



**State of New Mexico
Workers' Compensation Administration
Employee Policies**



SUBJECT: Training Policy

**POLICY NUMBER:
EFFECTIVE DATE:**

Purpose:

To provide agency employees with opportunities which will enhance their ability to perform the work of the agency as well as promote the employee's career development and skill level.

Policy:

- A. The WCA will provide all exempt, probationary and permanent employees with the opportunity to receive training without regard to race, religion, national origin, ancestry, color, sex, sexual orientation, age, political affiliation or belief, physical or mental disability or any other non-merit factors. Training is subject to the availability of funds and the direct relationship to the employee's job and specific agency strategic objectives.
- B. Training for WCA employees who must receive training to maintain a professional license or certification that is essential to the employee's classification, job function or responsibilities is a recognized training priority. Training must be related to the employee's job function within the WCA and to a stated agency strategic objective. The Director will determine an amount for such purposes on an annual basis.
- C. All rules and regulations regarding employee conduct are in force while the employee is attending training. Employees must code time spent in training as "Workshop" or "Training" in the time reporting system.
- D. All employees are expected to attend training for the entire time scheduled.
- E. Employees are responsible for notifying the financial section of the WCA immediately if they must cancel scheduled training for any reason. Employees can work with their supervisor to send appropriate replacements to pre-paid training events in the case of illness, etc.
- F. Employees must verify their attendance at training to the financial section within five working days of completing training to facilitate payment for the training.
- G. Training that has been approved and pre-paid becomes a priority for the employee and the WCA. Job tasks that prevent an employee from attending scheduled training should be assigned under emergency circumstances. This issue must be considered when the supervisor and other required management official approve for training.
- H. Generally out-of-state travel is discouraged; however, the Director may approve or assign out-of-state training on a case-by-case basis.

Procedures:

I. External Training

- A. The employee interested in attending an external training must complete a "Request for Training" form (ASB Form #017). The request must include: a brief description of the training program and how the training relates to the employee's job function, and which strategic goal the knowledge or skill will support, the training agent, and the registration fee for the program. The application for enrollment from the course flyer must be filled out completely and accompany the request form. Incomplete forms will be returned to the requesting employee. Forms should be completed at least 20 days prior to the date of training.
- B. The employee will present the completed Request for Training form to their immediate supervisor for approval and signature. A supervisor may also initiate a Request for Training for employees under their supervision. Requests for Training approved by a supervisor shall then be reviewed by the employee's bureau chief for approval or denial. If the Request for Training is denied, the disapproving supervisor or bureau chief should promptly inform the employee of the denial.
- C. Requests for Training forms, whether approved or denied, shall then be forwarded to the HR Office for review, approval, and placement in the employee's training file. The HR Office may discuss the need for training with the supervisor to determine if it is appropriate or if other options are available. The HR Office will coordinate with the WCA Financial Management Office to ensure availability of funds.
- D. Training courses below \$300 must be approved by an Executive Deputy Director in addition to supervisors and bureau chiefs. Training courses in excess of \$300 must be approved by an Executive Deputy Director and Director.
- E. Once all necessary approvals are secured, the Request for Training form, along with any supporting documentation, will be forwarded to the Financial Management Office for registration of employee and issuance of purchase order.
- F. The employee will submit copies of all certifications and other documentation of completion to the HR Office for inclusion in the employee's personnel file.

II. Internal Training

- A. Internal training is training that is conducted or sponsored by personnel within the agency and with the approval of management. This includes training conducted by the Human Resources staff.
- B. Employees desiring to attend a scheduled internal training DO NOT need to complete a Request for Training form, but will submit an e-mail request to their supervisor. Supervisors will coordinate with their respective bureau chiefs or managers in determining whether to approve such requests for internal training. The employee will submit copies of all certifications and other documentation of completion to the HR Office for inclusion in the employee's personnel file.

III. Travel

- A. Employees seeking reimbursement for travel costs or per diem associated with training are responsible for completing any additional paperwork required.
- B. Out of state training requires the approval of the Director or his designated representative.
- C. Travel costs and travel time associated with out of state training will be covered by the employee unless otherwise approved by the Director.

IV. Special Circumstances

- A. Employees should be mindful that some organizations will not accept a Purchase Order from the WCA. In these cases, the request for training must still follow the above process and meet the criteria for approval established through this policy. Employees may be required to advance the costs of the training and seek reimbursement from the WCA.
- B. Employees participating in training paid for by the WCA agree to reimburse the WCA for the costs of the training should they leave the employ of the WCA within six months of the conclusion of such training.

Approved:

Ned S. Fuller

Date

Director, NM Workers' Compensation Administration

	State of New Mexico Workers' Compensation Administration Employee Policies	
SUBJECT: Tuition and Educational Assistance		POLICY NUMBER: EFFECTIVE DATE:

Purpose:

The objective of the WCA educational assistance program is to encourage employees to gain specialized knowledge and skills related to the employees' employment. Educational assistance includes enrollment in university, college, technical-vocational classes, or other related educational programs which the agency will support through tuition reimbursement and/or administrative leave to attend sessions.

Policy:

- A. Probationary and temporary employees are not eligible for educational assistance.
- B. Tuition assistance may not exceed the rate charged by local public universities or education centers. Employees who choose to attend private educational programs whose tuition exceeds the public education program fees will be reimbursed for the tuition rate charged by local public universities. Tuition assistance will not include books or other course related fees.
- C. Tuition reimbursement is subject to available funding.
- D. An employee may request, subject to the Director's approval, (3) hours of Administrative Leave per week to attend classes. Every effort should be made by an employee requesting educational leave to schedule coursework during non-work time.
- E. All coursework for which Educational Assistance is requested must be related to present job functions or development related to the work of the agency.
- F. A grade report with a "C" grade or equivalent is required to receive tuition reimbursement upon completion of the program.
- G. Eligible employees may be approved for up to (9) nine semester hours of Educational Assistance within any twelve month period.

Procedure:

- A. Any employee requesting educational assistance must complete a "Request for Educational Assistance" form describing the requested educational assistance in detail. The employee will also be responsible for writing a letter which includes how the educational program will be of value to the employee's job function or workplace. The letter should also include the employee's past or present achievements in the agency and performance in previous education programs sponsored by the agency. "Request for Educational Assistance" forms are available from the HR Manager. Requests for educational leave must be submitted in advance of taking the coursework.

NOTE: The HR Manager will be available to aid any eligible employee with any concerns regarding the educational assistance program.

- B. The employee requesting educational assistance is responsible for submitting the "Request for Educational Assistance" form and letter through the employee's chain of command. The request may be denied by any supervisor in the employee's chain of command.
- C. Upon receiving the completed request, the Director's office will notify the employee of the request's approval or disapproval.
- D. The employee, whose educational assistance request has been approved, must submit a grade report with a "C" grade or equivalent and original tuition receipts to the HR Manager upon completion of the program.
- E. Upon receiving the grade report and original tuition receipts, the HR Manager will process the educational assistance request for reimbursement.
- F. All grade reports will be attached to the original request and placed in the employee's personnel file.
- G. Employees participating in tuition and education assistance paid for by the WCA agree to reimburse the WCA for the costs of the tuition and education assistance should they leave the employ of the WCA within one year of the conclusion of such training.

Approved:

Ned S. Fuller

Director, NM Workers' Compensation Administration

Date

	State of New Mexico Workers' Compensation Administration Employee Policies	
SUBJECT: Overtime, On-Call and Call-Back Time		POLICY NUMBER: EFFECTIVE DATE:

Purpose:

The following establishes overtime compensation guidelines for employees of the Workers' Compensation Administration.

Background:

The State Personnel Board Rules and Regulations and the Fair Labor Standards Act (FLSA) govern overtime compensation for employees covered by the FLSA's overtime provisions. The State Personnel Board Rules and Regulations allow, but do not require, agencies to develop overtime compensation policies for employees exempt from the FLSA's overtime provisions.

The FLSA provides that executive, administrative, and professional employees are exempt from its overtime provisions. The WCA's Human Resources Officer maintains a listing of Agency positions and whether they are covered or exempt from the FLSA's overtime provisions.

Definitions:

The following terms are used in this policy.

- A. Overtime: Overtime is time worked in excess of 40 hours in one workweek.
- B. Compensatory Time: Time off the job with pay granted to an employee in lieu of cash compensation for overtime work.

Policy:

- A. The WCA's workweek consists of seven (7) consecutive 24-hour periods. The WCA's Work week begins on Saturday and ends the following Friday to coincide with the State approved pay periods.
- B. Regular workweek: The regular workweek for employees of the Workers' Compensation Administration shall begin at 8:00 a.m. on Monday and end at 5:00 p.m. on Friday, unless the employee is otherwise notified in writing by his or her immediate supervisor.
- C. Supervisors must obtain the appropriate Executive Deputy Director's approval in writing prior to changing an employees' regular workweek. The supervisor must submit a copy of the approval and employee's written notification to the WCA's Human Resources Officer for placement in the employees personnel file.

D. Employees subject to the FLSA's overtime provisions.

- a. Employees who are subject to the FLSA's overtime provisions shall be compensated for overtime in accordance with the State Personnel Board Rules, which require compensation of one and one-half the incumbent's hourly rate for any work performed over forty hours in the workweek.
- b. Overtime must be compensated, whether or not advance approval has been obtained to perform the additional work. It is the policy of the WCA, however, that employees obtain approval in advance of overtime being worked. Supervisors shall monitor employees to ensure that unauthorized overtime is not being worked. Unauthorized overtime must be reported to compensate the employee. The appropriate Executive Deputy Director will review the circumstances leading to the unauthorized overtime to determine if the time had to be worked and if approval could not reasonably be obtained in advance or if a memorandum should be issued to the incumbent asking that he not work overtime without advance approval. Repeated instances of unauthorized overtime may lead to disciplinary action.
- c. Consult the State Personnel Board Rules and Regulations for further information on overtime for employees subject to the FLSA's overtime provisions.

E. Employees who are not covered by FLSA's including professional (employees and supervisors) may accrue compensatory overtime worked over 40 hours with pre approval by the Director. Compensatory time must be taken within the same pay period. Any deviation must be approved by the Director.

- a. Overtime compensation shall be at a rate equal to the employees hourly rate and shall either be paid or granted in the form of compensatory time at the option of the Director.
- b. Overtime must be requested and approved in advance. Compensation for overtime worked at the employees own initiative will be compensated only with the Director's approval based upon extenuating circumstances.

F. All WCA supervisors may direct employees to work overtime, subject to the approval process in the Procedure Section of this policy. Whenever feasible, supervisors will assign overtime pursuant to the following sequence:

- a. Supervisors will first ask for volunteers who perform the kind of work associated with the overtime. Employees whose performance has been documented to be inadequate will not be considered under this step. If more

employees volunteer for the overtime than are needed, the supervisor will assign the overtime to the volunteers with the longest WCA service time.

- b. Should the preceding step not be sufficient, supervisors will assign the overtime in ascending WCA service time to employees who are fully trained in their work. Supervisors will provide at least two workdays' notice prior to the overtime, unless emergency reasons preclude such notice.
- c. Absent extenuating circumstances, employees may not decline performing assigned overtime. Unacceptable refusals to work assigned overtime may lead to disciplinary action.

G. Compensatory time may be granted for time spent traveling on official business outside of an employees normal work hours if the travel itinerary and time schedule is approved by the Director or his or her designee.

PLEASE NOTE: Only time actually spent traveling by a direct or usual route is time worked. Side trips or travel for personal purposes are not time worked. Meal periods and time after normal duty hours not actually spent in work activities or authorized travel are not eligible for overtime compensation. Time normally required to travel from home or temporary residence to work and back will not be counted as time worked. Moreover, the travel must be necessary to further the purposes of the agency.

H. Maximum accrual of compensatory time is 30 hours per calendar year, unless otherwise approved by the Director. Compensatory time must be granted or paid for by December 31st of each year, unless otherwise indicated by the Director. employees separating from the WCA will be paid for accrued compensatory time upon termination from the WCA.

Procedure:

Authorization for Overtime:

The employee's supervisor shall submit overtime requests to the Director through the appropriate chain-of-command prior to the overtime being worked. In the event that a situation arises which does not allow sufficient time to request the proper prior authorization, the employee's immediate supervisor must secure the approval of the highest authority level available in the chain-of-command.

Time worked shall be recorded and computed in thirty (30) minute increments. Time shall be rounded as follows:

Time Worked	Rounded Time
1-14 minutes	0 minutes
15-44 minutes	30 minutes
45-59 minutes	1 hour

Other:

Consult with the WCA's Human Resources Office if you are not sure if a specific employees is subject to the overtime provisions of the FLSA.

Review the State Personnel Board Rules and Regulations for information on overtime for employees subject to the overtime provisions of the FLSA.

On-Call and Call-Back Time

- A. On-call time is time outside of normal work hours during which an employee is required to remain at a given location or within a given vicinity where he or she will be available to return to the workplace.
- B. Call-back time begins when the employee on call has been requested to return to the workplace.
- C. On-call and call-back time applies to employees at and below the bureau chief level.
- D. The standby compensation rate is \$2.50 for each hour on on-call. Compensatory time will not be substituted for on-call time. On-call compensation will not be made for the period that an employee is on call-back.
- E. Employees who cannot be contacted during on-call duty will not be eligible for on-call compensation and may be subject to disciplinary action.
- F. The call-back compensation rate will be subject to the guidelines established in the agency's overtime policy. An employee on call-back time, however, will be compensated for a minimum of two (2) hours, even if actual time worked is less than two (2) hours.

Procedure:

On-call time

- A. On-call time must be pre-scheduled and approved by the appropriate Executive Deputy Director.
- B. Supervisors will notify any employee who will need to be on on-call duty in advance.

Call-back time

- A. Call-back time is subject to the appropriate Executive Deputy Director's review and approval.
- B. Call-back time is limited to emergency situations.

Approved:

Ned S. Fuller

Date

Director, NM Workers' Compensation Administration



**State of New Mexico
Workers' Compensation Administration
Employee Policies**



SUBJECT: Breaks

POLICY NUMBER:
EFFECTIVE DATE:

Purpose:

The purpose of this policy is to provide employees with rest breaks during the workday as may be necessary and when practical.

Policy:

- A. Full time employees may take up to a one (1) hour non-paid lunch period.
- B. Agency employees may take a fifteen (15) minute rest break for every four (4) hours worked. As needed, a supervisor may adjust an employee's break period to complete work or to staff an office. Employees who work at a video display terminal must take a (15) minute rest break for every four (4) hours worked without exception.
- C. Normally, lunch periods and/or rest breaks may not be taken at the beginning or end of the day.
- D. Supervisors may schedule both rest breaks and lunch periods for employees they supervise.
- E. Rest breaks cannot be combined or transferred to other days.
- F. Employees who smoke are subject to the same limits for fifteen (15) minute rest breaks as are non-smoking employees.

Approved:

Ned S. Fuller
Director, NM Workers' Compensation Administration

Date



**State of New Mexico
Workers' Compensation Administration
Employee Policies**



SUBJECT: Alternative Work Schedule Policy

POLICY NUMBER:
EFFECTIVE DATE:

Purpose:

The purpose of this policy is to provide the agency and its employees alternatives in employee work schedules. The added flexibility in creating alternative work schedules provides opportunities for greater efficiency and expanded hours of customer service.

Scope:

This policy applies to all alternative work schedule activities of WCA employees. All managers, supervisors, and participating employees should be familiar with the contents of this policy and its supporting guidelines.

Collective Bargaining Agreements

Nothing in this policy is intended to supersede or override any terms or conditions of the Collective Bargaining Agreement(s).

Conditions

- A. The standard workweek for full-time employees is forty hours per week. The normal work schedule for the bi-weekly payroll begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday. The normal daily work schedule is Monday through Friday, five days per week, eight hours per day plus the meal period.
- B. The Workers' Compensation Administration's core business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. In maintaining staffing during these hours, it is critical to ensure customer access to staff, staff access to customers, effective and successful work outcomes, and excellent service delivery for all program areas.
- C. An alternative work schedule (AWS) 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 still work a forty (40) hour work week, eight (8) 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, e.g., 7:00 a.m. to 4:00 p.m.
- D. A compressed work schedule (CWS) week allows an employee's work schedule to deviate from the standard five (5) day work week and 8:00 a.m. to 5:00 p.m. workday by establishing an alternate work schedule that begins and ends at different times. An employee will work a 40-hour work week, but may compress his or her work schedule into less than five days, e.g., nine (9) hours per day/ four and a half (4.5) days per week.

Procedures:

- A. All employees working an alternative work schedule shall enter into a written agreement by completing the approved Alternative Work Schedule Agreement Form providing the details of the alternative work schedule. The agreement shall be signed by the employee, the employee's supervisor and the Executive Deputy Director/Director. A workday will begin no earlier than 6:30 a.m. and end no later than 6:00 p.m. Lunch periods are usually taken between 11:00 a.m. and 2:00 p.m.
- B. Applications for AWS or CWS will be reviewed by June 30 of each year. Employees must submit an AWS/CWS request to their supervisor/manager who will make a recommendation to the Executive Deputy Director. More frequent evaluations may be done as necessary.
- C. The employee shall have the right to return to the standard work schedule by notifying their supervisor with fourteen (14) working calendar days' notice. The agency may require the employee to return to the standard work schedule any time the operational needs of the agency require it or for other work-related reasons with fourteen (14) calendar working days' notice. Employees may not change the approved alternative work schedule to another alternative work schedule without written agreement.

Eligibility

- A. Individual employees may be permitted, with the consent of their supervisor and the approval of the Executive Deputy Director, to work alternative schedules.
- B. Approval of AWS / CWS will be at the ultimate discretion of management, but will include the following considerations:
 - a. The work unit's operational and public service needs, safety concerns, and the need for supervisors to be present when an employee is on duty during the AWS / CWS.
 - b. Budgetary impact if additional staffing is needed to cover an employee's absence.
 - c. Whether employees have completed their probationary period.
 - a. Successful job performance.
 - b. Satisfactory attendance and timeliness.
 - d. Employees must not have received any formal disciplinary actions in the past twelve months.
 - e. Certain positions may not be eligible for an alternative work schedule due to specific operational needs or the job duties assigned to the position.

Employee Participation

- A. Employees who are non-exempt from the overtime provisions of the Fair Labor Standards Act should work a schedule that does not involve more than forty (40) hours per week. Employees who are exempt from the overtime provisions of the Fair Labor Standards Act may work a schedule that involves eighty (80) hours per pay period.
- B. Management will insure that employees on alternative work schedules know the procedure to handle emergencies or unexpected issues that may arise during time periods when direct supervision is not immediately available.
- C. Annual and sick leave shall accrue according to State Personnel Board Rule 1.7.7.8 NMAC and 1.7.7.10 NMAC. Leave usage will be charged based on the approved, regular work schedule.
- D. Full time employees, whose normal work schedule does not include the day observed as a holiday, shall be entitled to time off equal to the employee's normal workday. When an authorized holiday falls on an employee's regularly scheduled workday and the employee is not required to work, the employee shall be paid at their hourly rate of pay for the number of hours they would have normally worked.
- E. Management reserves the right to temporarily revert the schedule to a normal work week or to a special flexible schedule in order to accommodate training, attendance at conferences or other special events.
- F. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working.
- G. An employee working an alternative work schedule that receives a less than satisfactory or needs improvement performance evaluation, or who is subject to disciplinary action, may be returned to their normal work schedule at the discretion of management.
- H. In accordance with State Personnel Board Rule subsection G of 1.7.4.14 NMAC Overtime, agencies shall not change the workweek to avoid the payment of overtime. Changes to the scheduled work hours within the workweek shall not be considered a change to the workweek.

Policy Implementation and Review

- A. The WCA's Alternative Work Schedule Coordinator is the agency's Human Resources Officer. The Human Resources Officer is responsible for the day-to-day coordination and management of the program. The coordinator will oversee the program including compliance with policies, procedures, and guidelines and will report the results to the State Personnel Office Human Resources Officer assigned to the WCA. The coordinator

will work with the SPO Human Resources Officer in establishing policies, monitoring and developing training programs.

- B. The State Personnel Office will audit the program on a periodic basis. The program review will identify any deficiency/need for corrective action/program improvement and compliance.

Exception to Policy

In extenuating circumstances, the agency Director, at his or her discretion, may grant an employee an exception to this policy if the supervisor recommends an exception, the quality and the quantity of the employee's work does not decline, and if the exception will not cause a disruption to the productivity and work flow of the agency division. Exceptions will be documented to the personnel file by the appropriate Executive Deputy Director.

Approved:

Ned S. Fuller

Director, NM Workers' Compensation Administration

Date