



EMPLOYEE HANDBOOK

MARCH 1, 2022

NEW MEXICO PUBLIC SCHOOL FACILITIES AUTHORITY
1312 Basehart SE Suite 200, Albuquerque, NM 87106

Public School Facilities Authority ♦ Employee Handbook ♦ 2022

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Team Member,

Welcome! Whether you have just joined our team or have been at the Public School Facilities Authority (PSFA) for a while, you play an important role in the PSFA's success and in serving New Mexico school districts.

My commitment to all of you is to assist and support your growth and development through empowerment and professional development. You are the strength of PSFA and only together can we realize our mission.

I hope you will take pride in being a member of the PSFA team and that your experience here will be challenging, enjoyable and rewarding.

Please stop by at any time to visit with me; my door is always open!

Sincerely,

Martica Casias

Executive Director

INTRODUCTION

This Employee Handbook (Handbook) is designed to make you aware of what you can expect from PSFA and what PSFA can expect from you. This Handbook is not a contract of employment or any part of a contract for employment, express or implied. NMSA 1978, Section 22-24-9 exempts all PSFA employees from the provisions of the Personnel Act. Exempt employment is on an at-will basis. No statements to the contrary, written or oral, made either before or during an individual's employment, will modify the at-will and exempt status of a PSFA employee. Nothing contained in this Handbook nor in any other material or information distributed by the State of New Mexico or by PSFA creates a contract of employment. This Handbook may be modified at the discretion of the Public School Capital Outlay Council (PSCOC) at any time, with or without notice to you in accordance with its terms.

This Handbook along with any updates will reside at the PSFA website within the Human Resources section under the Administration tab.

PSFA - WHO WE ARE

Vision - What PSFA aspires to become as the future unfolds: Leading New Mexico's public schools to national excellence in capital projects and their infrastructure systems.

Mission - What PSFA exists to accomplish as it serves its stakeholders: Through efficient use of State and local resources, PSFA will support our school communities in providing quality, sustainable, safe and adequately equipped facilities that enhance educational outcomes for students and staff.

Core Values - What PSFA commits to as it serves its stakeholders:

- Creating safe and sustainable schools.
- Demonstrating best practices in administering funds.
- Maintaining clarity and simplicity.
- Serving our customers' needs.
- Responding with transparency.
- Manifesting ethical behavior.

Our Promise - What PSFA strives for as it responds to its mission: We always remember that our employees are the strength of our agency and that only through their empowerment and development, can our mission be accomplished.

Commitment to Ethical Business Practices - PSFA is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and among employees. The highest standards of ethical business conduct are required of PSFA employees in performance of their responsibilities.

Employees shall not:

- Engage in conduct or activity that may raise questions as to the PSFA's honesty, impartiality or reputation or otherwise cause embarrassment to the PSFA.

- Engage in any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
 - Using public office or public position for private gain.
 - Giving preferential treatment to any person or entity.
 - Losing impartiality.
 - Adversely affecting the confidence of the public in the integrity of the PSFA.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. Employees should bring concerns or allegations of ethics violations to either the Executive Director or the Human Resources Department (HR).

PERSONNEL AND GENERAL EMPLOYEMENT CONDITIONS

Equal Employment Opportunity

The PSFA is an Equal Opportunity Employer. The PSFA does not discriminate in employment or the provision of services on the basis of race, national origin, color, religion, age, sex, sexual orientation, gender identity, mental or physical disability, genetic information, spousal affiliation, veteran status, or any other protected class identified in federal or State law. Equal employment opportunity includes but is not limited to recruitment, hiring, promotion, termination, compensation, benefits, transfers, education, tuition assistance, and social and recreational programs. If you believe that you have been discriminated against, you must contact HR or Executive Director. You also have the right to file a complaint or discuss the matter with either or both the US Equal Employment Opportunity Commission or the New Mexico Department of Workforce Solutions Human Rights Bureau. Please be advised that complaints must be filed within specific periods established by each entity:

New Mexico Department of Workforce Solutions Labor Relations Human Rights Bureau 1596 Pacheco Court #103 Santa Fe, NM 87505 1-800-566-9471 505-827-6838 (Within 180 days from the alleged act)	US Equal Employment Opportunity Commission Albuquerque Area Office 505 Marquette Avenue NW Albuquerque, NM 87102 1-800-669-4000 (Within 300 days from the date of alleged act).
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At-Will Arrangement

PSFA employees serve at the pleasure of the Executive Director, who serves at the pleasure of the PSCOC. Under this “at-will” arrangement, an employee is free to resign their employment at any time, for any or no reason, just as the Executive Director is able to terminate an employee’s employment at any time, for any or no reason other than race, color, religion, sex, sexual orientation, national origin, political affiliation, age or disability.

Employment of Family Members

The PSFA may permit members of the same family to work at the PSFA. The PSFA will not, however, offer employment to individuals whose employment would result in a supervisor/subordinate relationship or in a possible conflict of interest. PSFA employees may not hire, participate in the selection or promotion of, or directly supervise a family member or relative to the third degree. Managers and supervisors anywhere in the chain of command of any hiring, selection, or promotional decision involving a family member must recuse themselves from all aspects of that decision, including but not limited to serving on a hiring panel, providing a reference, providing signature authority, or being involved in making any decisions with regard to disciplinary action of the Family Member. A “Family Member” is any person related to an employee by blood or marriage within the third degree,

which includes a spouse, domestic partner, romantic partner, parent, mother-in-law, father-in-law, stepparent, children, domestic partner children, son-in-law, daughter-in-law, stepchild, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent. Questions regarding the possible or current employment of a Family Member should be directed to HR.

Pre- and Post-Employment Background Checks

To ensure that employees are qualified and that the PSFA maintains a safe and productive work environment, it is our policy to conduct pre- and post-employment background checks on candidates selected for employment, as well as current employees who will have access to public school property. Background checks will be in conformity with the New Mexico Criminal Offender Employment Act. HR will coordinate background checks and only the past seven years of history will be considered unless the governing statute of limitations is longer. Background reports will be kept confidential and will be viewed only by HR and the Executive Director. Background checks will be stored separately from employee files and will be retained for the period mandated by law. Employees may access their background check once they have submitted the required authorization for release forms. All PSFA positions posted for hire will reference this employment requirement. PSFA employees who change positions will be required to submit to an updated criminal background check as well as a New Mexico Motor Vehicle Division records check.

Specific Inquiries

Depending on the requirements of the position, the following background checks may include:

- Criminal background checks (State and federal)
- Confirmation of a person's identity to include e-verify
- Confirmation of education degree, license, or certificate required for the position
- Motor Vehicle Division (MVD) records
- Other background checks as required by law

A criminal history check includes any and all felonies and misdemeanors, but does not include minor traffic offenses for which the penalty is a fine. Records that have been expunged by a court, or have been dismissed by a court will not be considered in the review process. Any reports, which indicate a finding, will be reviewed on a case-by-case basis and the EEOC Green Factors will be applied in the consideration of employment with PSFA. All background checks will be conducted in accordance with applicable law; PSFA will not treat candidates or employees with similar criminal records differently based on their race, national origin, color, sex, religion, military status, or any other protected class. Criminal background checks will be run through the NM State Department of Public Safety and the Federal Bureau of Investigations.

CONVICTION OF A CRIMINAL ACT

Any PSFA employee convicted of a felony or misdemeanor criminal act, excluding minor traffic offenses, must notify HR within 72 hours of the conviction. Employees who fail to report convictions will be subject to disciplinary action, up to and including termination depending on the nature of the

conviction. PSFA reserves the right to conduct subsequent background checks on current employees as the need arises.

E-Verify

To comply with federal regulations of the Immigration Reform and Control Act (IRCA) all employees are required to complete an Employment Eligibility Verification (I-9) form. This law applies to all employees, regular, temporary, and student intern. All employees must provide required documentation and complete the I-9 within the first three days of employment or they will be terminated for failure to comply with IRCA. In addition, PSFA is an E-Verify employer. E-Verify is a web-based program administered by the U.S. Department of Homeland Security, USCIS Verification Division, and the Social Security Administration that supplements the current I-9 employment eligibility verification process. The program determines whether the information provided by the new hire matches government records and whether the new hire is authorized to work in the United States.

Personnel File

PSFA shall maintain a record of each employee's employment history in accordance with operational necessity and applicable State and federal law requirements. The official personnel file is the property of PSFA. Employees shall have access to their onboarding documents and performance evaluations. No materials shall be placed in an employee's personnel file without providing the employee with a copy. Employees may submit written rebuttal to any material placed in their personnel file.

Agencies shall transfer the employee's personnel file upon inter-PSFA transfer. All references, background checks, and medical information obtained outside of PSFA in the process of evaluating candidates for employment shall be privileged and are not part of the employee's personnel file or subject to public inspection.

Employee Evaluations

PSFA is committed to ensuring employees have an opportunity to succeed and will provide regular performance feedback in order to help the employee with their professional growth and development. Employee evaluations are coaching tools. Frequent communication between employees and their managers should occur throughout the year to ensure a culture of accountability and improved communication. Employees and managers share responsibility for the development of performance goals and professional development goals. PSFA employee evaluations will be conducted on an annual basis during December. The performance evaluation will address how an employee is achieving their performance goals and how those goals tie into the PSFA Strategic Plan. Employees will also be evaluated on how effectively they have embraced the PSFA Core Values.

Manager Responsibilities

- Providing the employee with the necessary resources and clear expectations to perform required duties and achieve performance standards.
- Meeting with the employee and discussing their performance at least quarterly.

- Identifying performance deficiencies in a timely manner.
- Employee Responsibilities
- Bringing concerns to their manager when they are unable to meet performance expectations and/or goals immediately so the manager has an opportunity to rectify the situation.
- Actively participating in performance meetings with their manager and providing input and feedback to their manager on their progress.

TIMELINE

At the beginning of the evaluation period, the manager and the employee should discuss current job duties and performance goals, identified as primary duties in their position description, that align with the PSFA Strategic Plan, for the upcoming evaluation year. The manager should also review the position description with the employee and discuss expectations. The employee will only be rated on Performance Goals and Commitment to PSFA Core Values.

Employees who disagree with their written evaluation have two (2) weeks to contest their evaluation in writing with HR. HR will provide a copy of the employee's statement to manager. The manager will have the opportunity to respond or correct the evaluation. If the manager chooses to leave the evaluation as is, HR will forward both the employee and manager responses to the Executive Director for a final determination.

PERFORMANCE-BASED SALARY INCREASE

Upon application to the Executive Director, and subject to budget availability and approval from the DFA Secretary, PSFA employees may be eligible for an extra-meritorious performance-based salary increase. To justify such an increase, a PSFA employee must continually demonstrate extraordinary job performance above expectations of the employee's position that adds value to the PSFA. Request for a salary increase must be a recommendation from the employee's immediate manager, reviewed by the Executive Director. All salary increase requests must be justified and shall be effective at the beginning of the pay period following approval of the DFA Secretary. HR must submit for approval justification on how the PSFA employee's performance adds value to the agency; how the employee's job performance surpasses other similarly situated agency employees, employee's salary history, and current budget projections along with the following year's budget projections to show the agency can sustain the salary increase.

Recognition

On a quarterly basis, the Executive Director, Deputy Director, and HR will discuss employee recognition as a whole, to ensure equal opportunity for all PSFA employees. Based on the PSFA's budget, recognition may or may not be monetary. Employees who are on a performance improvement plan, or who have received formal disciplinary action during the evaluation year are not eligible to receive recognition.

Direct Deposit & Electronic Funds Transfer

The State of New Mexico requires direct deposit into employees checking or savings account at the financial institution of their choice. Employee pay will be available the morning of payday. Employees are paid on a bi-weekly basis; pay periods begin on Saturday and end on the following Friday. Employees can access their paystub notices indicating their basic salary, additions, subtractions and deductions as well as the net amount deposited into their account and year-to-date earnings on the Employee Self Service portal of the SHARE online system. HR will submit the authorization request form to the SHARE vendor.

Separation of Employment

Resignation - Resignation is a voluntary act initiated by the employee to end employment with PSFA. Employees are expected to give a two-week notice of resignation from their position with the PSFA. PSFA may immediately accept an employee's voluntary resignation at the time given.

Transfers - Employees transferring from one agency to another within the State payroll system without a break in service must provide a minimum of two (2) weeks' notice prior to the transfer.

Exempt to Exempt - Separate branches of government exempt employees who separate from the executive branch, judicial branch, the legislative branch, the district attorney, or the State police, and who return to exempt service in the executive branch within 14 calendar days of separation. These employees may transfer all accrued sick leave and up to 240 hours of accrued annual leave, subject to the approval of the Governor's Office and/or DFA Secretary.

Reduction in Workforce (RIF) - An employee may be laid off because of changes in duties, organizational changes, lack of funds or lack of work. Employees who are laid off may not appeal the layoff decision through the Grievance process.

Termination/Dismissal – Termination or dismissal is the separation from employment initiated by PSFA.

Return of Property - The separating employee must return all PSFA property at the time of separation, including but not limited to cell phones, keys, PCs and identification cards. Upon receipt of the employee resignation letter, HR will schedule an exit interview. The interview will be on the employee's last day of work or other day, as mutually agreed upon.

Retirees Seeking Re-employment with PSFA

Statutory provisions (NMSA 1978, Section 10-11-8(C)) require that retirees not be eligible for employment by a Public Employees Retirement Association (PERA)-affiliated employer until after 90 consecutive days from the date of retirement. If a retiree returns to work with a PERA-affiliated employer before the 90-day waiting period elapses, the retiree must remove him or herself from retirement. The retiree will then become an employee and make PERA contributions. Any pension amounts received must be paid back to the fund. The employee must apply for re-retirement at the end of his or her employment to begin receiving a pension. The pension of a retiree who returns to work for

a PERA affiliate after 90 days is suspended. If a retiree has completed a 12-month break in service from their retirement date, neither the reemployed retiree nor the employer makes PERA contributions and the reemployed retiree does not accrue service credit. It is PSFA policy that the 90-Day Break in Service will also apply to reemployment by professional services contract subject to the Executive Director's discretion.

Outside Employment

There may be occasion for PSFA employees to seek outside employment or perform professional consulting services to maintain or enhance professional knowledge. PSFA employees may not work as a contractor, consultant or vendor, on State-funded projects that would create a conflict of interest with their PSFA employment. PSFA employees who are engaged in outside employment or professional consulting services must notify both HR and the Executive Director of this activity. PSFA employee's primary duties are to PSFA and any other employment may not conflict with the employees' duty to render services to PSFA. Employees shall not conduct any other duties for other employers on PSFA premises or at any time while employees are engaged in official PSFA business. PSFA employees may not use compensatory time, administrative leave, or sick leave to perform outside employment duties.

Media Policy

The Executive Director is the principal point of contact for news media and general public inquiries regarding the PSFA. Employees are to refer all news media requests and other general public inquiries/requests to the Executive Director. If the Executive Director is not able to respond, the Executive Director shall assign requests to the appropriate individuals as he or she sees fit. No PSFA employee may speak on behalf of the PSFA without prior approval from the Executive Director. PSFA employees authorized to speak on behalf of the PSFA shall comply with federal and State law regarding protection of confidential information. This policy does not address requests under the Inspection of Public Records Act (IPRA).

Inspection of Public Records Act (IPRA)

PSFA is committed to fully complying with IPRA with the understanding that IPRA is subject to exceptions. The right of public inspection is limited to existing public records and PSFA is not required to create a public record that does not exist. The PSFA Records Custodian is the point of contact for all IPRA requests. Any and all requests for public records should be referred to the PSFA Records Custodian.

Employee Debt Collection

As a public entity, PSFA is obligated to ensure all outstanding debt owed to PSFA is collected. Failure to attempt to collect may violate the Anti-Donation Clause of New Mexico. Employees are expected to repay overpayment of wages, travel advances, and any other debt as a result of lost or damaged assigned equipment. Employees who fail to repay debt owed to PSFA will be turned over to a collections agency.

Political Activities

PSFA recognizes the right of free speech and expression of opinion. All employees are encouraged to participate in community activities, promote good citizenship, and contribute to public service. PSFA employees who choose to participate in political activity must do so on their own time and not associate PSFA; political activity and opinions must clearly represent the individual and not PSFA. Campaigning for a political party or body on PSFA premises or at any time while employees are engaged in official business is prohibited. Under no circumstances shall any State property, equipment, supplies, or time on the job be used to conduct an election campaign or other political activities.

GENERAL POLICY STATEMENTS ON ETHICAL CONDUCT

Respect in the Workplace

It is the policy of the PSFA to maintain a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, and in a workplace free from gossip, stalking, bullying, cyber bullying, mobbing, as well as retaliation against anyone who in good faith reports or participates in an investigation of negative, aggressive and inappropriate behavior. PSFA believes in a proactive approach to workplace respect and is committed to providing employees with a healthy and safe workplace, free from physical or psychological harassment and violence. A respectful work environment is a place where employees are actively living by PSFA's Core Values which include respect for all persons with whom we work/collaborate/partner.

Standards of Behavior and Conduct Guidelines

Rules of conduct for PSFA employees are intended to promote the orderly and efficient operation of PSFA, as well as protect the rights of all employees. These rules are published for the employees' information and protection. Ignorance of work rules is not an acceptable excuse for violation. It is each employee's responsibility to know the rules and follow them. These rules are not all-inclusive; PSFA employees are expected to comply with all applicable State regulations in the course of performing assigned duties. Violation of any of the following standards of behavior and conduct shall be grounds for disciplinary action up to and including dismissal.

ACTS OF VIOLENCE

Acts of violence or any other types of threatening behavior in the workplace or on PSFA property are not acceptable and will not be tolerated.

- Employees shall not engage in verbal or physical behavior that is, or may reasonably be perceived as, threatening, harassing, and/or intimidating in the workplace. Such behavior shall be reported through their manager and HR. If such behavior is substantiated, the employee who engaged in that behavior will be subject to discipline up to and including dismissal.
- Any employee who strikes or attempts to strike another person while the employee is engaged in official business for PSFA will be subject to dismissal.
- Vulgar, abusive or offensive language is not acceptable and will not be tolerated.

ATTENDANCE AND PUNCTUALITY

- Punctual and regular attendance is an essential responsibility of each employee at the PSFA. Employees are expected to report to their assigned workstation on time and be ready to work. It is the responsibility of every PSFA employee to report their absences in accordance with PSFA guidelines. Excessive absenteeism or tardiness is considered misconduct and shall not be permitted.

- Any employee who fails to report to work without notifying his or her manager for a period of three days or more shall be considered to have voluntarily terminated his or her employment.
- Employees are responsible for reporting all leave on Leave Request Forms and submitting them to both their manager and HR. Falsification of a time record is prohibited, considered time fraud, and may result in disciplinary action up to and including termination.

BREACH OF CONFIDENTIALITY

Releasing, gathering or accessing confidential information for personal use is prohibited. Any unauthorized disclosure or misuse of confidential information obtained in the course of or through PSFA-related business activities is prohibited and is sufficient cause for discipline up to and including termination. Unauthorized disclosure includes: distributing or sharing a confidential report or other confidential information orally, in writing, or electronically to an unauthorized party; or using confidential information acquired by virtue of an employee's position with PSFA for the employee's or another's private gain; or providing PSFA ID or password to unauthorized individuals.

CARELESSNESS AND NEGLIGENCE

Employees must perform their work in a careful, conscientious and diligent manner. Negligence is the failure to exercise ordinary care that a reasonable person would take in the performance of the job responsibilities particular to their employment.

CUSTOMER SERVICE

PSFA employees must provide services to the public without regard to race, gender, sexual orientation, veteran status, political affiliation, gender identity, color, religion, age, national origin, mental or physical disability, or medical condition. Employees are required to provide and maintain quality and professional customer service to those in need of PSFA assistance. Employees must treat all customers, visitors and each other with courtesy and respect.

DISCIPLINARY ACTIONS/WORKPLACE INVESTIGATIONS

All pending workplace investigations that may result in disciplinary actions are confidential and information regarding these matters shall be discussed only with those who have a need to know and whose input is necessary to resolve the issue. Any communications beyond those who have a need to know and whose input is necessary to resolve the issue are strictly prohibited and shall be subject to disciplinary action up to and including dismissal.

DISCRIMINATION/HARASSMENT

Employees shall refrain from engaging in unlawful harassment, unlawful discrimination and unlawful retaliatory actions. Employees shall not discriminate against other employees or members of the public on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental impairment or serious medical condition, spousal affiliation, sexual orientation, genetic information, or gender identity.

PSFA shall not allow retaliation against any individuals who make reports of discrimination or sexual harassment. Any retaliatory actions should be reported immediately to managers or other appropriate management. Violations involving unlawful discrimination, sexual harassment or retaliation for making a complaint regarding discrimination or sexual harassment shall be reported directly to HR. Any employee found to have retaliated against another employee for reporting discrimination or sexual harassment shall be subject to disciplinary action up to and including dismissal.

DRESS CODE

Employees are expected to maintain good personal hygiene and to dress appropriately for the tasks of their positions. Employees shall wear apparel that is appropriate for the work environment. For in office employees, the dress requirement is business casual. Additionally when an employee is attending council or school board meetings, professional attire, such as a jacket and tie, is highly recommended. Employees who work in the field must wear appropriate attire and closed-toe shoes, denim pants or shorts are acceptable for employees who work in the field. Sports team, university, and fashion brand names on clothing are generally acceptable on Fridays. Hats (ball caps and similar) are not permitted in the office setting; however, they may be worn in the field. Employees are not allowed to wear athletic clothing, shorts, beach wear, and/or clothing that is wrinkled, torn, frayed, dirty, or clothing that may be offensive to others, including but not limited to clothing with words or terms that refer to politics, religion, sexuality, race, age, gender, and ethnicity. Accommodation of religious beliefs in terms of clothing may be granted if a safety issue is not present. Contact HR to request accommodations.

DRINKING AND DRUGS

All PSFA premises and vehicles are drug free workplaces. All employees while engaged in official PSFA business are prohibited from being under the influence, use or possession of alcohol or any illegal drug or controlled substance. Employees who are experiencing an alcohol or drug problem should seek help before it begins to affect job performance. The State offers professional and confidential assistance through the State Employees' Assistance Program (EAP). Contact HR for more information. The decision to seek help is viewed as a responsible act and will be supported by your manager and PSFA. Efforts to obtain help will be respected and handled in utmost confidence. Because of the State's obligation to protect others, it is important to keep your workplace safe and healthy. As a result, employees who report to work under the influence of alcohol or drugs are subject to disciplinary procedures and may, at the Executive Director's discretion, be barred from the workplace.

DRUG TESTING

The PSFA will require an employee to undergo drug and/or alcohol testing if the PSFA has a reasonable suspicion that the employee has committed drug or alcohol abuse based on, but not limited to:

- direct observation of the physical symptoms or manifestations of being under the influence of a drug or alcohol while on duty such as liquor on breath, slurred or incoherent speech, abnormal behavior, unsteady walk, or impaired coordination; or
- direct observation of the use or possession of drugs, drug paraphernalia, or alcohol while on duty. Employees are subject to drug or alcohol testing at the discretion of the Executive Director. It is policy of the PSFA that any employee who tests positive for controlled substances or alcohol shall be immediately removed from work to protect themselves, their co-workers,

and the public, and will be deemed to have violated this policy. Any violation of this policy shall result in disciplinary action up to and including dismissal.

FALSIFICATION

Falsification or omission of any documents or information provided to, for, or conducted on behalf of PSFA related business activities is strictly prohibited.

FRATERNIZATION

Professional relationships between managers and their subordinates are encouraged. However, PSFA recognizes that involvement by managers in romantic, personal, or marital relationships with their subordinates may compromise or create perceptions that undermine managers' ability to perform their jobs. Any involvement in a romantic relationship between managers and anyone they directly supervise or evaluate is prohibited and shall result in disciplinary action up to and including dismissal.

GRATUITIES

PSFA employees, independent contractors, and consultants of PSFA shall not accept any favor or gratuity from any person, customer, client or their family member, firm or corporation that is engaged in or attempting to engage in business transaction with PSFA.

HONORARIUM

No employee may request or receive an honorarium for a speech or service that relates to the performance of their public duties. For the purposes of this section, "honorarium" means payment of money or any other thing of value, but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making the speech or rendering the service.

INEFFICIENCY

Inefficiency is grounds for discipline up to and including dismissal. Inefficiency means behavior causing lack of productivity; spending an excessive amount of time on personal matters during work hours; not completing assigned job tasks within established timeframes; minimal attention to work quality; and failure to complete the terms of a corrective action plan.

INSUBORDINATION

Insubordination is prohibited. Insubordination means the refusal to follow a clear manager's lawful instruction or order or exhibiting disrespectful behavior toward a manager. Insubordination is grounds for disciplinary action up to and including dismissal. If a management directive is perceived by the employee to be illegal, dishonest, or unethical, the employee must immediately inform HR of their concern. HR will investigate the management directive.

LICENSURE/CERTIFICATIONS

Employees who are licensed, registered, or certified members of any profession or occupation shall conduct themselves in accordance with the professional or ethical standards of that profession or occupation. Employees who are required to have a license or certification as a minimum requirement to perform their jobs shall maintain their good standing with the entities that issue the licenses or certifications.

MISCONDUCT

Misconduct is prohibited. Misconduct means, but is not limited to, conduct in which employee's actions demonstrate willful or wonton disregard of PSFA legitimate business interests, dishonesty, omission of material facts during a formal investigation, intimidating or hostile behavior toward individuals, deceptive willful or wanton disregard of PSFA policy and rules, misrepresentation of material facts or work product, falsification of documents, attempts to financially defraud PSFA, horse playing, rough housing, hazing, ignoring a manager's reasonable instruction, and use of offensive and foul language. Misconduct is grounds for disciplinary action up to and including dismissal.

OFF-DUTY MISCONDUCT

Any criminal behavior by an employee at any time adversely affects PSFA's ability to carry out its missions to the public and may be a reason for separation from employment with PSFA. Employees must report any arrest to HR within 72 hours after the arrest. Failure to report an arrest is misconduct and grounds for disciplinary action up to and including dismissal.

OFFENSIVE AND DISRESPECTFUL BEHAVIOR

PSFA prohibits all forms of offensive and disrespectful behavior, as defined herein, by management, managers, workers and visitors in the workplace. Violations of this policy will be investigated and if substantiated will be dealt with expeditiously to include formal disciplinary action up to and including termination. To support the objective of providing all employees with a healthy and safe workplace, managers, managers and workers are required to take preventative action to ensure that risks to individual's health and safety due to violations of respect are eliminated or reported. For purposes of this policy, "offensive and disrespectful behavior" is defined as negative acts aimed at one or more individuals and causing them to feel hurt, embarrassed, disrespected, anxious, or depressed. These types of behavior are recognized as having damaging consequences for their recipients, the observers of the behavior, and PSFA as a whole and therefore are not tolerated. Examples include, but are not limited to:

- Gossip – discussions involving other people, typically involving information that is not true or is sensationalized,
- Stalking – tracking others who are not in your line of supervision, time, attendance, emails, files, meetings, or other work products and/or services
- Bullying – abuse or mistreatment of others, including but not limited to spreading rumors and misstatements, name calling, disrupting their work environment, and creating discomfort in the workplace,

- Cyber Bullying – using computers, phones, email, instant messaging, or other electronic media to bully other employees,
- Mobbing – to participate in group aggression towards others; targeting employees and bullying or maligning those individuals
- Retaliation – abusive treatment towards those who report inappropriate behavior, participate in investigations, or who are performing their job in accordance with a State or federal law or statute.

PERSONAL PHONE CALLS

Employees may make and receive personal phone calls on PSFA phones, provided that such calls are kept to a minimum and do not interfere with their job responsibilities. Excessive personal telephone usage may result in disciplinary action including but not limited to termination.

PERSONAL PROJECTS

Use of PSFA material, computers, equipment, or time for activities that are not for conducting PSFA's business is prohibited. Using State property or funds for personal gain is a violation of law and may result in disciplinary action up to and including dismissal. Prohibited use includes but is not limited to using phones, equipment, supplies, copiers, fax machines, cameras, computers and email. Employees may not sell or promote the sale of any goods or services for personal gain on State property or during normal work hours.

SECURITY

It is the employee's responsibility to be aware of and comply with security rules and regulations. Employees shall use their PSFA issued badges and business cards only for official and authorized PSFA purposes.

SMOKING

Smoking is prohibited in PSFA buildings and vehicles, except in areas or parts of buildings specifically designated and identified as smoking areas. Areas may be designated as smoking areas only if the Executive Director determines that the smoke cannot drift into a nonsmoking area.

THEFT

Theft of any PSFA issued equipment, supplies, or documents and misappropriation, embezzlement, fraud, or conversion of any money or funds collected by or administered by the PSFA is strictly prohibited and will constitute grounds for disciplinary action up to and including dismissal.

WEAPONS AND FIREARMS

PSFA employees shall not possess, carry and/or conceal any weapon or firearm on PSFA property or in any State vehicle.

WORKPLACE SAFETY

The protection of State employees and the public on State property is a responsibility we all share. If you know of any unsafe working conditions or improperly operating equipment, which could result in an accident, injury, illness or property loss, contact your manager immediately. Inform your manager about every accident, injury or near miss incident on the job immediately. For certain jobs, personal protective equipment must be worn. If you are required to use personal protective equipment, your manager will discuss its proper use, care, maintenance and storage.

STATE PROPERTY

All employees shall treat State property with proper care. Employees are not to directly or indirectly use or allow the use of State equipment or property of any kind, including equipment and property leased to the State for other than official activities. Using State property or funds for personal gain is prohibited, is a violation of law and may result in a disciplinary action up to and including dismissal. Prohibited use includes but is not limited to using phones, equipment, copiers, fax machines, cameras, computers and email.

COMPLAINTS, REPORTING, AND ANTI-RETALIATION

PSFA intends for all employees to be treated fairly and to receive timely responses to any problems or concerns. The purpose of this policy is to provide a grievance procedure to guide the prompt and equitable resolution of certain problems or concerns raised by an employee, except with respect to the employee's evaluation. It also includes any perceived unfair treatment with respect to a disciplinary action with the exception of dismissal. This grievance procedure may be used freely without fear of retaliation. This process was carefully designed to resolve internal grievances, thus all employees shall adhere to the process steps as they are stated below.

PROCESS

The PSFA's intent is to resolve all issues, complaints, or concerns at the lowest level possible.

Step one – PSFA encourages informal resolution of complaints. An employee must first discuss the issue, complaint, or concern with his or her immediate manager within three (3) business days of the event or situation whenever possible. If the issue is not resolved as a result of that discussion, or such a discussion is not appropriate under the circumstances, an employee may proceed to Step 2.

Step two – If the issue, complaint, or concern is not adequately resolved at Step 1 or the employee is dissatisfied with the Step 1 resolution, the employee may submit a written grievance to HR. The written grievance should summarize the relevant facts and, if appropriate, it should indicate how the grievance was resolved at Step 1, identify the PSFA policy that was violated, and state the resolution sought by the employee. HR will examine and/or investigate the Step 2 grievance and attempt to issue a written decision within seven (7) business days of HR's receipt of the Step 2 grievance. Alternatively, HR may refer the matter back to the manager for appropriate action if PSFA policy has not been followed, or refer the parties to mediation provided that the parties involved agree to participate in the mediation process. HR will arrange for outside mediation through the State ADR office.

Step three – If the issue, complaint, or concern is not adequately resolved at Step 2 or the employee is dissatisfied with the Step 2 resolution, the employee may submit a written grievance to the Executive Director for final decision. The Executive Director will attempt to issue a written decision within seven (7) working days of receiving HR's recommendation. The decision of the Executive Director is final and not subject to any further appeal.

Exception – If the issue, complaint, or concern is regarding the Executive Director, the employee may submit a written grievance to HR. The written grievance should summarize the relevant facts, identify the PSFA policy that was violated, and state the resolution sought by the employee. HR will first examine and/or investigate the grievance and discuss with the Executive Director for appropriate action if PSFA policy has not been followed. The Executive Director will attempt to resolve the grievance within seven (7) working days of such notice. If the grievant is not satisfied with the resolution, he or she may notify HR, who will refer to mediation provided that all parties involved agree to participate in the mediation process. If the issue, complaint, or concern is not adequately resolved, HR will communicate with the PSCOC Chair for guidance on how to resolve the grievance. The decision of the PSCOC Chair is final and not subject to further appeal. In the event the issue, complaint, or concern is regarding HR, the Executive Director, or designee, shall fulfill HR's responsibilities in the Complaints, Reporting, and Anti-Retaliation Process.

The time limits above are subject to modification by PSFA on a case-by-case basis due to operational requirements, travel away from the office, the need for an in-depth investigation, or any other exigent circumstances. Any investigation conducted at any step during the Complaints, Reporting, and Anti-Retaliation Process will be kept as confidential as possible under the circumstances. The Executive Director has the final authority to resolve any disputes regarding the implementation of this process, including determination of the appropriate decision-makers and investigators. The grievant's failure to comply with any of the deadlines will be considered a withdrawal of the grievance.

Sexual Harassment/Hostile Workplace

It is the policy of PSFA to maintain a working environment free from discrimination and to prohibit sexual harassment among its employees, including discriminatory sexual advances or harassment that adversely affect an employee's terms and conditions of employment, either directly or indirectly. Sexual harassment is defined as any unwelcome or unwanted sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature from someone in the workplace that creates discomfort and/or interferes with the job. Any employee who believes they are a victim of sexual harassment must report any incident to his or her manager or HR. Conduct constitutes harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions and/or retaliation; or
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Reporting Misconduct

PSFA employees are encouraged to report in good faith to a manager, HR, Executive Director, law enforcement, and/or other appropriate third party any and all information regarding alleged workplace misconduct. A report is made in good faith when a reasonable basis exists in fact as evidenced by the facts available to the reporting employee. The following examples include, but are not limited to:

- Unlawful discrimination or harassment;
- Fraud, corruption, or bribery;
- Misuse, mismanagement, or misappropriation of funds or PSFA property;
- Unethical or unprofessional business conduct;
- Falsification of documents or reports;
- Willful noncompliance with PSFA policies/procedures;
- Circumstances of substantial, specific, or imminent danger to any individual or to the public's health and/or safety;
- Violations of local, State, or federal laws and regulations; or
- Other illegal or improper practices or policies.

False Information

Any employee who knowingly makes a false report of suspected misconduct or who gives false answers or information in response to an investigation of suspected misconduct is subject to discipline up to and including termination.

Whistleblower Protection and Anti-Retaliation

PSFA strongly encourages its employees to report suspected misconduct occurring at PSFA or being engaged in by any PSFA employee. A major deterrent to such reporting is the fear that the person or persons against whom the report is made will retaliate against the employee making the report. PSFA prohibits any form of retaliation or reprisal against any employee who makes a good faith report of suspected misconduct. Any employee who retaliates against any employee who has reported suspected misconduct is subject to disciplinary action, up to and including discharge. No employee will be exempt from the consequences of misconduct or inadequate performance by reporting his or her own misconduct or inadequate performance. The types of retaliation that are prohibited by this policy include but are not limited to the following actions:

- Giving unwarranted negative performance evaluations to the reporting employee;
- Taking adverse action with respect to the reporter's work assignments, salary, vacation, and other terms of employment, without legitimate business justification;
- Reprimanding the employee, without legitimate business justification;
- Suspending, demoting, or terminating the employment of the reporting employee without legitimate business justification; and/or Intimidating, threatening, or creating a hostile work environment for the reporting employee.

Reporting suspected misconduct does not exempt an employee from legitimate personnel action taken during the normal course of business.

Reporting Retaliation

Any employee who believes that he or she has been retaliated against for reporting suspected misconduct, or who is aware of retaliation against another employee for reporting suspected misconduct, must report the retaliatory conduct immediately to the Executive Director and/or HR. When an employee reports retaliation, PSFA will undertake or cause to be undertaken a thorough and objective investigation. The report will be kept confidential and will only be disclosed as necessary to conduct a complete and thorough investigation or to take other appropriate action.

CORRECTIVE ACTION

PSFA intends for all employees to be treated fairly and to receive timely responses to any problems or concerns. PSFA reserves the right to utilize the following Corrective Action process when it deems it appropriate to improve and prevent recurrence of inappropriate employee behavior or performance issues. The Corrective Action process shall be administered equitably and consistently. PSFA reserves the right to not utilize this process or to combine or skip steps based on the nature of the situation, the impact to PSFA, or failure of the employee to follow or correct the warnings given during either the Verbal or Written Corrections. This process does not provide any contractual rights regarding employee discipline, nor should anything in this process be read or construed as modifying, altering or canceling the employment at-will relationship. All PSFA employees shall be familiar and comply with all policies as they serve as a basis for disciplinary action, to include dismissal.

Corrective Action procedure

- Step 1- Verbal Correction: The manager will bring attention to the existing issue with the employee. The manager will discuss the problem and potential policy violations or impacts to the PSFA, expectations of the employee, required actions to correct the problem, and timeliness for completion. This verbal discussion should be followed up with an email to document its occurrence.
- Step 2- Written Warning: The manager will formally document the behavior or performance issues, the expectations for improvement, provide a timeframe for improvement and outline the consequences if the employee fails to meet the outlined expectations. This document will be signed by both the manager and the employee. The manager will then provide HR with the original document to place in the employees personnel file, and provide a copy to the employee for their records.
- Step 3- Final Written/Disciplinary Action Up To and Including Termination: The manager will document the employee's failure to comply with the expectations outlined previously and make the recommendation for termination of employment. Recommendations to terminate employment must be approved by the Executive Director.
- Investigatory: If the behavior or employment issue is harmful to the PSFA and other employees, the employee may be temporarily removed to allow a proper investigation. Removing the employee will require notifying HR and obtaining approval from the Executive Director. Prior to removal, the employee will be notified in writing of the offense(s) being investigated and why he/she is being removed from the premises. The employee will be on paid Administrative Leave during the investigation. The employee will have the opportunity to review the investigative report and respond prior to any final decisions regarding disciplinary action.

Performance and Conduct Issues Not Subject to Corrective Action Process

Some workplace behavior is not subject to the corrective action process. Examples include but are not limited to theft, substance abuse, intoxication, fighting and other acts of violence in the workplace. PSFA has the discretion to determine on a case-by-case basis whether or not to utilize the corrective action process and whether termination is appropriate.

Performance Improvement Plans

Employees who are not performing their duties to PSFA expectations may not be subject to progressive discipline. It is in PSFA's best interest to develop employees through training and experience. PSFA may place employees who have been trained, coached, and notified about their poor performance on a Performance Improvement Plan (PIP). This does not provide any contractual rights regarding employee discipline, nor should anything in this PIP be read or construed as modifying, altering or canceling the employment at-will relationship. In these instances, the employee's manager will formally document the performance issues, the expectations for improvement, provide a timeframe for improvement and outline the consequences if the employee fails to meet the outlined expectations. This document will be signed by both the manager and the employee. PIP's will usually range from 30-days to 90 days. During this time, the employee will be expected to make regular progress on the plan outlined. Failure to meet or exceed these expectations, or any display of gross misconduct will result in further disciplinary action, up to and including termination. In addition, if there is no significant improvement to indicate that the expectations and goals will be met within the timeline indicated in the PIP, employment may be terminated prior to the end of the PIP. Furthermore, failure to maintain performance expectations after the completion of the PIP will be seen as misconduct and may result in additional disciplinary action up to and including termination.

Documentation

Employees will be provided copies of all Corrective Action documentation. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action. Signed copies of these documents will be placed in the employee's personnel file.

ATTENDANCE

Attendance Standards

All employees are expected to arrive on time, ready to work, every day. If you are unable to arrive at work on time, or must be absent for an entire day, you must contact your manager as soon as possible (at least 30 minutes before the start of work). If possible, you must speak with your manager and not a co-worker. Voicemail and e-mail messages are acceptable when you are unable to reach your manager directly. Failure to show up or call in for a scheduled shift without prior approval or notice is considered “no call no show.” After three consecutive days of “no call no show”, the absence will be considered job abandonment and the employee may be terminated. Excessive absenteeism or tardiness may result in disciplinary action up to and including termination. The standard of what is excessive is determined by the needs of your particular department. As each situation arises, it is the manager's responsibility to promptly curtail any abuse of work hours such as tardiness or early departure. The manager will take immediate and appropriate corrective action to rectify these problems. Corrective action may include progressive discipline depending upon the gravity and/or frequency of the offense.

Any employee with a disability who needs an accommodation should request it. The PSFA will reasonably accommodate qualified individuals with disabilities through its flextime, part-time, job sharing, or similar programs, which are designed for the needs of the specific individual and their need for an accommodation. Employees eligible for leave under the federal Family and Medical Leave Act will be granted such leave. The employee must notify HR of the need for FMLA leave or an accommodation. (See FMLA Leave section of this Handbook)

Hours of Operation and Alternative Work Schedules

PSFA's regular office hours are from 8:00 a.m. to 5:00 p.m. Employees may request a flextime schedule that deviates from the normal 8 a.m. to 5 p.m. work schedule. The employee's manager must approve any deviations from the employee's work schedule in advance. Management may designate other work hours as appropriate for business purposes and may change an employee's permanent work schedule; however, seven-calendar days' notice must be provided to the employee prior to the beginning of a new or revised schedule.

All approved alternative work schedules must be submitted to HR prior to implementation so payroll records can be updated.

Employees who work an 8-hour workday are entitled to a one-hour lunch break and two (2) fifteen minute breaks per workday. The employee's manager may schedule the lunch break. Once scheduled, breaks may be subject to change based on the Department's business needs.

Flex Time

DEFINITIONS:

- **Staggered schedule** – arriving and departing at different times during the week; total work hours must equate to, at least, 40 per week. Staggering may be required to meet the needs of the PSFA or the clients.
- **Compressed schedule** – work more hours each day and less days within the week; total work hours must equate to, at least, 40 per week.
- **Flexing hours** – arriving to work early or leaving late to accommodate an appointment during the day; total work hours must equate to, at least, 40 per week.
- **Telecommute** – work from home. This requires advanced approval and would be an exception to normal work schedule. Only permitted based on medical needs and/or at the discretion of the Executive Director

The business needs of PSFA are the first consideration in any alternative work arrangement. PSFA recognizes the health and morale of exempt employees as essential in order to achieve its mission and therefore strives to maintain a balance between work and personal needs. With the advanced approval of the Executive Director, and employee's manager, employees may work an alternative workweek schedule as long as it is in the best interest of PSFA and the alternative schedule corresponds with actual work requirements. Flex time includes: staggered schedules, compressed workweek, flexing work hours within a week to accommodate personal needs, and telecommuting. PSFA exempt employees are responsible for ensuring they work the minimum required 40 hours each week or submit a leave request for hours not worked.

Compensatory Time

PSFA employees who are exempt from Fair Labor Standards Act (FLSA) overtime provisions are expected to work all hours necessary to perform their duties to the best of their abilities without additional compensation. Several hours added to a workday occasionally or even on a weekend are expected of professional employees. However, the Executive Director may approve compensatory time when it is recognized that the FLSA exempt employee has worked a significant amount of time beyond the normal workweek schedule to perform specific job requirements. Employees must first obtain advance approval prior to working excess hours. The employee's manager will be responsible for ensuring compensatory time is not reported for day-to-day workload. The employee will be responsible for ensuring the approved compensatory time and the compensatory time used is provided to HR in the pay period it is actually used and that the used compensatory time is recorded on a leave slip. FLSA exempt employees who separate from the PSFA will not be paid for any unused compensatory time.

Paid Holidays and Holiday Pay

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 the employee's hourly rate of pay for the number of hours the employee would have normally worked.

The Executive Director may direct employees to work on a holiday. Exempt employees required to work on a holiday shall be compensated by compensatory time off at a rate of one and one half times the amount of hours actually worked on the holiday. No exempt employee shall be paid for unused holiday compensatory time upon separation or transfer.

New Year's Day	January 1
Martin Luther King, Jr. Birthday	Third Monday of January
Memorial Day	Last Monday of May
Juneteenth	June 19 th
Independence Day	July 4 th
Labor Day	First Monday in September
Indigenous Peoples Day (Columbus Day)	Second Monday of October
Veteran's Day	November 11 th
Thanksgiving and Day After	Fourth Thursday and Friday in November
Christmas Day	December 25

Inclement Weather

In the event of inclement weather, employees are directed to stay tuned to the local news and/or radio stations to determine if an official delay, closure or early dismissal has been issued by the school district within which they reside. (The PSFA's delay, closure or early dismissal will not be on the news or radio).

If such an official announcement of a delay, closure or early dismissal has been made for the school district within which the employee resides, the employee will be placed on Administrative Leave for the time announced. An employee will not be entitled to Administrative Leave at the time of the announcement if on other, previously approved leave.

When a school district has not announced an official delay, closure or early dismissal, the Executive Director, or designee, may authorize a delay, closure or early dismissal for PSFA employees located at PSFA's main office in Albuquerque or for specific locations throughout the State while requiring other employees not affected by the inclement weather to report to their respective offices.

Employees are to use their own discretion when driving to and from work. If the roads are bad between the employee's home and assigned work location but no official delay, closure or early dismissal has been announced, and no Administrative Leave has been granted, the employee may request discretionary approval from their direct manager or the Executive Director or designee to:

- Flex work schedule to make up for the time lost within the same work week; or
- Work at home or remote location (with direct manager's approval) but only to the extent that the employee has the means to do so and the work can be verified by their manager.

Unauthorized Absences: Absences Without Leave (AWOL)

An employee who is absent from work without prior approval of the manager will be considered absent without authorized leave. Such leave will be subject to disciplinary action up to and including termination.

- Employees shall not be paid for any periods of absence without leave and shall not accrue annual or sick leave.
- Unauthorized absence may be grounds for disciplinary action. Any employee who is on an unauthorized absence will be charged Absent Without Leave for the time absent.
- Absence Without Leave is initiated by the employee's manager. The employee will be notified of the action in writing and a copy will be provided to HR for placement into the employee's personnel file. This memorandum is to be considered a written reprimand and will indicate to the employee that future unauthorized absences may result in corrective action including dismissal. It is the manager's responsibility to maintain documentation reflecting any such action.
- If an employee is away from work on unauthorized absence, the manager must promptly send an Email including read receipt to both the employee's personal and work email, informing the employee that unless he/she reports to work by a specified date or requests approval for leave by that date, a recommendation will be made for dismissal. A copy of this email will be placed in the employee's personnel file. Note: The date specified for return to work or by which leave must be requested should be no more than five (5) working days after the email is sent.
- Employees who are AWOL on the workday prior to or directly following a holiday may not be paid for the holiday.

LEAVE

Leave Requests

It is the employee's responsibility to request and complete leave forms within a timely manner. Annual or personal leave requests must be submitted electronically (email) and approved through the employee's manager prior to use. If the employee is unavailable to submit their leave forms timely, the manager is responsible for submitting their leave forms. Additionally, all leave must be reported on the PSFA's Outlook Agency calendar. In the event an employee is unable to add the leave to the calendar, the manager is responsible to update the calendar. An absence that is not scheduled and approved in advance may be cause for disciplinary action. All employees will utilize the following procedures for requesting leave and reporting absences:

- All leave must be requested from and approved by the employee's manager at least 24 hours in advance, except as noted below.
- All employees will complete a Leave Request Form indicating their name, the dates and timeframe of the leave, the type of leave requested, the number of hours of accrued leave that will be used, the date of the request, and their signature.
- Employees will submit the completed Leave Request Form to their manager via email and copy HR.
- The employee's manager shall approve the leave by E-signing the document or responding "Approved" in an email to both the employee and HR. Managers may deny requested Annual or Personal Leave based on business need. If a manager denies leave, they shall provide justification as to why they denied the leave to both the employee and HR.
- Employees shall indicate their approved leave on the Agency Calendar. If the employee is unable to do so, the responsibility falls on the manager who approved the leave.
- In the case of emergencies or unanticipated leave, the employee will contact his/her manager as close to the start of the normal workday as possible, but not later than 30 minutes beyond the starting time of the leave.
- Absences will not be reported to co-workers under any circumstances, nor will telephone calls be accepted from any person other than the employee, unless the employee is unable to place the call.
- Employees will communicate with their manager each day that they are absent unless the absence has been pre-approved.
- All requests for unanticipated leave will be considered by the manager in line with the Department's business needs. The manager may grant tentative approval of the leave requested pending receipt of appropriate documentation of the emergency.
- Employees directed to provide verification or a doctor's certification shall provide such immediately upon return to work.
- The Department will approve requests for sick leave for personal medical treatment or illness and for medical treatment or illness of a relation by blood or marriage within the third degree or of a person residing in the employee's household.
- If a manager suspects an abuse of sick leave, they will discuss the situation with the HR Manager. If a determination is made to require a completed NMDOL Medical Certification form), the employee will be notified at the time of request for sick leave that certification is required before final approval can be granted.

- If an employee approaching retirement requests approval for sick leave and HR determines that confirmation of the medical necessity is required, the employee may be asked to provide a completed NMDOL Medical Certification form prior to final approval of the sick leave.
- If an employee requests approval for sick leave and does not have enough accrued and unused sick leave to cover the period requested, annual leave may be substituted for sick leave.
- Failing to report annual, sick or personal time is considered time theft and is subject to disciplinary action up to and including termination.

Annual Leave

Employees shall accrue annual leave at a rate determined by the employee's cumulative years of service to the State. Accrual rates are prorated for part-time employees and employees who have utilized LWOP. Cumulative years of service shall include any combination of service as an exempt or classified employee in the executive branch, and as an employee of the legislative branch, the judicial branch, the district attorney's office, or the State police. Annual leave balances can be viewed in the Timesheet balances option in SHARE. Each agency shall be responsible for calculating, adjusting, and paying out the total amount of annual leave due for the exempt employee at the time of separation of employment with the State.

A maximum of 240 hours will be carried forward into the next calendar year after the last pay period beginning in December. Employees shall not be paid for more than 240 hours of annual leave upon separation or transfer. Annual leave hours will be paid on the pay period after the employee's effective separation date. The estate of an employee who pass away while in Governor Exempt service shall be paid for the employee's total accrued annual leave. Employees shall accrue annual leave as follows:

Years of Service		Per Pay Period
At Least	Less Than	(in hours)
0	3	4.62
3	7	5.54
7	14	6.46
14.0 and over		7.39

Sick Leave

Employees, except those on full time educational leave with pay, absent without leave, leave without pay, unpaid FMLA leave, or suspension without pay, shall accrue sick leave at the rate of 4.00 hours per pay period. Sick leave shall not be used before it is accrued. Leave is not accrued until the end of the pay period and cannot be used until after the pay period in which it is earned.

Employees employed on a part-time basis and employees on furlough who work at least eight (8) hours in a pay period shall accrue sick leave on a prorated basis.

Employees may use sick leave for personal medical treatment or illness, or for medical treatment or illness of a Family Member, or person residing in the employees' household. Such leave should be requested for approval at least twenty-four (24) hours in advance whenever possible.

Employees affected by pregnancy, childbirth, and related medical conditions must be treated the same as persons affected by other medical conditions.

Employees may use accrued sick leave to attend the funeral of a relation by blood or marriage, which does not fall under the bereavement leave policy.

Employees taking sick leave must use all reasonable efforts to contact their manager within thirty (30) minutes of the beginning of the business day, requesting approval of sick leave use. If the employee is at work when they get ill, the employee shall notify their manager prior to leaving work and obtain leave approval.

Managers or HR may require an employee to furnish a doctor's certificate for sick leave taken.

There is no limit to the amount of sick leave that may be accrued. For emergencies not listed, the Executive Director may allow sick leave usage when deemed appropriate on a case-by-case basis.

Payment of accumulated unused sick leave shall only be made as provided by State law. As of the date of this Handbook, NMSA 1978, Section 10- 7-10 states: " ... *an employee of the state who has accumulated six hundred hours of unused sick leave shall be entitled to be paid for additional unused sick leave at a rate equal to fifty percent of their hourly wage multiplied by the number of hours of unused sick leave over six hundred hours, not to exceed one hundred twenty hours of such sick leave in any one fiscal year ...* " and Section 10-7-11 NMSA 1978 which states: " ... immediately prior to retirement from State service, an employee of the State who has accumulated six hundred hours of unused sick leave shall be entitled to be paid for additional unused sick leave at a rate equal to fifty percent of their hourly wage multiplied by the number of hours of unused sick leave over six hundred hours, not to exceed four hundred hours of such sick leave." . Accrued sick leave will be forfeited at the time of involuntary or voluntary separation.

Personal Leave Day

Exempt employees are eligible for one eight-hour personal leave day per year upon hire. The personal leave will be prorated for employees working less than an eight-hour day. The personal leave day must be taken in one consecutive block. The personal leave day shall be taken at any time between the date of hire and December 31 of any calendar year or it will be forfeited. Exempt employees will not receive payment for an unused personal leave day upon separation.

Administrative Leave

The Executive Director may authorize exempt employee's administrative leave with pay for up to five consecutive workdays when it is in the best interest of the PSFA to do so. Administrative leave in excess of five consecutive workdays must have prior written approval from the DFA Secretary. Employees shall not be paid for unused administrative leave upon separation or transfer. Administrative leave shall not

be transferred when an exempt employee transfers to another agency or a classified position. HR shall be responsible for calculating, adjusting and tracking administrative leave for employees.

Emergency Medical Leave

The intended recipient of the donated leave must have exhausted all sick, annual leave, and personal day leave, and must be absent from work due to a *medical emergency* of the employee or a member of the employee's immediate family or the death of a member of the employee's immediate family and shall only receive leave in accordance with this section.

Employees may donate accrued annual leave to or receive accrued annual leave from another employee within or between agencies. Prior to any transfers of annual leave, agencies shall submit a written request to the DFA Secretary via the Governor Exempt Pay Plan Director with the information set out below. The requesting agency will receive written approval/disapproval from the Governor Exempt Pay Plan Director of such transfers of leave. The transferred leave will be designated for the medical emergency leave account of the specified employee. Funds to cover the leave will not be transferred.

The donors may not transfer more hours than they have accrued at the time of the request. Donated leave will be prorated when transferred to the recipient. Donated leave shall revert to the employees who donated the leave on a prorated basis when the medical emergency ends or the leave recipient separates from employment. Supporting documentation shall be kept confidential and will not be subject to public inspection without the written consent of the donor(s) and recipient.

The agency of the recipient shall submit a letter of request to the DFA Secretary via the Governor Exempt Pay Plan Director containing the following information:

1. The name, position title and hourly rate of pay of the proposed leave recipient;
2. A description of the nature, severity, and anticipated duration of the medical emergency involved and a statement that the recipient is unable to work;
3. A list of donors, hours of annual leave donated, and hours of annual leave to be transferred; and
4. Any other information the employing agency may reasonably require.

Upon approval by the DFA Secretary, the Governor Exempt Pay Plan Director will assist the agency with the transfer of donated annual leave to the donated leave account of the recipient, converting the dollar value of the donor's annual leave based on the donor's hourly rate of pay to hours of leave based on the recipient's hourly rate of pay.

Leave Without Pay (LWOP)

Employees must have exhausted all annual and sick leave prior to requesting Leave Without Pay. A written request for Leave Without Pay must be submitted to the employee's manager to the Executive Director. If the leave period is more than 40 consecutive hours for employees in any status, a request for

Leave Without Pay is processed stating the reason for the leave, through all management levels, and must be approved by the HR.

When considering a request for Leave Without Pay, Executive Director will evaluate the request based on the employee's attendance record, the impact on the work unit and any other relevant factors. Such leave, especially for an extended period, is only considered for reasons of personal health or family health. Leave Without Pay will not be approved for an employee to take another position while on leave.

Leave Without Pay may be approved when:

- the agency can assure a position of like status and pay, at the same geographic location, upon the return of the employee from Leave Without Pay; or
- The employee agrees in writing to waive that requirement; at the Executive Director's discretion, the waiver may be required as a condition of approving Leave Without Pay.

Employees who have been granted Leave Without Pay and who need additional leave must submit their written request for this additional leave to their manager at least two weeks prior to the expiration of their initial approved leave, except under emergency circumstances. Leave Without Pay may be granted to employees in an emergency for a period not to exceed 30 consecutive calendar days.

Bereavement Leave

PSFA employees may request up to three (3) days of administrative leave to attend the funeral arrangements for the death of a relation by blood or marriage within the third degree. Relation by blood or marriage within the third degree includes spouse, domestic partner, parent, mother-in-law, father-in-law, stepparent, children, domestic partner children, son-in-law, daughter-in-law, stepchild, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, grandparents, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent. The Executive Director will approve or disapprove all requests for bereavement leave.

Domestic Abuse Leave

In accordance with the State's Promoting Financial Independence for Victims of Domestic Abuse Act, NMSA 1978, §50-4A-2, PSFA employees may be granted up to 14 days of domestic abuse leave in any calendar year, and up to eight hours in any one day. Employees may use accrued sick leave, annual leave, or approved leave without pay for domestic abuse leave. Employees must notify both their manager, and HR when taking domestic abuse leave. Employees are to provide HR with either a police report, copy of an order of protection, or a letter from the district attorney, victim advocate, or law enforcement official. All information relating to the domestic abuse leave will be treated as confidential. Domestic abuse leave may be used to attend court hearings, meet with law enforcement and/or attorney, and/or interact with other State agencies concerning the domestic abuse. In the event threats have been made against the employee, PSFA reserves the right to take appropriate action to protect PSFA and its employees.

General Public Activities

PSFA recognizes certain activities that are conducted by outside organizations for the benefit of the general public. Employees asked by organizations to work on behalf of such activities may qualify for administrative leave on a case-by-case basis if approved by the Executive Director and the activity is in the best interest of the PSFA.

PROCEDURE

An employee who intends to participate in public activities must submit a request in writing to the Executive Director explaining the nature of the leave and the benefit to PSFA. The Executive Director will determine if administrative leave shall be granted or annual leave hours shall be used. The employee will attach the approved request to a Leave Request Form and submit to HR through their manager.

Civic Duty (Voting) Leave

Employees who are registered voters may absent themselves from work for two hours for voting between the time of the opening of and the time of the closing of the polls. PSFA divisions may specify the hours during the period of which the voter may be absent. This leave is not available to employees whose workday begins more than two hours subsequent to the time of opening the polls or ends more than three hours prior to the time of closing the polls. Voting time may not be used consecutively with annual or sick leave. Falsification of Voting Leave is in violation of the Election Code, which permits a voter to absent him/herself from employment for “two hours for the purpose of voting.” Any violation of this policy shall result in disciplinary action up to and including dismissal.

Jury Duty / Court Leave

PSFA recognizes that jury duty is a civic duty. Employees, who are called upon to participate in this process, must inform their manager immediately. In addition, they must submit a leave slip for any missed time due to jury duty and attach the court notice to the leave slip. Employees will be on paid jury / court duty leave while they are serving their civic duty. Any monies received in exchange for their services to the courts must be turned in to HR for submission to the Department of Finance & Administration.

Military Leave

In accordance with Title 28 U.S.C. 4301-4335, the Uniformed Service Employment and Reemployment Rights Act (USERRA), PSFA will grant a leave of absence for military or related service to employees. Under New Mexico State law, this benefit provides service members up to fifteen (15) days of paid leave per federal fiscal year (October – September). Employees who receive notice to report for military service must notify their manager and HR within 24 hours as well as provide HR with a copy of official military orders.

Return to Work Memo

Managers must notify HR when an employee returns to work from:

- Leave Without Pay (if longer than 40 hours)
- Suspension
- Absences Without Leave
- Family and Medical Leave
- Military Leave

FMLA, ADA, AND WORKERS COMPENSATION

Family Medical Leave (FMLA)

Eligible employees are entitled to leave in accordance with the Family and Medical Leave Act (FMLA) of 1993 [29 U.S.C. Section 2601 et seq.]. Employees who have been employed by PSFA for at least 12 months and who have worked, as defined by Section 7 of the Fair Labor Standards Act [29 U.S.C. Section 201 et seq.], at least 1250 hours during the 12 month period immediately preceding the start of FMLA leave are eligible employees. Time spent on Military Leave is counted as hours worked for purposes of calculating FMLA eligibility.

TYPES OF FMLA

Eligible employees are entitled to a total of twelve (12) weeks of unpaid job-protected leave in a 12-month period, for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a Serious Health Condition; or
- For a Serious Health Condition that makes the employee unable to perform the employee's job.
- Any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation as defined in the FMLA.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of unpaid FMLA leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

NOTICE REQUIREMENTS

- As with any type of leave, an employee must give advance notice requesting leave and obtain approval, except in emergencies. An employee must give at least thirty (30) days written notice before leave starts. If thirty (30) days' notice is not possible, notice is expected as soon as practical. "As soon as practical" means at least verbal notice within two (2) business days of learning of the need for leave followed by written confirmation. If an employee fails to give thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, HR, (as applicable) or designee may delay the taking of FMLA leave until at least thirty (30) days after the date the employee provided notice.
- Request for leave must be submitted on a Family Medical Leave Certification Form. HR will determine if the requested leave qualifies as FMLA leave. It is the employee's responsibility to provide enough information, including the reason for requesting leave, so that HR or designee can make this determination. Any FMLA-qualifying absence will be designated as FMLA leave by

HR, and will be applied to the twelve (12) weeks entitlement, even if not requested by the employee.

- In any case in which the necessity for leave due to Active Duty of a Family Member is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to PSFA as is reasonable and practicable. HR, the Executive Director or designee will notify the employee within two (2) workdays, if possible, of the approval or disapproval of their FMLA request.
- If PSFA has reason to question the adequacy of a medical certification, a health care provider representing PSFA may contact the employee's health care provider, with the employee's permission, for purposes of clarification and authenticity of the medical certification. PSFA has the right to require, at its own expense, a second medical opinion and is permitted to designate the health care provider to furnish the second opinion. If the second opinion and the original certificate conflict, PSFA has the right to require a third opinion by a health care provider upon whom PSFA and the employee agree. The third opinion is final and binding.

SUBSTITUTION OF PAID LEAVE

FMLA leave may be comprised of any combination of sick leave, annual leave, or leave without pay. Employees shall not accrue sick or annual leave nor be paid for "observed" holidays while on unpaid FMLA leave. If a paid holiday occurs within a week of FMLA leave, the holiday is counted towards the FMLA entitlement. However, if an employee is using FMLA leave in increments of less than one week, the holiday does not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Employees shall not accrue annual and sick leave while on unpaid FMLA leave. The 12-month period is calculated forward from the date an employee's first FMLA leave begins.

BENEFITS DURING FMLA

PSFA will maintain the employee's health coverage on the same terms as if the employee had continued to work. If an employee does not return to work after the leave entitlement has expired, the employee may be required to reimburse PSFA for any health insurance premiums paid by PSFA during the period the employee was on FMLA leave if the failure to return to work is not due to the continuation, recurrence, or onset of a serious health condition entitling the employee to leave or other circumstances beyond the employee's control.

RELEASE

Employees returning to work from a serious health condition must submit to HR a release from their health care provider. If an employee requires an accommodation under ADA, a request must be submitted to HR.

PROHIBITIONS AND ENFORCEMENT

FMLA makes it unlawful for an employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- Request additional information from the employee's health care provider if the employee has already submitted a complete certification signed by a health care provider.

Paid Parental Leave

In order to assist and support new parents in balancing work and family, PSFA provides eligible employees with a period of paid Parental Leave for activities related to the bonding, care, and well-being of their newborn or newly adopted child(ren). Domestic Partners as defined by the State Personnel Board rules are eligible for the Paid Parental Leave benefit when a new child joins the household via birth or adoption. PSFA will provide up to twelve (12) workweeks of paid Parental Leave for all eligible employees following the birth or adoption of a child. Paid Parental Leave shall be paid based upon the eligible Employee's base salary (excluding temporary increases of pay, such as temporary promotion increases, temporary recruitment differentials, temporary retention differentials, or temporary salary increases) determined by the employee's regularly scheduled work hours. If both parents or adoptive parents, including a Domestic Partner of a parent or adoptive parent, of a newborn or a newly adopted child are eligible Employees, each parent or partner is eligible to receive Paid Parental Leave under the terms of this policy.

Eligible employees must take Paid Parental Leave during the first six (6) months following the birth or adoption of a child. Any unused leave at the end of this 6-month period will be forfeited. Paid Parental Leave will have no cash value and will not result in a payout benefit. Paid Parental Leave may not be donated to another employee. Paid Parental Leave can be taken all at once or intermittently during this six-month period. Eligible employees may utilize up to twelve (12) workweeks per birth or adoption event. For purposes of this policy, an event is defined as a delivery or adoption of a child(ren). For example, if an eligible Employee has a delivery of multiple newborns or adopts multiple children at the same time, the employee would be eligible for up to twelve (12) workweeks of Paid Parental Leave for that event. An employee cannot receive short-term disability benefits and paid parental leave benefits at the same time. If an employee is eligible for short-term disability benefits after giving birth to a child, the employee should complete the short-term disability and then may take paid parental leave within the six-month period above.

If an official holiday occurs during the eligible Employee's Paid Parental Leave, the eligible Employee will receive holiday pay in lieu of paid leave, provided the Eligible Employee is in paid status the day before and the day after the official holiday.

Paid Parental Leave taken under this policy shall run concurrently with leave under the FMLA. This means that, for example, when Paid Parental Leave taken under this policy falls under the definition of circumstances qualifying for leave under the FMLA, the Paid Parental Leave will be counted against the employee's 12-week FMLA leave entitlement. Employees should refer to PSFA's Family and Medical Leave policy for further guidance and information on the FMLA. An employee shall be eligible for Paid Parental Leave even if the employee has otherwise exhausted their FMLA leave.

In all circumstances in which federal or State law provides for greater family and medical leave rights than this policy, PSFA will comply with those laws.

PROCEDURES

To apply for Paid Parental Leave, an eligible Employee shall:

- Notify and discuss with the employee's manager and HR verbally or in writing the employee's request for Paid Parental Leave at least thirty (30) days in advance of the birth or adoption of a child. When thirty (30) days' notice is not possible, the employee must provide this notice as soon as practicable.
- Complete the Request for Paid Parental Leave form and submit the form to HR and the employee's manager for review and approval. The form is available at the HR Office.
- Notify the employee's manager and HR verbally or in writing upon the birth or adoption of a child. This obligation is for any employee requesting Paid Parental Leave under this policy.
- Provide legal documentation of the birth or the adoption of a child to HR within thirty (30) days of the birth or the adoption or as soon as it is available. Situations where a legal document cannot be provided at the time of birth or adoption, or within the required timeframe or a reasonable time thereafter will be considered on a case-by-case basis. Examples of legal documents that will be considered are a report of birth, a birth certificate, adoptive placement agreement, or an adoption order. The legal documents provided shall at a minimum show the date of birth or date of adoption, the age of the child at the time of adoption when applicable, and the name of the parent(s).

HR shall:

- Communicate available leave options with the employee upon receipt of a request for Paid Parental Leave, including FMLA leave if the employee is eligible for such leave.
- Provide the requesting employee acknowledgement of the Request for Paid Parental Leave form and respond to the request once it has been reviewed by HR and the employee's manager.
- Keep the employee's manager apprised of any revisions in a Paid Parental Leave request.
- Keep completed and signed forms in the employee's personnel file.

Failure to comply with procedures listed in this section may result in delay or denial of an employee's request for Paid Parental Leave.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of PSFA to comply with all federal and State laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the PSFA policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

PROCEDURES

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, they will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

As required by law, PSFA will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to PSFA. Contact HR with any questions or requests for accommodation.

Individuals using illegal drugs are excluded from coverage under the PSFA ADA policy.

HR is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

DEFINITIONS

As used in this ADA policy, the following terms have the indicated meaning:

- **Disability:** A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.
- **Major life activities:** Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- **Major bodily functions:** Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- **Substantially limiting:** In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability under EEOC final ADAAA regulations.
- **Direct threat:** A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

- **Qualified individual:** An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Reasonable accommodation:** Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- **Undue hardship:** An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - The nature and cost of the accommodation.
 - The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
 - The overall financial resources of the employer; the size, number, type and location of facilities.
 - The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- **Essential functions of the job:** Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.

The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the PSFA ADA policy.

Workers' Compensation

PSFA employees are covered under the New Mexico Workers' Compensation laws. These laws provide payment for lost time due to disability and medical attention at State expense for a work-related injury or occupational illness.

WORK-RELATED INJURY

Work-Related Injury includes an illness, injury or occupational disease arising out of and in the course of an employee's employment with PSFA, and caused at least in part by such employment, and otherwise compensable under the Worker's Compensation Act. It is the policy of PSFA to comply with all provisions of the New Mexico Worker's Compensation Act, the Americans with Disabilities Act, and the Rehabilitation Act of 1973 and to ensure that all employees are aware that they are covered under the provisions of these Acts. If a conflict arises with the interpretation of the Worker's Compensation Policy and any provision of the federal laws, or with the New Mexico Worker's Compensation Act, federal and then State law will prevail.

MEDICAL BENEFITS, COMPENSATION RATE AND DISABILITY BENEFITS

An employee is entitled to timely medical benefits after an injury or illness, continuing for as long as medical or medical-related treatment is determined to be reasonable and necessary by the employee's, authorized treating health care provider. The amounts of such medical and related benefits are not limited to any specific monetary amount. The weekly compensation rate for disability as a result of an injury, illness or disease is determined pursuant to the New Mexico Worker's Compensation Act. Employees may make up for the portion of their pay not compensated by Worker's Compensation by using annual or sick leave. An employee cannot receive dual compensation, which exceeds 100% of his or her average weekly wage, as calculated by the Workers' Compensation Administration. For specifics on current Worker's Compensation rates, waiting period, medical and medical-related benefits, limitations on such benefits, and on selection and determination of health care providers, employees may contact HR, the State Personnel Office, the Worker's Compensation Bureau, or the Worker's Compensation Administration. The Worker's Compensation Bureau investigates all claims. Fraudulent claims will be reported to appropriate authorities. Employees who report a false claim and/or falsify required documents under this policy may be subject to disciplinary action up to and including dismissal.

PROCEDURE: REPORTING ACCIDENTS

Employees are responsible for reporting their accident/injury/illness for workers' compensation. Employees must notify their manager and HR about an accident or occupational disease by completing a Notice of Accident (NOA) form within 15 days after their accident or sooner if possible, whether or not medical care is needed. HR, as the workers' compensation administrator, will then complete the Employers' First Report of Accident form on-line with the Workers' Compensation Bureau. All forms are then uploaded to the PSFA's insurance carrier or third party administrator within seventy-two (72) hours from the managers and HR's first knowledge of the accident.

RETURNING TO WORK

Employees returning to work from a Workers' Compensation related accident shall:

1. Submit a written medical statement from the authorized treating physician to the workers' compensation administrator that they are physically able to return to perform the essential job functions of the original position; and
2. If physically unable to return to performance of the essential job functions of the original position, the employee shall submit a written medical statement from the treating physician for review by HR detailing what specific functions of the original position that they are physically able to perform and what they cannot. The Workers' Compensation Bureau has a form available "Doctor Visit/Modified Work Assignment" on their website (<https://www.generalservices.state.nm.us/uploads/FileLinks/14722b99ade249a0be048d9ed832fafa/ModifiedWorkAssignment.pdf>). Such written medical statement shall specify the employee's physical capacity in the terms outlined by §52-1-26.4, NMSA 1978. Within five(5) days of receiving this written notification, the employer shall advise the employee in writing of the availability of accommodating work and the start date on which the employee is expected to fill the accommodating position; and

3. If physically unable to perform even marginal job duties, the employee will submit a written medical statement from the authorized treating physician to HR, as the workers' compensation administrator, to that effect for review by their manager and HR, and
4. Present themselves for work within one (1) working day after being released to return to work by his or her treating physician, or being notified of accommodating work by their manager and/or HR.

Vacant positions resulting from a work-related injury, illness or disease shall not be filled except by temporary employment unless and until it is determined that the injured or ill employee will not return to work.

INVOLUNTARY OR VOLUNTARY SEPARATION

Employees who have suffered a work-related injury, illness or disease shall not be terminated unless:

1. Advance notice is given and provided to the Worker's Compensation Bureau and the employee.
2. There is documented medical diagnosis or evidence that the employee has reached maximum medical improvement or that the employee's impairment or condition is permanent and that the employee cannot perform the essential functions of the particular job.
3. A position may be permanently filled if there is a critical need and that need cannot be satisfied with temporary employment, and the PSFA has made a "good faith" effort to do so and conditions (1) and (2) of this paragraph have been satisfied.

For additional information:

Workers' Compensation Administration Office
2410 Centre Ave SE
P O Box 27198
Albuquerque NM 87125-7198
(505) 841-6000
Toll Free 1-800-255-7965
<http://www.workerscomp.state.nm.us/>

EDUCATIONAL / PROFESSIONAL DEVELOPMENT

The work performance of an employee is a vital key to the success of PSFA. Providing education and professional development, that is related to core duties, to our employees, is an investment in their careers and PSFA's future. Professional development can be obtained through attendance at conferences, seminars, educational courses, and degree programs that once completed will assist the employee in performing his or her essential job functions and increase the employee's contribution to PSFA. The Education/Professional Development benefit is subject to budget availability and is granted at the discretion of the Executive Director.

PROCEDURE

An employee shall request pre-approval by submitting a Training Request form to their manager and copy HR. A Training request form shall be completed by the employee and submitted to their manager explaining the purpose, benefit to PSFA and to the employee, the cost, and an itemization of all-educational/conference courses, seminar, or sessions employee anticipates attending. Upon approval by the manager, HR shall request budget approval from the Chief Financial Officer and shall submit all the above-required information to the Executive Director for final approval. The **Training Request form is not approved until it has received approval signatures from the Employee, Manager, HR, the Chief Financial Officer, and the Executive Director.**

DEFINITIONS:

- Educational Leave – employee has received advanced approval by their manager to pursue either a higher education degree with an accredited university or college that is related to the employee's position or to the employee's professional development plan.
- Professional Development Leave – employee has received advanced approval by their manager to pursue a certification and/or license, or pursuing a goal stated in their professional development plan that is directly related to their current position or to a career ladder professional development plan at PSFA.
- Advance Approval – All educational and/or professional development leave requests require the advance approval of the employee's manager, HR, CFO, and the Executive Director.

Educational or Professional Leave

Employees may be granted a total of four (4) hours of Educational or Professional leave each week to pursue professional development and/or educational leave upon prior approval. Leave variances can be made (up to 16 hours each month) provided the variance is approved in advance and it is beneficial to the PSFA. Time away from work must be arranged through the employee's manager and cannot adversely affect expected work performance or production by the employee. Leave will not take precedence over PSFA functions and the employee must maintain satisfactory performance and attendance to participate in this benefit.

Tuition Reimbursement

In some cases, an employee may be eligible for tuition reimbursement or paid time off to take courses. Upon the Executive Director's approval, the PSFA will cover the cost of up to three (3) credit hours per semester. Reimbursement shall not exceed nine (9) credit hours per calendar year. The Executive Director retains the discretion to approve payment for additional credit hours in special circumstances. PSFA will only reimburse the cost of courses taken with a passing grade of "C" or better (or Pass on a Pass/Fail grading metric.). Class must be associated to the work of the employee. Textbook purchases are the responsibility of the employee and are not covered by PSFA. The Executive Director may grant the employee up to four (4) paid hours away from work to attend classes and travel each week. Time away from work must be arranged through the manager and cannot adversely affect expected work performance or production by the employee. The Training and Development benefit is subject to budget availability and is granted at the discretion of the Executive Director.

PROCEDURE

An employee shall request approval by submitting a Training Request form to their manager. Training Request Forms can be found on PSFA Website under Administration > Human Resources. Upon the manager's approval, a signed training request form shall be submitted to HR to coordinate with the Chief Financial Officer (CFO) to ensure budget availability. The CFO will submit request to the Executive Director for final approval. Course tuition will be reimbursed at the end of the semester when an employee has provided a copy of a passing grade, proof of payment and a copy of the approved Training Request form to HR.

In-State or Out-of-State Travel Expenses Related to Education/Professional Development

Expenses eligible for payment by PSFA will be in accordance with the State Mileage and Per Diem Act. For any professional development training opportunities and any necessary educational requirements or certifications that are not deemed PSFA-business related, the employee will be responsible for travel and related expenses.

Professional Affiliations

Employees are encouraged to seek membership in professional organizations that are related to their PSFA work. Reimbursement of membership dues will be considered based on available budget and must be approved by the manager and the Executive Director. Employees shall submit a Training Request form when requesting reimbursement or payment for professional organization memberships and fees.

BENEFITS

PSFA employees are eligible to receive the State of New Mexico's competitive employee benefit package provided to State employees that includes Employer-paid medical insurance contributions, pension contributions, paid leave allowances for vacation days, sick days, and paid holidays. Additionally, PSFA employees may take advantage of a Section 457, Deferred Compensation Plan that allows for contributions to a tax-deferred savings program that can be used to supplement their retirement plan.

Each PSFA employee is required to meet with HR upon hire to complete the new hire orientation. This orientation gives in-depth details about employee benefits. Employees **are required to complete an online enrollment form within 31 days of your hire, regardless of whether or not you are participating in the NM State Benefits Plan.** For more information visit www.mybenefitsnm.com

ERISA Administrative Services, Inc. (EASI) is the State's Third Party Administrator. EASI provides benefits administration to all plan participants, and offers knowledgeable employees to answer questions.

Administrative Office:

Erisa Administrative Services, Inc.
Albuquerque: (505) 244-6000
Toll free: (855) 618-1800
Fax: (505) 244-6009
SONM@easitpa.com.

The State's General Services Department Risk Management Division, Employee Benefits Bureau (EBB), is responsible for the procurement and oversight of PSFA employee benefits - including Medical, Pharmacy, Dental, Vision, Short & Long Term Disability, and Life Insurance.

For eligible employees paid on a bi-weekly basis, medical, dental and vision insurance coverage will be effective on the first day of the third pay period following their date of employment. Pay periods begin on Saturday.

GROUP HEALTH CARE PLANS

The State of New Mexico offers a choice of several statewide voluntary health care plans to State employees, which is also available to PSFA employees. The cost of the program is subject to change from year to year.

DENTAL CARE PLANS

A statewide voluntary dental program is offered to PSFA employees. The cost of the program is subject to change from year to year.

Option: **Delta Dental**

VISION CARE PLANS

A statewide voluntary vision program is offered to employees. This provides vision care services including eyeglasses, contact lenses and eye examinations.

Option: **EyeMed Vision**

DISABILITY BENEFITS

The non-occupational Disability Plan is comprehensive coverage available to employees. The non-occupational Disability Plan is a comprehensive plan containing features such as Short-Term Disability (STD) and Long-Term Disability (LTD) programs with rehabilitation benefits built right into the plan.

The State of New Mexico Disability Policy is a self-insured plan, which was created to provide financial assistance to those that are unable to work for a period of time and lose income due to a sickness or injury (if not receiving Workers Compensation). This Disability Plan is not available to dependents. Participation in this Plan is voluntary. The premium is 100% paid by the employee after-tax.

The State of NM offers the following Disability programs to PSFA employees:

- Short Term Disability (STD)
- Long Term Disability (LTD)
- Maternity Leave

To be eligible for the Disability Benefit, an employee must:

- Be enrolled in the SoNM Disability Plan
- Have paid disability premiums for at least 12 consecutive months; and
- Have suffered a disabling, non-work related illness or injury which prevents the employee from working in any capacity

THE DISABILITY POLICY IS COMPRISED OF TWO BENEFITS:

- Short Term Disability (60% of weekly wages up to \$500/week, for a maximum of 24 weeks, after a 28 day waiting/elimination period. Once waiting/elimination period is completed, Short Term Disability benefits are paid weekly)
- Long Term Disability (2 years maximum or until approved for social security or retirement, 40% of wages up to \$2,000/month paid monthly via direct deposit, one month in arrears.)

Option: **Offered by State of New Mexico & administered by Erisa Administrative Services**

TERM LIFE INSURANCE

Option: **The Hartford -Employee Supplemental and Dependent Coverage.**

Retirement

Public Employees Retirement Association of New Mexico (PERA) is a defined benefit plan available to PSFA employees. Both the employee and PSFA contribute a certain percentage (the employee from their salary, PSFA from its funds) towards the employee's retirement. Benefits are paid when certain age and service credit eligibility requirements are met, regardless of the amount of member contributions paid into the plan. The employee's benefit will also increase if you are eligible for a Cost-of-Living Adjustment (COLA).

MEMBERSHIP REQUIRED: All PSFA employees are required to be members of PERA, except for those employees excluded by statute. Within thirty (30) days of hire, job change, or change to a part-time, seasonal or student employee, HR shall file with PERA an executed PERA membership application form or PERA exclusion from membership form on all employees.

Employees who are vested and wish to retire are required to notify the Executive Director and HR in writing at least three (3) months before the planned retirement date. PERA membership is a condition of employment, required for employees of the State and of affiliated public employers. Employees who anticipate that their term of employment will be less than nine months may elect to not contribute to the PERA retirement plan. However, after nine months of uninterrupted employment with the State or PSFA, employees are required to contribute to PERA at the rates set forth in the State statutes governing the retirement plan. The following changes are effective July 1, 2013:

- Employees are in TIER 1 if they are a current, active member employed by a PERA affiliate on or before June 30, 2013.
- Employees are in TIER 2 if they are first hired on or after July 1, 2013, refunded their employee contributions on or before June 30, 2013 or return to work for a PERA affiliate on or after July 1, 2013. Five or More Years of Service – Vested Membership

If an employee separates from employment with at least 5 years of service credit and leaves their accumulated member contributions on deposit with the Association, they are eligible to receive a deferred pension when they meet the age and service requirements for normal retirement.

Age and Service Credit Eligibility Requirements- Tier 1

- Any age with 25 or more years of service credit; or
- Age 60 or older with 20 or more years of service credit; or
- Age 61 or older with 17 or more years of service credit; or
- Age 62 or older with 14 or more years of service credit; or
- Age 63 or older with 11 or more years of service credit; or
- Age 64 or older with 8 or more years of service credit; or
- Age 65 with 5 or more years of service credit.

Age and Service Credit Eligibility Requirements- Tier 2

Rule of 85 (members must have eight or more years of service credit and age at time of retirement and years of service credit must equal 85); or Age 65 with 8 or more years of service credit. For more information, please refer to Member Handbook at www.pera.state.nm.us.

*Different plan benefits are applied to each tier.

*Beyond normal retirement requirements PERA also provides benefits for members who must leave service before retirement age because of a disability.

DEFERRED COMPENSATION PROGRAM

A voluntary Deferred Compensation program is offered to State of New Mexico employees and PSFA employees through a third party. Contact HR for the most current information or visit www.nmpera.org.

Option: **PERA (<https://www.nmpera.org/deferred-compensation/>)**

POP: PREMIUM ONLY PLAN

Option: **Offered by the State of New Mexico Benefits are deducted from pay as a pre-tax deduction**

EMPLOYEE ASSISTANCE PROGRAM

The State Employees' Assistance Program (EAP) is there to help employees live and work more productively by providing professional guidance in overcoming problems, especially when those problems may be affecting job performance. The State EAP provides confidential and professional services to both employees and their family members for a wide range of personal, medical, financial and job related problems. EAP is a free benefit offering support to employees and their family members, managers, HR and Benefits and Disability Managers. By using EAP, employees and their family members will receive an assessment including an organized approach to help resolve the problems as well as linking them with other professional resources. All PSFA employees and their dependents are automatically enrolled in the Employee Assistance Program (EAP). No enrollment is necessary. The Solutions Group EAP offers consultation with experienced, licensed behavioral health professionals, who are also experts in resolving workplace problems. For more information about wellness and EAP service call 505.254.3555 or email wellness@phs.org

Option: **Well-Beings Solutions**

FLEX SPENDING ACCOUNTS

If employees decide to set up a Flex Spending Account for health care, they may choose to contribute a set amount to their account each month through payroll deductions. This money is taken out of their pay before taxes and may be used for various out-of-pocket health expenses ranging from co-payments and prescription medicine to braces and contact lenses.

Option: **Offered by State of New Mexico & administered by Erisa Administrative Services**

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

When you lose coverage due to termination, death, divorce, or a dependent no longer being eligible, you may continue your health, dental, vision, and flex benefits through COBRA. You must notify your PSFA group representative within 60 days of loss of coverage for yourself or dependents to be eligible. Your coverage continues for 18 months (29 or 36 months in some cases) at 102% of the premium and you pay the full premium. Visit <http://www.cobrahealth.com/> for more information.

USE OF STATE VEHICLE AND COMMUTER POLICY

The use of a State vehicle for personal business is prohibited. Failure to obey State laws when operating or occupying a State vehicle, or failure to comply with established rules, may result in disciplinary action up to and including termination. Only authorized drivers shall operate a State vehicle and only for official PSFA business. Authorized drivers are responsible for the safekeeping and return of a State vehicle and its assigned equipment. All State vehicles are to be secured and legally parked near the department or worksite of the user to whom it is assigned. If a driver needs to attend an out-of-town meeting, the driver may take the vehicle home to facilitate an early departure, but no personal use of the vehicle is permitted.

PSFA recognizes that certain PSFA employees have unique needs with respect to State-owned vehicles. These employees are authorized to take a State issued vehicle to their domicile, as needed, to facilitate PSFA business responsibilities. Because of the nature of PSFA's business responsibilities to all 91 school districts, charter schools, and multiple PSFA offices throughout the State, employees who drive State-owned vehicles during the course of official business are not considered commuters, as they do not consistently travel post-of-duty to domicile on a daily basis. PSFA employees have been informed that they are to park their State vehicle at a worksite. In accordance with Chapter 15, Article 8 NMSA 1978, and TSD Rule, Section 1.5.3.20.B, "Authorization to Commute: Commuting is defined as the consistent use of a State vehicle from assigned post-of-duty to domicile and from domicile to assigned post-of-duty." When conducting official State business, PSFA shall reimburse employees for commercial or municipal parking fees when a receipt is provided. An employee who receives a traffic citation while in a State vehicle must report the citation to the manager; however, PSFA shall not pay or reimburse employees for parking tickets or other traffic violation fines while using a State or personal vehicle. Only authorized passengers may occupy a State vehicle.

THE GENERAL SERVICES DEPARTMENT TRANSPORTATION SERVICES DIVISION

The General Services Department Transportation Services Division Director may suspend or revoke the State vehicle operator privileges of any PSFA employee who permits a State vehicle to be driven by an unauthorized driver. Such PSFA employee may be held personally liable to the extent permitted by law for any liability, personal injury, and death or property damage arising out of the unauthorized use or occupancy of the State vehicle. If involved in an accident resulting in bodily injury or property damage, the authorized driver of a State vehicle or private vehicle (if on official State business) shall notify their manager immediately, and submit required accident, on-the-job injury (if appropriate), and official police accident reports. Nothing in this Policy shall be construed to prohibit the use or occupancy of a State vehicle to render emergency aid or assistance to any person or by private sector automobile mechanics or maintenance and repair personnel performing required maintenance or repairs.

Loss of Driver's License

The loss of a valid driver's license shall be reported by the employee to the manager when the employee knows or should have known of the revocation or suspension. An employee who fails to notify the manager prior to the performance of any task which requires possession of a valid license shall be subject to disciplinary action up to and including dismissal. If an employee's driver's license is suspended or revoked and is required as a condition of employment, a reasonable effort will be made to allow the

employee to work in a capacity which does not require the driver's license, provided such work is available.

Use of Personal Vehicle

All PSFA employees must successfully complete a 6-hour National Safety Council Defensive Driving Course prior to operating any State vehicle or privately owned vehicle for PSFA business. PSFA employees may obtain mileage reimbursement for use of private vehicle used for official PSFA business when a State vehicle is not immediately available, or upon approval by employee's manager and the Chief Financial Officer.

If a PSFA employee is involved in a vehicle accident using their personal vehicle while performing official PSFA business, the employee must file a claim with their personal insurance carrier before any determination of coverage can be made under the State's liability coverage. Neither the State nor PSFA carries insurance to cover loss or damage to the employee's personal vehicle or personal property inside a personal vehicle. In the event of an accident causing injury to an employee, worker's compensation will only be in effect if the employee is performing duties within the scope of their employment. While transacting PSFA business with use of a personal vehicle, employees are required to comply with all applicable laws. An employee cited for a violation of law is responsible for paying any applicable fine or complying with any sentence imposed by the court having jurisdiction over the offense. If involved in an accident resulting in bodily injury or property damage, the authorized driver of the private vehicle (if on official State business) shall notify their manager directly, not later than 24 hours after the accident, and submit a completed vehicle accident report and official police accident report.

Fuel Card

PSFA and authorized drivers are required to use the General Services Department issued fuel credit card for authorized purchases. If an authorized driver uses the fuel credit card to purchase an unauthorized item or service, PSFA shall collect such costs from the authorized driver. PSFA or the Transportation Services Division Director (TSD) may suspend or revoke the State vehicle operator privileges of an authorized driver for misuse of a fuel credit card. Further, appropriate disciplinary action may be taken by PSFA. All employees are required to comply with TSD's policies and procedures:

- A single fuel credit card shall be assigned to each vehicle using the State issued license plate number or a unique fixed asset number that is tied back to the vehicle that the card is assigned to.
- Credit card shall be kept with the assigned vehicle and not with the driver.
- Card is stored in the protective sleeve and out of direct sunlight or other heat sources.
- When purchasing items enter exact current mileage (no tenths).
- If a problem is encountered at the time of purchase, the driver should contact the PSFA's Fleet Coordinator for assistance.
- Lost, damaged, or stolen credit cards need to be reported to the PSFA Fleet Coordinator within one working day of the discovery. Card will be suspended and a new card ordered at that time.
- A personal identification number (PIN) shall be assigned to each authorized driver.
- Authorized drivers shall not share the PIN with anyone else or let someone else use the PIN.

The fuel credit card may be used for roadside service, or emergency service or repairs not to exceed \$250 per occurrence. Under no circumstance shall State fuel credit cards be used for personal vehicles, even if using a personal vehicle to conduct PSFA business. Misuse of State vehicle fuel credit cards will result in disciplinary action. Disciplinary actions include, but are not limited to, administrative, disciplinary, and may also include criminal action by the State PSFA, the director, or designee, up to and including termination.

Traffic Laws and Operator Conduct

- No PSFA employee shall operate a State vehicle while under the influence of intoxicating alcohol, controlled substances or illegal drugs.
- No PSFA employee shall transport intoxicating alcohol or illegal drugs of any type, whether in open or unopened containers.
- No PSFA employee shall operate a State vehicle when impaired by a legal drug that may render them incapable of operating a motor vehicle in a safe and responsible manner.
- No PSFA employee shall smoke or use smokeless tobacco products of any type in any State vehicle.
- No PSFA employee shall possess a weapon while operating a motor vehicle.
- No PSFA employee shall allow pets in a State vehicle.
- Authorized drivers shall only utilize a cell phone with a hands-free device while operating a State vehicle.
- At no time will the authorized driver be allowed to text or type on any other device(s) such as a smartphone and laptop computer while driving. At no time is reading from any electronic device or paper source permissible while operating a State vehicle.
- All drivers and occupants of State vehicles shall wear seat belts.
- Authorized drivers shall obey all applicable traffic laws while operating a State vehicle.
- Authorized drivers shall not engage in discourteous behavior or inappropriate conduct while operating a State vehicle.
- Authorized drivers shall not use State vehicles for inappropriate or illegal activities, including, personal use.
- Authorized drivers shall minimize distractions while operating State vehicles. These distractions include but are not limited to eating and playing with the radio/cd player.
- Authorized drivers shall operate State vehicles at or below posted speed limits.
- The driver shall be personally responsible for any costs (cost of ticket, late fees, court fees or administrative fees) associated with a citation or ticket.
- Authorized drivers involved in a traffic accident while operating a State vehicle that are found at fault are required to immediately register for a six-hour TSD approved instructor NSC/DDC certification class.

WAIVERS

PSFA may request permission from TSD to drive a State-owned vehicle prior to taking a Defensive Driving Course if the purpose of the travel is essential, and the employee is officially scheduled to take the Defensive Driving Course in the near future. PSFA must request permission from TSD at least five working days prior to the travel, to drive a State-owned vehicle out of State. PSFA must request permission from TSD, at least five working days prior to the travel, to transport non-PSFA and non-State employee(s) in a State-owned vehicle.

INFORMATION TECHNOLOGY (IT)

The purpose of this Information Technology (“IT”) policy and procedures is to establish guidelines for the use and management of IT equipment (workstations, servers, printers, etc.) by PSFA and for the implementation of a level of security which will provide for the protection of data and information technology resources from accidental or intentional unauthorized disclosure, modification, or destruction by persons within or outside the agency. The procedures listed in this document establish the methods PSFA will use to protect the confidentiality, integrity, availability, and reliability of all information technology resources used to support the needs of our clients and the mission of the agency.

This policy applies to all PSFA employees, to non-PSFA employees performing work on behalf of PSFA and to all IT resources whether owned, leased, or contracted by PSFA. PSFA’s IT Chief Information Officer (CIO) is responsible for implementing and monitoring the procedures described in this policy. The IT Department (ITD) may install software to monitor or enforce the policies and procedures described herein.

User Access

While the ITD desires to provide a reasonable level of freedom and privacy, users should be aware that all PSFA owned equipment, network infrastructure, and software applications are the property of PSFA and therefore are to be used for official use only. Also, all data residing on PSFA owned equipment is also the property PSFA and therefore, should be treated as such, and protected from unauthorized access.

Access to PSFA’s server and system resources by PSFA or outside sources will be determined by the CIO in coordination with department leadership. Existing State regulations position requirements will be taken into consideration in determining level of access. An electronic log will be kept listing those individuals that have access and a list of the authorizations they have been granted. Access audits will be performed by designated IT employees to ensure appropriate levels are assigned.

PASSWORD MANAGEMENT

The following policies apply regarding user accounts and passwords:

- Unless specifically indicated otherwise, passwords are established by each user, and should not be disclosed to anyone, including the user’s managers or the PSFA IT department. In the case of external systems, they are administrated by third-party system policies regarding accounts and password requirements.
- Passwords should not be written down, nor posted in an unsecure location (such as on a computer monitor).
- The PSFA IT department, depending on technology used, may set specific rules for the construction of passwords.
- Passwords should never be easy to guess by other employees members. Examples of easy-to-guess passwords: your user ID, the name of a pet or a family member, your date of birth, etc.
- The PSFA IT department may enforce additional rules for password conditions.

If it is suspected that a password has been compromised, the ITD will need to disable the account or change a user's passwords, suspending user access to the account(s). This enables the ITD to prevent the loss of any data from unauthorized access. In such cases, the user's manager and the user will be notified as soon as possible.

SOFTWARE INSTALLATION AND MANAGEMENT

It is PSFA's policy that the members of the ITD are the only persons authorized to install, update or remove software from a workstation, or server, to add or remove printers or, in general, to change workstation and server settings. On a case-by-case basis, other employees, or third party providers, may be authorized by the ITD to perform these tasks. Software is the property of PSFA and must either have been obtained from the public domain, or legally purchased or leased by PSFA. The ITD employees will periodically review software installed on agency workstations to ensure that all the software has been legally obtained. The ITD tracks software installed on every computer asset to ensure the number of licenses purchased or leased is not exceeded. Software that does not meet the above requirements may be deleted.

SAVING USER DATA TO SERVER

In cases where several users or a workgroup require common access to files, the ITD will create shared network folders for that purpose. User's Network Folders have been limited to 20GB each. Only important files that must not be lost should be saved to an employee's designated Network Folder.

SECURITY INCIDENT AND RESPONSE REPORTING

Security incidents, such as any suspected or real events that may adversely affect the security of PSFA information or the systems that process, store, or transmit that information will be tracked by ITD and will subsequently generate reports as requested by the Executive Director, CIO, or HR regardless of transmittal type.

PC SECURITY AND VIRUS/ADWARE PROTECTION

All servers and workstations have anti-virus and anti-malware software installed. IT employees periodically verify the virus-free status of each system. Daily virus scans are scheduled to run off hours, or at the time the workstation is turned on. All computers residing on the internal PSFA network, whether owned by the employee or PSFA, shall be continually executing approved virus-scanning software with a current, up-to-date virus database.

DATA STORAGE

Each computer user will be provided with a personal folder in one of the PSFA's servers to store all their files. Users will be advised to save their files only to their designated network drives. If several users need common access to specific files, the ITD employees will create special folders for that purpose and implement the corresponding access rights.

DATA BACKUP AND RESTORATION

Regular backup schedules are in place within the group drive storage device to ensure that backups occur at regular intervals and over a time span to provide ample opportunity for the ITD to recover a file, folder, or group of such. It should be noted that the ITD does require immediate notification in the event a file, folder, or collection of either is found to be missing, corrupt, or otherwise damaged. Waiting to inform the ITD decreases the probability of successful recovery.

It is PSFA's policy to protect the information contained in its servers by means of periodic backups. Backups are normally scheduled to run at the end of the day during non-working hours. Incremental and Differential backups will be overwritten at the end of the seven-day cycle. Full backups will be overwritten after four weeks. An electronic backup log will be maintained by the backup software. User's Network Folder is backed up daily and it is recommended that all-important work be saved here. Any work saved on the computer's hard drive is not backed up and liable to be lost in the event of a power failure or similar incident.

Specific information regarding backup restoration on an institution scale can be found in the ITD's Disaster Recovery Plan (DRP). These deal with catastrophic recovery needs that affect multiple departments or PSFA as a whole.

DATA BACKUP STORAGE

To guarantee that backups are not destroyed along with the server(s) in case of a natural disaster data will be stored in a cloud-based location determined by the CIO and the ITD. The CIO will also determine a method for data collection and retrieval.

TROUBLESHOOTING AND MAINTENANCE

The ITD performs periodic inspection of agency hardware with the purpose of detecting potential problems and to perform such tasks as scheduled maintenance and software updates. PSFA will attempt to perform routine maintenance on its equipment at least twice a year or as needed. Maintenance will include tasks such as system checkups, hard drive checks, deletion of temporary and Internet cache files, hard drive defragmentation and installation of software updates and patches. In addition, all agency servers, workstations and laptops or notebooks will be programmed to automatically upload and install critical updates and security patches. The schedule for such maintenance will be determined by the ITD. An electronic log will be kept of such maintenance. Whenever possible, ITD employees will try to perform maintenance tasks off regular hours in order not to interfere with regular equipment use. PSFA employees may be instructed to leave their workstations on in order to be remotely accessed by the IT employees when such maintenance is required.

E-mail and Internet Access

It is PSFA's policy that both Internet access from PSFA property and PSFA e-mail should be used exclusively for work-related purposes, and that neither can be used in a way that is offensive to an individual or a group of individuals. Therefore, the "acceptable use policy" will be delivered/ housed by

HR. In order to guarantee the above, both Internet access and the use of agency e-mail can be monitored by the IT employees.

Employees must use extreme caution when opening e-mail attachments received from unknown senders. If employees have any questions on a suspicious email that has been sent, they should contact the PSFA IT Department. Emails over 20MB will not be able to send or received over email and will need to be transmitted via the PSFA's FTP.

ACCEPTABLE USE

All employees will be assigned an electronic mail account, which will be used to receive and send e-mail, both interoffice and external. Employees will:

- Use the agency's e-mail program exclusively for sending agency mail.
- Be made aware that the agency may be liable for any e-mail originating from its email server.
- Be made aware that the agency reserves the right to monitor e-mail use by its employees.
- Employees will be made aware that PSFA may monitor Internet access at any time.

Internet Security

In order to provide maximum security all access in and out of the agency's intranet will be made through a single router performing network address translation (NAT) through a firewall. That provides for a single point of access and control. The router will be programmed to block all ports not required by PSFA's operations.

Information Technology Code of Conduct

"Information Technology Resources" (IT Resources) means computer hardware, software, databases, electronic message systems, communications equipment, computer networks, telecommunications circuits and any information used to support programs or operations generated by, transmitted within, or stored on any electronic media. IT Resource data may be subject to the New Mexico Inspection of Public Records Act.

USE OF PUBLIC SCHOOL FACILITIES AUTHORITY (PSFA) INFORMATION TECHNOLOGY RESOURCES

Employee's shall use PSFA IT Resources only to conduct agency business, except for occasional and incidental personal use, that shall not interfere with their duties, and are not inconsistent with the policies expressed in this Code of Conduct.

Electronic Instant Messaging (EIM) Systems are defined and differentiated from email as any information technology approved software-messaging system that enables PSFA employees to casually, or informally communicate with each other:

- Employees shall use EIM systems only in the normal course of conducting PSFA business;

- Employees shall not use EIM systems for purposes that violate any other section, or subsection of this Technology Code of Conduct;
- Employees shall not invite outside (external) parties to use, or otherwise participate in, PSFA EIM conversations;
- Participants in EIMS must possess an active and legitimate PSFA email address as assigned and controlled, by PSFA Department of Information Systems and Technologies (IST);
- Managers shall oversee appropriate use of IM channels created by direct reports, both public and private, and allow additional channels to be created only in cases where it is reasonable for the purposes of conducting business.
- Employees shall not intentionally violate any software licensure agreement entered into by PSFA or the State of New Mexico.
- Employees shall not access or attempt to access IT Resources for which they do not have authorization by means of user accounts, valid passwords, file permissions, or other legitimate access and authentication methods. "Access" means the ability to read, change, or enter data using a computer or an information system.
- Employees shall not use IT Resources to reveal information protected by State or federal privacy or confidentiality laws, regulations, rules, policies, procedures, or contract terms.
- Employees shall not have any expectation of privacy with respect to IT Resource usage.
- Employees shall not use IT Resources to download or distribute pirated software or data, including music or video files. "Pirated software" means licensable software for which a license has not been purchased or legally obtained.
- Employees shall not use IT Resources to knowingly propagate any type of code intended to damage, destroy, or delete a computer system, network, file or data.
- Employees shall not use IT Resources to knowingly disable or overload any computer system or network or to circumvent any system intended to protect the privacy or security of IT Resources.
- Employees shall not access, display, distribute, edit or record pornographic or offensive material using IT Resources except in order to fulfill legitimate job responsibilities and with the written permission of your manager. The unsolicited receipt of pornographic or offensive material, such as might be received through e-mail, shall not constitute a violation of this provision. "Pornographic or offensive materials" includes but is not limited to images, documents, or sounds that are:
 - discriminatory or harassing;
 - obviously defamatory or libelous;
 - obscene or pornographic ; and/or
 - threatening to an individual's physical or mental well-being.
 - Employees shall not use IT Resources to override or circumvent any security mechanisms belonging to PSFA or the State or to any other government agency, organization, company or individual. "Security mechanism" means a firewall, proxy, Internet address screening or filtering program, or other system installed to prevent the disruption or denial of services or the unauthorized use, damage, destruction, or modification of data and software.
- Employees shall not use IT Resources to knowingly visit websites that are likely to compromise network security.
- Employees shall not use IT Resources to encourage, aid, or engage in any illegal activity.

Consequences for Violating this Code of Conduct

This Code of Conduct governs the conduct of all PSFA employees. Any violation of this Code of Conduct may result in disciplinary action including but not limited to dismissal. In addition, violating some provisions of this Code of Conduct may result in civil enforcement actions and criminal penalties under the law.

EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT

I, _____ (print name) have received my copy of the Public School Facilities Authority (PSFA) Employee Handbook (Handbook). The Handbook describes important information about PSFA, and I understand that I should consult Human Resources regarding any questions not answered in the Handbook. The Handbook and the policies and procedures contained in it supersede any and all-prior practices, oral or written representations, or statements regarding the terms and conditions of your employment with PSFA. By distributing the Handbook, PSFA expressly revokes any and all previous policies and procedures, which are inconsistent with those contained herein. I understand that any and all policies and practices may be changed at any time by PSFA, and PSFA reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Executive Director of PSFA has the ability to adopt any revisions to the policies in the Handbook.

I understand and agree that nothing in the Handbook creates, or is intended to create, a promise or representation of continued employment. I also understand and agree that my employment with PSFA may be terminated by either PSFA or me at any time and for any reason. Furthermore, I acknowledge that the Handbook is neither a contract of employment nor a legal document. I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in the Handbook and any revisions made to it.

Signature

Date