the program has begun, time taken for the SHARP activities must be entered using the **SHARP** Time Reporting Code (TRC).
- i. Employees are responsible for entering the correct TRC (SHARP), and hours into their timesheet.
 - ii. Supervisors are responsible for ensuring the correct TRC (SHARP) and correct amount of hours are entered and approved.
 - iii. The privilege of participating in the SHARP may be revoked for those who continually fail to use the correct TRC and enter accurate time.

Authorized Signature

APPROVED: _____

DATE: _____

Bennett J. Baur Chief Public Defender
Law Offices of the Public Defender

REQUEST TO PARTICIPATE IN THE LOPD SHARP

EMPLOYEE REQUEST

This is a formal request to participate in the LOPD Staying Healthy And Rejuvenated Program (SHARP) with a modified work schedule as specified below. I propose to add the following time (totaling no more than two hours per week) as SHARP leave (paid administrative leave) on the days specified below as set forth in 400.106.5 SHARP Policy. (Read and enter your initials in boxes next to *all* items above your signature.)

Employee Name: _____

SHARE # _____

Monday	Tuesday	Wednesday	Thursday	Friday
Start:	Start:	Start:	Start:	Start:
End:	End:	End:	End:	End:
Special Request(s)/Comments:				

	I understand that I must obtain supervisory approval for participation in the SHARP.
	I agree to using SHARE time reporting code (SHARP) on my time sheet each and every time I participate in the SHARP.
	I have read the SHARP policy and agree to comply with all its requirements.
	I certify that, to the best of my knowledge, I have no medical conditions or limitations that would put me at risk of injury or risk of harm to my health if I participate in the wellness program.
	I understand that participation in the SHARP is not an entitlement and can be modified, including cancellation, at any time. I IRREVOCABLY AGREE TO INDEMNIFY AND HOLD LOPD AND THE STATE OF NEW MEXICO HARMLESS FROM ANY AND ALL LIABILITY AND WAIVE ANY CLAIMS, INCLUDING BUT NOT LIMITED TO WORKERS' COMPENSATION, FOR ANY AND ALL INJURIES OR ILLNESSES CAUSED BY OR AGGRIVATED BY THE SHARP.

Employee Signature: _____

Date: _____

APPROVAL

Employee's request to participate in the SHARP is:

	Approved as requested.		Approved with the following days substituted:	
Monday	Tuesday	Wednesday	Thursday	Friday
Start:	Start:	Start:	Start:	Start:
End:	End:	End:	End:	End:
Comments/Instructions:				
Not approved for the following reason(s):		Employee is temporary or probationary.		
Employee on a Performance Development Plan		Employee has been disciplined within the past 12 months.		
Employee has received an overall evaluation rating of Does Not Achieve in the previous rating period; or Interim in the current rating period		Employee has been counseled on excessive absenteeism or tardiness.		
Other (briefly explain):				

Supervisor Signature: _____

Date: _____

HR Rep Signature: _____

Date: _____