

**TITLE: 400 HUMAN RESOURCES ADMINISTRATION**

**CHAPTER 106 LEAVE ADMINISTRATION**

**PART 1 ANNUAL LEAVE**

**EFFECTIVE DATE: November 1, 2017**

**PURPOSE:** The purpose of this policy is to provide guidelines for administration of annual leave for LOPD employees.

**APPLICABILITY:** All LOPD employees

**AUTHORITY:** Section 31-15-7 NMSA 1978

**CROSS REFERENCES:** 10.12.7 NMAC Absence and Leave; 10.12.10 NMAC Furlough, Reduction in Force, Separation without Prejudice

**RELATED FORMS:** LOPD Office Leave Policy Template

**DEFINITIONS:**

**Family and Medical Leave (FML) Act:** A federal law that mandates up to 12 work weeks of unpaid, job protected leave to eligible employees for certain specified family and medical reasons.

**Office Leave Policy:** a document developed by the supervisor and provided to all employees describing the supervisor's requirements for requesting and obtaining approval of leave including how and when to submit requests, methods of approval and entry onto timesheets.

**1 Policy:** The Law Offices of the Public Defender (LOPD) administers annual leave in accordance with 10.12.7 NMAC and the following guidelines.

A. Any employment in any branch of NM State Government shall be counted in determining years of cumulative service for the purpose of leave accrual.

B. Employees, except those on full-time educational leave with pay, absence without leave, leave without pay, unpaid FMLA leave, or suspension without pay shall accrue annual leave at the rate of:

- (1) 3.08 hours per pay period if less than three years of cumulative employment,
- (2) 3.69 hours per pay period if three years or more but less than seven years of cumulative employment,

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- (3) 4.61 hours per pay period if seven years or more but less than eleven years of cumulative employment,
  - (4) 5.54 hours per pay period if eleven years or more but less than fifteen years of cumulative employment; or
  - (5) 6.15 hours per pay period if fifteen years or more of cumulative employment.
- C. Employees employed on a part-time basis and employees on furlough who work at least eight hours in a pay period shall accrue annual leave on a prorated basis.
  - D. A maximum of 240 hours of annual leave shall be carried forward after the last pay period beginning in December.
  - E. Annual leave shall not be used before it is accrued and must be authorized before it is taken in accordance with LOPD supervisor office leave policy.
  - F. Employees separating from the LOPD, except by a reduction in force, shall be paid for accrued annual leave, as of the date of separation, up to a maximum of 240 hours at their current hourly rate. Employees separating from the LOPD as the result of a reduction in force shall be paid for all accrued annual leave, as of the date of separation, at their current hourly rate.
  - G. The estate of an employee who dies while employed with the LOPD shall be paid for the employee's total accrued annual leave.

### **3 Procedure: Employee Responsibilities**

- A. Employee provides HR with supporting documentation of all NM Government employment to support correct leave accrual.
- B. Employees may request an HR audit of their leave accruals if they believe they should be accruing at a different rate.
- C. Employees must request and receive approval to utilize annual leave in accordance with the office leave policy established by their supervisor.
- D. Employees enter leave on their timesheet as soon as approval is received from the supervisor utilizing no more than two decimal places.

### **4 Procedure: Immediate Supervisor Responsibilities**

- A. Supervisors provide an office leave policy in writing to employees.
- B. Supervisors approve leave requests in a timely manner and in accordance with their office leave policy. Consideration of leave requests pending approval shall include but not

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be limited to employee leave balances, the number of leave requests for the same time period, and any rotation defined by the supervisor in the office policy.

C. Supervisors approve annual leave on the timesheet upon verifying leave balances during the pay period in which the leave is to be taken.

D. If the employee has insufficient leave balances, the leave may be denied or modified.

#### **5 Procedure: Human Resource (HR) Responsibilities**

A. HR identifies payroll exceptions when an employee does not have sufficient leave for the requested amount.

B. HR conducts leave audits upon employee request.

C. HR may enter annual leave on an employee's timesheet at the request of the employee and/ or the supervisor.

D. HR may not approve leave without permission from the supervisor in writing.

**Authorized Signature**

APPROVED: \_\_\_\_\_

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Law Offices of the Public Defender