

# Administrative Office of the Courts

## New Employee Orientation Class

Effective February 2015

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## Class Agenda / Training Modules

- **Training Module 1 - Structure of the Judiciary and Background on AOC**
- Training Module 2 - NM Judicial Branch Personnel Rules Part I & II and NM Judicial Branch Code of Conduct
- Training Module 3 - Loss Control, Fraud Reporting, Drug & Alcohol Prevention & Testing, & Computer and Internet use
- Training Module 4 - Harassment, Discrimination, and Retaliation Prevention
- Training Module 5 - Benefits Overview including PERA and Payroll

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## Orientation Packet/Checklist

- Information you will find in your orientation packet:

- General Forms
- Policies and Procedures
- PERA
- Benefits



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## NM Judicial Branch Acknowledgements

- Acknowledgement form for New Mexico Judicial Branch employees and At-Will employees Policies and Procedures including the Judicial Code of Conduct
- Acknowledgement form for Drug-Free and Alcohol-Free Work Place and Drug/Alcohol Testing Policy
- Acknowledgement form for Driving with Electronics Policy
- Acknowledgement form for Language Access Policy
- Acknowledgement form for Financial Fraud Policy
- Acknowledgement form for Harassment, Including Sexual Harassment, Discrimination and Retaliation Prevention Policy
- Acknowledgement form for Loss Prevention and Safety Training
- Acknowledgement form for Computer and Internet Use Policy

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## NM Judicial Branch Forms (complete within 3 days from start date)

- Personal Data Form
- I-9 Employment Eligibility Form
- W-4 Form
- Direct Deposit Authorization Form
- PERA Application and Beneficiary Designation Form
- New Hire Benefits Acknowledgment Form

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## Structure of NM Government



### ❖ 3 Branches

- Legislative
  - Senate
  - House of Representatives
- Judicial ~ Chief Justice
  - Supreme Court
  - Court of Appeals
  - District Court
  - Magistrate Court
- Executive ~ Governor
  - State Agencies

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## How State Government Works

- Legislative Branch ~ Passes Legislation
- Executive Branch ~ Implements
- Judicial Branch ~ Interprets



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## Legislative Branch

- House of Representatives
  - 70 members
  - Elected every 2 years
  - Speaker of the House
- Senate
  - 42 Senators
  - Elected every 4 years
  - President Pro-Tempore



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## Legislative Branch

- The legislature convenes in Santa Fe each year on the third Tuesday in January.
  - Sessions last for 60 days in odd number years
  - Sessions last for 30 days in even number years
- For additional information go to:  
<http://legis.state.nm.us/lcs/default.asp>

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## Judicial Branch

- Approximately 2000 employees including approximately 200 Judges
- Consists of 5 different court systems
- Presided over by:  
*Chief Justice Barbara J. Vigil*
- NM Courts Website:  
<http://www.nmcourts.com>



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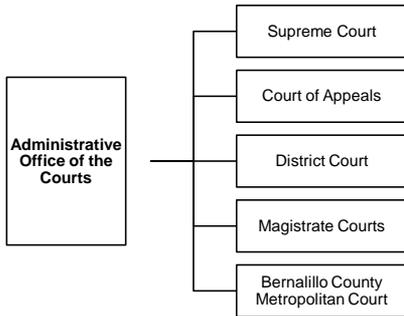
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## Judicial Branch Court Structure



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## Municipal Court and Probate Court (not a part of the judiciary)

- Municipal Courts are courts of limited jurisdiction and are city courts.
- Probate Courts are courts of limited jurisdiction and are county courts.

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## Supreme Court – 5 Justices



Left to Right: Sr. Justice Petra Jimenez Maes, Justice Edward L. Chavez, Chief Justice Barbara J. Vigil, Justice Charles W. Daniels, Justice Richard C. Bosson (retired), Appointed Justice Nakamura (not pictured)

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## Supreme Court

- The NM Supreme Court is the highest court of the Judicial Branch of State Government.
- The Court's duties include deciding cases, exercising supervisory control over all other courts, and regulating attorneys licensed to practice law in New Mexico.

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## Court of Appeals – 10 Judges



Top row: Judge M. Monica Zamora, Judge Linda M. Vazny, Judge Roderick T. Kennedy, Judge Timothy L. Garcia, Judge J. Miles Hainese  
Bottom row: Judge Jonathan B. Sutin, Judge James J. Wechsler, Chief Judge Michael E. Vigil, Judge Michael D. Bustamante, Judge Cynthia A. Fry

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## Court of Appeals



- This Court hears appeals on decisions made on cases and resides under the NM Supreme Court.
- The jurisdiction of the Court of Appeals covers the entire state of New Mexico.

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## 13 District Courts

- There are thirteen (13) District Courts in New Mexico and ninety-four (94) District Court Judges.
- District courts have general jurisdiction and hold jury trials. This court will hear the following types of cases:
  - Tort
  - Real property rights
  - Exclusive domestic relations
  - Miscellaneous civil jurisdiction
  - Appeals (admin agencies and magistrate appeals)
  - Mental health
  - Estate
  - Contract

Exclusive criminal appeals jurisdiction; Exclusive juvenile jurisdiction.

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## 54 Magistrate Courts

- There are fifty-four (54) Magistrate Courts in New Mexico and sixty-seven (67) Magistrate Judges.
- These are courts of limited jurisdiction and conduct jury trials. This court will hear the following types of cases:
  - Tort
  - Contract
  - Landlord / Tenant rights (\$0 to \$10,000)
  - Felony preliminary hearings
  - Misdemeanor
  - DWI / DUI and other traffic violations
- No juvenile jurisdiction
- No criminal appeals

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## Administrative Office of the Courts (AOC)

5. Collecting and providing information on and for the courts managing and accounting for the collection of revenue;
6. Ensuring sound financial, budgeting and procurement practices in the management of court resources;
7. Providing administrative support for the magistrate courts; and
8. Maintaining liaison with legislative and executive branches of state government.

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## Additional areas within the Judiciary:

- NM State Law Library
- Compilation Commission
- Judicial Standards Commission
- Supreme Court Building Commission

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## Administrative Authority

- What is an Administrative Authority?

Individual or designee with the primary responsibility to supervise and coordinate the administration of a Judicial Entity, or as designated by the Chief Judge and approved by the Supreme Court Order.



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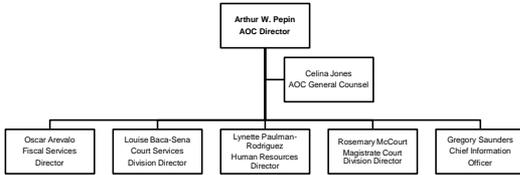
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## AOC Organizational Chart (Org Chart)



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## Chain of Command (Organizational Chart)



- There may come a time when you have questions and/or concerns regarding your employment.
- You should follow the chain of command and consult with your Supervisor to address those concerns, questions, issues, etc.
- If your Supervisor cannot answer your questions please work with your Human Resources Administrator.
- There are several layers of management who are responsible for addressing your concerns rather than going directly to senior management.
- Complaints of harassment, discrimination & retaliation **do not** need to follow the chain of command. HR is not in the chain of command.

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## Questions?



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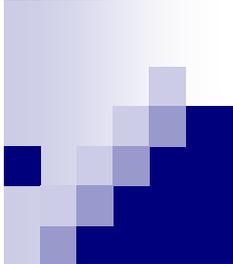
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**Administrative Office  
of the Courts**

**New Employee Orientation Class  
Training Module 2**

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**Class Agenda / Training Modules**

- Training Module 1 - Structure of the Judiciary and Background on AOC
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**Where to find the New Mexico Judicial Branch Personnel Rules (NMJBPR), Personnel Policies, including the Code of Conduct**

The Personnel Rules Part I and II; General Policies and the Code of Conduct can be found on the website at:

<http://inside.nmcourts.gov>

\*\*\*Visit our website to view all NM Judicial Branch Policies\*\*\*



Acknowledgement form 1.A

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What is the difference between the New Mexico Judicial Branch Personnel Rules (NMJBPR), Part I and Part II ?



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Part I – Rules apply to Classified or Term employees.

Part II – Rules apply to Temporary or at-will (appointed) employees.

Glossary of Terms is for both Part I & II



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### Rules vs. Policies

- Rules are the foundation upon which the policies are based.
- Policies are the “how to” of following the rules.



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## Code of Conduct

Adopted 2/9/2010



- The **Code of Conduct** is broken into **5 Canons** or principles governing employee conduct.
- The **Code of Conduct or Canons** provides uniform standards for all Judicial Employees to follow (other than Judges).
- Violations of the Code are to be enforced by each Court, and in the same manner as a NMJB Personnel Rules violation.

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## Code of Conduct – Canon 1

- **Independence & Integrity** - Judicial Employees are required to maintain high standards of conduct, integrity, honesty and truthfulness so that the independence of the Judicial Branch is preserved.



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## Code of Conduct- Canon 1

### Examples might include:

- Mishandling court documents for your family members; or
- Not informing your supervisor regarding a case your family member is involved in.



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## Code of Conduct – Canon 2

- **Impropriety or Appearance of** - Judicial Employees are required to avoid impropriety and the appearance of impropriety in all their activities.



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## Code of Conduct – Canon 2

Examples might include:

- Must be in compliance with law & maintain Public Confidence; or
- Shall not accept gifts & extra compensation. (exception: gifts of food); or
- Shall not abuse position by trying to use influence over others or secure special privileges; or



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## Code of Conduct – Canon 2

Examples might include:

- Shall use resources, property and funds in a judicious manner and in accordance with Statutes, Policies & Procedures; or
- Using position as influence to gain special privileges; or
- As an employee, keeping jury fees or witness fees.



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### Code of Conduct – Canon 3

Employees Shall Perform Duties Impartially & Diligently - Examples:

- Professionalism: Be respectful and courteous to employees, and the public.
- Impartiality: Be impartial, must not be influenced by personal relationships, such as family members and friends.
- Must not be influenced by prejudices and opinions.



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### Code of Conduct – Canon 3

Employees Shall Perform Duties Impartially & Diligently - Examples:

- Confidentiality: Do not disclose confidential information, or privileged information.
- Do not hide information that may be public record.



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### Code of Conduct – Canon 3

Examples might include:

- DO NOT GIVE LEGAL ADVICE.
- Maintain licensing & certifications.
- Do not remark on pending cases.
- DUTY TO REPORT: Employees must immediately report any violation or perceived violation by a Judge or Judicial Branch Employee.
- Employees must report any violation of the Code of Conduct / 5 Canons.

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## Code of Conduct – Canon 4

### Outside Activities & Conflict of Interest

- Avoid all activities that reflect negatively on the Judicial Branch.
- Including outside employment, non-compensated activities, volunteering activities, self-employment.
- Must receive approval from the Administrative Authority.

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## Outside Employment (form required)

- Before an employee may engage in outside employment (including self employment), compensated or non-compensated, the employee shall complete an Outside Employment Approval Form.

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## Outside Employment



- Approval may be withdrawn anytime at the discretion of the Administrative Authority.
- Once approval has been granted, the Administrative Authority may request the employee to provide an updated Outside Employment Form and may approve or disapprove the outside employment.



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## Code of Conduct – Canon 5

### Refraining from Inappropriate Political Activities

- Employees are encouraged to VOTE.
- No campaign literature, buttons or signs are allowed on court property.
- Political Activity must be on employees own time.
- May not use Judicial Branch equipment.



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## Political Activity & Code of Conduct Canon 5

- Within this rule you will find guidelines associated with permitted political activity, prohibited political activity and candidacy for a public office.
- The rule of thumb is to be cautious with what you do in the work place, for example: wearing buttons, using official authority or influence, using supplies, compelling others to participate in political activity.



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## Code of Conduct - Canon 5

### It's OK for...

- Judicial employees may be candidates for partisan & non-partisan elected office as set forth in NMJBPR;

### Judicial employees may also...

- Participate in judicial campaign activities, contribute funds, but only through a Judge's fund-raising committee.



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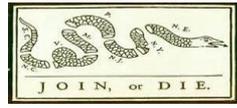
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## Code of Conduct - Canon 5

- Judicial Campaign Activity - Judicial employees **shall not** be required as a condition of employment or otherwise to participate in political activities or be required to contribute funds for any political purpose.



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## Professionalism ~ Dress Code

Speak to your direct supervisor regarding the dress code for your division or court.

- Employees are expected to dress appropriately for their position. Employees must wear clothes that fit appropriately and maintain good personal hygiene.
- The following are examples of inappropriate work attire.
  - Low or midriff tops
  - Jogging or exercise clothes
  - Shorts
  - Overly tight and/or loose



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## Compensation - Pay

No pay for hours not worked.

NOTE: Can't be paid more or less than the pay range assigned to the job classification.



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## Compensation

### Pay System - State Board or Commission Membership

- Employees may be paid for attending meetings or transacting business while serving on a board or commission.
- Requires Administrative Authority approval.
- May not affect the employees performance of duties.



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### Compensation-Overtime, Holiday, Shift Differential, Stand-by Pay

#### Overtime Pay

- An FLSA non-exempt employee receives compensation at time and one-half for hours worked over 40 hours in a work week.
- An FLSA exempt employee receives compensation at straight time for hours worked over 80 hours in a pay period.

\*Reminder – all FLSA non-exempt hours worked in excess of 40 hours in a work week may result in overtime, and REQUIRES PRIOR APPROVAL from supervisor and Administrative Authority.

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## Compensation

### Overtime Hours Worked

- Upon transfer to another judicial entity compensatory time may be paid out, or may be accepted by the receiving Judicial Entity, with the Administrative Authority's approval.
- Employees may not have a balance of more than 80-hours of compensatory time at the end of the calendar year, except with written approval from the Administrative Authority.



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## Compensation Holiday Pay

- Annually the Chief Justice announces the observed paid holiday schedule.
- Exempt and non-exempt employees who work on a designated observed holiday receive double-time and one-half compensation in either payment or compensatory time. Employees must receive prior approval before working on an observed holiday.



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## Leave Without Pay & Holiday Pay

An *employee* shall receive *holiday pay* on *observed holidays* that the *employee* does not work provided the *employee* was in a pay status, for no less than one hour, on the *employee's* last scheduled workday before the *holiday* and the *employee's* first scheduled workday after the *holiday*.



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## Compensation Certified Bilingual Pay

- An Administrative Authority may approve an increase of \$1.00 per hour in addition to base pay for a certified bilingual employee.
- Requires annual re-approval by the Administrative Authority.
- Must meet court needs, for example small court may not need several certified bilingual employees.
- Must meet Language Access Certification Program requirements.



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## Recruitment, Selection & Appointment Nepotism

You cannot supervise or have in your chain of command a family member, household member, or domestic partner.



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## Recruitment, Selection & Appointment Nepotism

- Code of Conduct – Also states it is NOT ok to advocate or recommend for employment any family member, household member or domestic partner.

\*Includes Contractors



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## Probation & Career Status within the Judiciary

- A probationary period of one year is required for an employee appointed or hired into a permanent or term position.
- Calculation of the probationary period shall include all continuous employment in a permanent or term position within the Judiciary.
- During the probationary period, the employee may be terminated without advance notice and shall have no rights to grieve the termination.

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### Probation

Any time worked as an At-Will or Temporary employee shall not be counted towards calculating the probationary period.



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### Leave & Holidays

To establish the procedure for accruing, accumulating and using leave.



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### Types of Leave

**POLICIES**

- Administrative
- Leave Without Pay
- Educational
- Family Medical
- Donated Leave
- Inclement Weather
- Annual
- Administrative
- Bereavement
- Military
- Personal
- Family Educational
- Physical Fitness
- Sick
- Voting
- Court
- Holidays



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## Administrative Leave

- Administrative leave may be granted by the Chief Justice.
- If Administrative leave is granted for a period of time rather than for a specific day, it must be pre-approved by the immediate supervisor prior to being taken.
- An Administrative Authority may not grant more administrative leave to supplement a holiday or administrative leave granted by the Chief Justice.



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## Administrative Leave

An Administrative Authority may grant up to 80 hours of administrative leave in a calendar year for an employee to participate in the Employee Assistance Program (EAP), counseling, or drug and alcohol rehab program.



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## Inclement Weather Policy

Administrative Leave may be granted when unsafe road conditions to or from the Court exist.

- When inclement weather exists in your area, you are instructed to tune in to your local news and/or radio stations for updates.
- Closure and/or delay may be independent or may follow your local school district- depends on your Court.
- The AOC does not follow the school announcements of delays or closures.



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## Inclement Weather Admin Leave

Who is eligible for Admin Leave granted for a court closure?

- The practice is employees who are on approved or planned leave including sick leave do not get the administrative closure leave. An employee who is on approved or planned leave including sick leave would not have been directly affected by the weather due to the fact they were already scheduled to be away from the court. Employees that were scheduled to work and were affected by the inclement weather attempting to travel to the court or home during the time frames of the designated court closure would be entitled to the administrative leave.

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## Inclement Weather Policy

Who is an Essential Employee?

- Essential Employees perform duties that ensure necessary services will be provided.
- Determined by the Administrative Authority in advance.



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## Inclement Weather & Essential Employees

- Essential employees may still be required to report to work.
- Essential employees are paid regular time and receive hour for hour administrative comp time for time worked as an essential employee. (code as: administrative leave & extra hours)
- Employees not designated as essential in advance will not be given administrative comp time for work during a closure or delay.



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## Voting Leave

- You may take up to two (2) hours voting leave for the purposes of voting.
- Does not apply when the employee's workday begins more than two (2) hours after polls open or ends more than three (3) hours prior to polls closing.
- Your supervisor may specify the hours.



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## Annual Leave

- A maximum of 240 hours of annual leave may be "carried over" each year.
- Annual leave SHALL transfer between judicial entities and MAY transfer between other branches of State Government (Executive, Legislative, Public Defender's Office, or District Attorney's Office).
- Upon separation annual leave balance is paid out up to 240 hours.



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## Accrual of Annual Leave

### Hours of Annual leave accrued

#### Per Pay Period:

- Day 1 - 3 years = 4.62
  - 3 - 7 years = 5.54
  - 7 - 14 years = 6.46
  - 14 + years = 7.39



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## Accrual of Annual Leave

**IMPORTANT**

Please inform AOC HRD if you have prior State service with the Executive or Legislative Branch, including the District Attorney's & Public Defender's Office as those years count as service credit in calculating your annual leave accrual.

**IMPORTANT**

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## Annual Leave



A leave request form must be submitted and approved by your supervisor in advance.

- Sick leave may not be taken in place of annual leave.
- But, annual leave may be taken in place of sick leave.



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## Flextime Schedule

- Flextime schedule must have prior approval by the supervisor and documented on appropriate Flex Schedule form.
- Employees must revert back to a regular work week of 5 days a week, 8 hours per day in the week a holiday falls.
- Part-time employees will receive holiday pay only if they are regularly scheduled to work that day.
- Part-time employees will be paid for the number of hours they would normally work on the day a holiday falls.

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## Flextime Schedule

- Must enter actual hours worked into SHARE, for example, if you work a Saturday instead of a Monday, you would code your time in SHARE as follows:
  - Saturday - 8 hours regular
  - Monday - 0 hours regular
- Serious problems occur when you do not accurately enter your time into SHARE, (Workers' Comp, audit exceptions, falsifying timesheets, etc.)

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## Just a note about FLEXTIME



Flex time is defined as any deviation from normal work hours & work days i.e., 8:00 a.m. to 5:00 p.m. with one hour for lunch - Monday through Friday.

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## Annual Leave Donations

- Employees are not eligible if on Workers' Compensation.
- Must have exhausted all available leave.
- Must be on approved FMLA.
- Must be out on leave more than 3 days.
- May be used intermittently.
- No more than 160 donated hours per request, limited to a total of 3 requests during a 12-month period.
- Only Annual Leave can be donated.
- Leave transfers on a dollar for dollar basis and, reverts back to donors when qualifying situation ends.

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## Paid Bereavement Leave (BRVLV)

- You may request up to 5 days of bereavement leave for the death of an *immediate family member* through your Supervisor. (see NMJBPR definitions)
- Employee must enter a comment on timesheet.



Revised: 3/14/2016

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## Court and Jury Duty Leave

There are 2 types of Court Leave:

- Witness Leave and Jury Duty Leave.
- Submit a copy of the summons to HR & your Supervisor.
- Employees may not accept Jury or Witness fees for normal working hours.
- May retain reimbursement for per diem.



Revised: 3/14/2016

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## Educational Leave (EDLVR)

- May be used by permanent, term, & at-will employees who have completed 1 year of employment.
- Have completed their probationary period.
- Leave is for credit classes taken for a grade from an accredited institution.
- Must be pre-approved before classes start.
- Only for classes and travel time - not studying.
- Maximum of up to 4 hours per week.
- Employee must enter a comment on timesheet.



Revised: 3/14/2016

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## Educational Leave (EDLVR)

- Temporary and probationary employees not eligible.
- Prorated for part-time employees. (example: 20 hr. = 2, 30 hr. = 3, 40 hr. = 4)
- Employees must complete the Education Leave Request form.



Revised: 3/14/2016

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## Family Educational Leave (ADMLV)

A full-time employee may be granted **up to 8 hours per** calendar year for an immediate family member's academic activities.

- Employee must request the leave in advance.
- Athletic events are not considered academic activities.
- Leave does not have to be taken in consecutive hours.
- Leave is not accrued leave and is forfeited upon separation.
- Leave is limited to the maximum 8 hours per calendar year regardless of the number of children or immediate family members of an employee.
- Employee must enter a comment on timesheet.

Revised: 3/14/2016

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## Family Medical Leave Act (FMLA)

- The FMLA allows "eligible" employees to take job-protected unpaid leave for a period of up to 12 workweeks in a 12 month period or 480 hours.
- The time will be paid leave to the extent of the employee's available annual, sick, personal, and accrued compensatory time.
- The state continues to pay its portion of benefits if leave is unpaid.



Revised: 3/14/2016

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## Family Medical Leave Act (FMLA)

### Employee eligibility:

- Must have worked for the State of NM for at least 12 months (need not be consecutive) in the past 7 years.
- Must have worked 1,250 hours during the 12-month period immediately preceding the start of leave.
- A part-time employee may be eligible on a pro-rated basis after meeting the above criteria. e.g., an employee working 30 hours a week is eligible for 360 FMLA hours, an employee working 25 hours a week is eligible for 300 FMLA hours.



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## Family Medical Leave Act (FMLA)

- Leave may be taken in one consecutive block of time **OR** on an intermittent basis.
- Upon return from FMLA, the employee is returned to his/her position or to one equal to it with equal pay & benefits.



Revised: 3/14/2016

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## Family Medical Leave Act (FMLA)

- The employee is responsible for maintaining the employee's portion of the insurance premiums to maintain coverage.
- The employee can maintain benefits through paid leave or provide payment to HR directly for insurance premiums on a bi-weekly basis.
- The employee's use of FMLA may not result in the loss of any employment benefit.



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## Family Medical Leave Act (FMLA) Qualifying Reasons

- Birth or placement of a child.
- To provide care for a sick child, spouse, domestic partner, parent, or loco parentis with a serious health condition.
- For an employee's own serious health condition.
- Qualifying exigency.
- Military Caregiver Leave.



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## Family Medical Leave Act (FMLA) Immediate Family Member



- **Immediate Family member:** a son or daughter who is biological, foster, adopted, stepchild, legal ward, or child for whom the employee has acted as a parent legally.
- **Biological Parents:** or anyone who acted as a parent when the employee was a child.
- **Spouse:** as defined under the laws of the State of NM.
- **Domestic Partner:** as defined under the laws of State of NM.

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## Family Medical Leave Act (FMLA) Foreseeable Leave

When the need to take FMLA is foreseeable, employees should provide a 30-day advance notice to the employer, and submit completed FMLA paperwork.



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### Family Medical Leave Act (FMLA) Unforeseeable Leave

- When the need to take FMLA is unforeseeable, employees must give employers as much notice as possible and practical.
- An employer may delay approval of FMLA coverage for the requested leave if the employee fails to provide a medical certification within 15 calendar days from receipt of the request for certification unless there are justifiable extenuating circumstances.



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### Family Medical Leave Act (FMLA) Request Forms

- FMLA Request Form must be completed by the employee.
- FMLA certification must be completed by the medical provider.
- All completed forms must be submitted to HR for determination.
- All forms available on the Judicial Branch website.



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### Family Medical Leave Act (FMLA) Request Forms

- HR will inform the employee & supervisor within the designated time if FMLA leave is approved or disapproved.
- Employee's time off of work due to FMLA will be tracked. Employee must code all FMLA time with the appropriate time reporting codes (TRCs) on their timesheet.



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## Military Family Medical Leave (FMLA)

- *Exigent Circumstances Leave*
- *Military Caregiver Leave*
- *Contact HR for more information or questions*



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## Family Medical Leave (FMLA) & Holidays

- If an observed paid holiday occurs in a week of paid FMLA, the holiday is counted towards the FMLA.
- Administrative leave granted for holidays is also counted if the holiday is counted.
- If an employee is using FMLA in increments of less than one week, the holiday does not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

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## FMLA

### Advantages & Requirements

Advantages	Requirements
The State must maintain it's portion of the employee's benefits (regardless if the employee is on LWOP).	Employer must notify the employee in writing (be specific & give dates) their WC leave will be counted as FMLA. (FMLA Policy Section 8. C.).
With a WC injury the employee must complete FMLA paperwork and the employer will designate leave as FMLA	<b>ALL</b> LWOP must have approval from Administrative Authority (ref. 5.12 & 19.12 and the Leave Policy)

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## Can FMLA hurt me in my employment?

- NO! FMLA is a federal law designed to benefit all eligible employees. FMLA protects your job.
- FMLA cannot be counted against your work record and your manager/supervisor cannot retaliate against you for taking FMLA.
- Employee returns to same or equivalent job upon return to work.
- May be required to submit doctors' release for own health issue.



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## Family Medical Leave (FMLA)

> Unpaid FMLA may affect your PERA and accrual of annual and sick leave. Leave is pro-rated when less than 40 hours a week is worked.



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## Leave Without Pay (LWOP)

**Must be approved before leave can be taken.**

- LWOP in excess of 30 days is not counted towards probationary period - except for Military Leave or FMLA.
- Employee is responsible for maintaining their benefits (both employee and state portion when not FMLA).
- Employee will not accrue annual or sick leave.
- LWOP may affect PERA service time.
- FMLA LWOP may affect PERA service time.
- Employee must request leave on the LWOP form.

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## UNAUTHORIZED LEAVE or Absence Without Leave (AWOL)

- An employee who is absent without leave from work is on unauthorized leave, and shall not be paid for that time.
- May face disciplinary action.
- Just Cause #27 – failing to report to duty w/o approved leave for 3 consecutive days (may be dismissed for just cause).



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## Military Leave

- Employees who are called to service shall be granted paid military leave in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA), and in accordance with New Mexico Statutes and Rules, including, but not limited to NMSA 1978, Sections 20-4-7, 20-5-14, & 20-7-5.



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## Military Leave

- Employees must provide papers being called to service.
- Employees must be a member of the National Guard, a State Defense Force, a reserve component of the uniformed services of the United States, the Civil Air Patrol or who volunteers for such service.



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## Military Leave

- An employee who is on military leave with pay shall have the same rights and benefits as any other employee who is on leave with pay.
- The court may be authorized to temporarily fill a vacancy, and the employee may return to work as provided by law.



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## Personal Leave

- After one (1) full year of employment within the Judiciary, an employee shall earn eight (8) hours of personal leave each calendar year. Part-time employees earn personal leave on a prorated basis.
- Personal leave must be taken in one consecutive block of time and must be used in the same calendar year in which it is earned or it is forfeited.
- Personal Leave will not be paid out upon separation.

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## Sick Leave

- A full-time employee accrues sick leave at the rate of 3.69 hours per pay period.
- Sick leave may be accrued without limit, and will roll over into the new calendar year.
- Employees will not accrue sick leave when taking leave without pay.

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## Use Of Sick Leave

- An employee's use of sick leave shall be limited to illness, injury, examination or treatment of the employee or care of the employee's domestic partner or *family member*.



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## Sick Leave

If using sick leave for an appointment or other situation known in advance, a leave request must be submitted and approved in advance by the supervisor.



Supervisors may request employees to furnish a physician's statement at any time when sick leave use is in question.

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## Use Of Sick Leave

### CALLING IN SICK

- When calling in sick, employees should speak to their direct supervisor or the next in their "Chain of Command" within one-half hour of the start of the workday.
- However, if impossible due to a critical situation, employees should call in as soon as possible.
- NMJB Personnel Policies require employees to request FMLA for qualifying sick leave absences of 3 days or more.



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## Use Of Sick Leave Sick Leave Upon Transfer

- The accumulated sick leave of an employee transferring within the Judicial Branch or from the Legislative or Executive branches, including the District Attorney's Office & Public Defender's Office shall be accepted by the judicial entity to which that employee is transferring, **provided there is no break in service.**

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## Excessive Absenteeism or Leave Abuse ~ might be...

- If you have a pattern of calling in or requesting sick leave on certain days of the week.
- If you have a pattern of calling in or requesting sick leave prior to or following scheduled days off, holidays, weekends and paydays.
- If you had a request for another type of leave that was denied and you still call in sick for the same period.
- If you continually use sick leave as quickly as you earn it.
- If you have one instance of absence without leave.
- If you request Leave Without Pay because your leave balances are exhausted.

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## Performance Planning and Evaluation

*To evaluate an employee's performance based on the employee's development plan.*



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## Performance Planning And Evaluation

- A new plan should be put in place within 30 days from your start date.
- Evaluations are done annually; probationary employees are done bi-annually.
- If an employee disagrees with an evaluation they have 10 days to write a rebuttal.



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## Records Management, Inspection & Retention Of Personnel File

- AOC HRD maintains the employee files for 55 years following an employee's separation.  
*Inspection of Public Records is governed by the New Mexico Public Records Act.*
- Employees can contact AOC HRD to make an appointment to view their personnel files.



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## Discipline

- To provide constructive, progressive steps toward solving an employee's performance and/or behavioral problems.
- While discipline is a necessary management tool, we need to strive to supervise, direct, train and mentor all staff to better performance levels.



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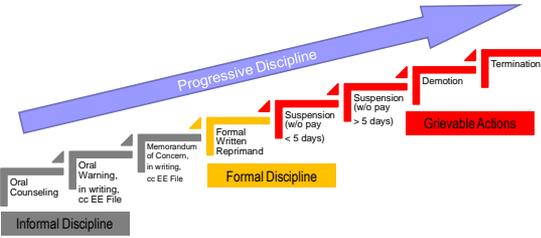
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# Progressive Discipline



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# Discipline

- At-Will Employees
  - ❖ An at-will employee who is disciplined under this policy has no grievance rights and may be dismissed at anytime for any reason.
  - ❖ This includes Probationary employees.
- Career Status Employees
  - ❖ An employee who has completed probation and is suspended, demoted or terminated may file a grievance in accordance with the NMJBPR.

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# Complaints

- Employees may file a complaint under Section 13 of the NMJBPR if they believe there has been a violation of the rules.
- Employees cannot file a complaint about a performance evaluation, any kind of disciplinary action, or a decision from the grievance board.
- Section 13 NMJBPR.



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## Mediation

### ■ What is Mediation?

- It is a chance for employees to talk and suggest ways to resolve issues/problems.
- Can be between co-workers or with supervisors.
- Takes place during work hours.
- It is confidential.
- It is fair and neutral.



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## Mediation

- Employees can request mediation with neutral professional mediators by contacting the AOC HRD.



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## Furlough & Layoff

*We hope we never have to furlough or layoff employees, but if so, the NMJBPRs will be followed.  
Section 14.0 NMJBPR.*

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### Americans With Disabilities Act (ADA)

- The purpose of the ADA is to eliminate discrimination against disabled individuals in housing, employment and public services.
- The ADA also requires an employer to make reasonable accommodations for the KNOWN physical and mental limitation of QUALIFIED individuals.




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### Americans With Disabilities Act (ADA)

If you believe you may need an accommodation contact your supervisor and HR.



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### Thank you!!!



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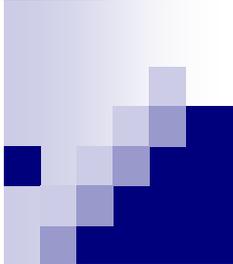
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**Administrative Office  
of the Courts**

**New Employee Orientation Class  
Training MODULE 3**

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### Class Agenda / Training Modules

- Training Module 1 - Structure of the Judiciary and Background on AOC
- Training Module 2 - NM Judicial Branch Personnel Rules Part I & II and NM Judicial Branch Code of Conduct
- **Training Module 3 - Loss Control, Fraud Reporting, Drug & Alcohol Prevention & Testing, & Computer and Internet use**
- Training Module 4 - Harassment, Discrimination, and Retaliation Prevention
- Training Module 5 - Benefits Overview including PERA and Payroll

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**Training Module 3**  
**Loss Control & Fraud Reporting**



Acknowledgement form 1.G

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### AOC Loss Prevention and Control Committee Initiatives

- Provide a safe and healthy workplace.
- Review losses and develop ways to reduce future losses.
- Implement strategies to reduce loss.
- Include losses to property damages, bodily injury, employment related civil rights violations, other types of potential or actual liability covered by Risk Management.

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### AOC Loss Prevention and Control Committee Initiatives

Prevention of Loss includes the use of:

- Self-Inspection Audits
  - Office Safety Inspection Checklists
- Job related injury or illness claims management  
Worker's Compensation Prevention training
- General Safety & FEMA Trainings

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### New Mexico Judiciary Financial Fraud Policy

Fraud Prevention & Reporting Policy Statement:

- The New Mexico Judiciary is committed to protecting its revenue, property, information and other assets from any attempt, by members of the public, contractors, sub-contractors, agents, intermediaries or its employees, to gain by deceit financial or other benefits.

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Acknowledgement form 1.E

## New Mexico Judiciary Financial Fraud Policy

### Fraud Prevention & Reporting

- Any suspected acts of fraud, misappropriation or similar will be fully investigated.
- An objective and impartial investigation will be conducted regardless of the employee's or individual's position, title, length of service, or relationship with the New Mexico Judiciary.

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## What is Fraud???

Fraudulent acts covered under the New Mexico Judicial Branch Policy & defined by applicable law include but are not limited to:

- ❖ Forgery or alteration of documents Includes: checks, time sheets, contractor agreements, purchase orders, financial documents, electronic files, e.g., anything filed with the court.

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## What is Fraud???

Fraudulent acts covered under the New Mexico Judicial Branch Policy & defined by applicable law include but are not limited to:

- ❖ Embezzlement or misappropriation of funds, supplies or any other asset.
- ❖ Irregularity in the handling or reporting of money transactions done with malicious intent.
- ❖ Misappropriation of furniture, fixtures and equipment.

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### What is Fraud???

Fraudulent acts covered under the New Mexico Judicial Branch Policy & defined by applicable law include but are not limited to:

- ❖ Seeking or accepting anything of material value from vendors, consultants or contractors doing business with any judicial entity.
- ❖ Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Judiciary owned software.

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### What is Fraud???

Fraudulent acts covered under the New Mexico Judicial Branch Policy & defined by applicable law including but are not limited to:

- ❖ Any claim for reimbursement of expenses that were not made for the exclusive benefit of the judicial entity.
- ❖ Any similar or related intentional irregularity.
- ❖ Unauthorized use or misuse of Judiciary property, equipment, materials or records.

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### If you suspect Fraud...

- Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred, shall immediately notify his/her immediate supervisor.
- If the employee has reason to believe that the employee's supervisor may be involved in the suspected fraud, the employee shall immediately notify the entity's Chief Financial Officer and the Administrative Authority of the entity.

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### If you suspect Fraud...

- The employee shall not discuss the matter with anyone other than his/her immediate supervisor, the judicial entity's CFO, and/or Administrative Authority, and the local law enforcement agency if necessary.
- Employees who knowingly make false allegations will be subject to disciplinary action up to and including termination.

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### Reporting Procedures

- ❖ A Justice, Judge, at-will employee, or an employee should submit a clear, concise and relevant written complaint within a reasonable time not to exceed 90 calendar days from the most recent alleged related incident of fraud.

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### Reporting Procedures

- ❖ A complaint against a Justice, Judge, Court Executive Officer, CFO, Chief Appellate Court Clerk, or AOC Director shall be submitted directly to the AOC CFO.

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### Additional Statistics

NM's total alcohol-related death rate has consistently been nearly twice the national rate for the past two decades.

The alcohol related death rate in NM has increased from 1990 through 2012.

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### What does the Drug & Alcohol Policy mean to you?

The New Mexico Judicial Branch is committed to protecting the safety, health and well being of **all** employees and other individuals in our workplaces.

Illegal drug use, abuse of prescription drugs and alcohol use impairs employee productivity.



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### What is the cost of Substance Abuse?



In the workplace, substance abusers increase the risk of accidents, lower productivity and morale, and compromises the safety of employees. They increase the risk of accidents.

Working at diminished capacity, these workers increase the workloads of others, compromise quality, and can tarnish the courts' reputation.

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## What are Consequences of Substance Abuse?



Compared to their non-abusing coworkers, substance abusers are:

- > Ten times more likely to miss work.
- > 3.6 times more likely to be involved in on-the-job accidents.
- > Five times more likely to file a worker's compensation claim.
- > 33% less productive.

Ref: American Council on Drug Education




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## Signs of Substance Abuse

**“Performance” indicators that may be associated:**

- ❖ Excessive absenteeism or tardiness.
- ❖ Lower productivity.
- ❖ Increased minor accidents or mistakes.
- ❖ Noted change in work quality




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## Signs of Substance Abuse

**“Physical” indicators that may be associated:**

- ❖ Poor coordination, tripping, bumping into things and other people.
- ❖ Unusual smells on breath, body or clothing.
- ❖ Frequent injuries or accidents.
- ❖ Frequent Hangover symptoms.



Not any one of these signs means and employee has a substance abuse problem. Management will consider performance and conduct problems coupled with any number of these signs to determine reasonable suspicion.

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## What Happens?



An employee who, while on duty, possesses drugs or any controlled substances *without a valid prescription* or as otherwise authorized by law, may be subject to disciplinary action up to and including termination and shall be reported to the local law enforcement agency.

\*Controlled Substances Act 1978, §§30-31-1 to 30-31-41



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## Drug & Alcohol Testing



The New Mexico Judicial Branch shall require employees to undergo drug and/or alcohol testing if the judicial entity has a reasonable suspicion that the employee is *impaired* to any degree by a *controlled substance* or alcohol.



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## What is Reasonable Suspicion?

- A belief based on specific facts and the logical inferences drawn from those facts.
- If there is a reasonable suspicion that any of the behaviors or circumstances mentioned have occurred, any employee may be tested.

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### Examples of Reasonable Suspicion that may result in a test:

- Impaired @ work = test
- Using or possession @ work = test
- Personal car @ work + accident = test
- State car ANY TIME + accident = test
- Return from treatment = test



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### Drinking & Lunch

What do you think:  
Does the policy allow for an employee to have a drink with their lunch?



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### Drinking & Lunch

**NO** The NMJBPR does not allow for an employee to consume alcohol during their lunch break.

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### Approval to Test

- All drug and/or alcohol testing shall be **first** approved by the Administrative Authority, to be coordinated by the Drug Testing Coordinator.



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### Refusal to Submit to Testing

Refusal to submit to a test will be deemed a **positive test** and the employee will be subject to disciplinary action.



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### Help is Available



**What can I do if I or someone I know has a drinking problem?**  
 Consult your personal health care provider if you feel you or someone you know has a drinking problem.  
 Resources include the **National Drug and Alcohol Treatment Referral Routing Service available at 1-800-662-HELP**. This service can provide you with information about treatment programs in your local community and allow you to speak with someone about alcohol problems.



33 Revised: 3/14/2016

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## Employee Assistance Program

The Employee Assistance Program (EAP) is available for all of our employees (& family members), it is easy, free and confidential.

\* Will be discussed more in Module 5



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## How EAP works.....

The employee calls **1-855-231-7737** anytime and they will be provided a list of local counseling professionals who specialize in substance abuse.

The employee selects the counselor of their choice; calls and schedules their own appointment.

\*Up to Six free, confidential counseling sessions per occurrence. If additional counseling sessions or treatment is required, the employee may utilize their own health insurance.



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## Questions?



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# Workers Compensation

NM Judicial Branch



Tamara Roybal  
Workers Compensation Contact  
505-827-4956

Administered by the General Services Department Risk Management Division  
Workers Compensation Bureau

37

6/8/2011

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## What is a workplace injury?

- When an employee is injured or made ill as a result of events or exposures associated with work or the work environment.



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## Examples Of Things That Are Usually Covered Include

- An employee's slipping and falling in the parking lot while coming or going from work.
- Employers DO NOT get to decide if an injury or illness is covered by Worker's Compensation.

# GET COVERED

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### Not covered by WC: **SORRY!**

- Contract employees (covered by THEIR employer).
- Volunteers (sign an agreement/release).
- Individuals employed by others who work in the courts (attorneys, Public Defenders, Sheriffs, etc.)
- The public or jurors (covered by property insurance).

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### What to do if an employee gets hurt at work:

It is OK to:

- Offer basic first aid.
- The employee may take a break.
- An employee may request to their supervisor & use sick leave to go home.



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Revised: 3/14/2016

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### If it is an emergency – Call 911

If it is NOT an emergency (but requires immediate treatment):  
Medical care first  then paperwork

- The employee chooses where they want to go and who they want to be treated by.
- The employee should be taken by ambulance or arrange transportation with either a friend or family member.
- Another court employee should not be responsible for taking the injured employee for treatment.
- An employee may be able to drive themselves for treatment.

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## Injuries at Work

**What to do if you have been injured at work.**

- Inform your supervisor immediately.
- The employee should complete a Notice of Accident form and submit to your Supervisor & AOC-HRD.
- The employee has 15 days from the date of injury to complete and submit the form (or their Workers' Compensation Claim may be denied).

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## Workers Compensation & Second Job

- Employee must inform AOC-HR of a second Job. (Outside Employment Form must be completed and approved by Admin Authority)
- Wages from a second job may also be claimed as lost wages on a valid WC Claim.
- Questions can be directed to AOC-HR.



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## Employee chooses their own doctor

- If an employee seeks medical treatment they can select any doctor they want to go to for treatment.
- Employee must inform medical provider that treatment is due to a workplace injury or illness.
- Employee must provide medical provider a WC claim number or their social security number.
- Questions can be directed to the Risk Management Division WC Bureau.



505-841-6000

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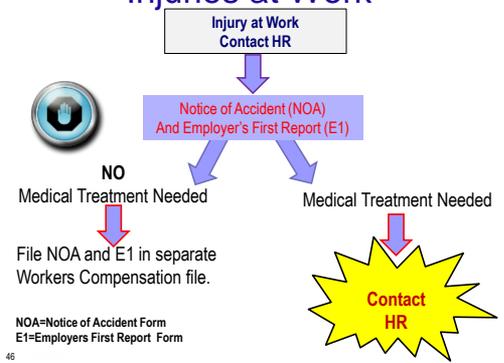
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### Injuries at Work



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### Workers' Compensation Forms

The forms required by WC to process a claim:

- The Employers First Report of Injury or Illness
- Authorization to Release Medical Information
- Benefits Explanation Form
- Claim Explanation Form



ALL of these forms are available on the Judicial Branch Website.

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### What to do with Completed WC Forms?

Once you have **ALL** the forms completed:

- Make a copy of all forms for your records.
- Make a copy of all forms for your supervisor.
- Send all forms to AOC-HRD and we will send all forms to WC.



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## An employee's time away from work

- If an employee seeks medical treatment the day of the accident (with the approval of the administrative authority) the employee may request sick or annual leave.
- The first 7 calendar days the employee MUST use their own time (sick, annual, comp or LWOP).
  - If the employee is out more than the 7 calendar days (as documented by their doctor), WC will begin paying the employee 66.66% of their regular wages. It is a separate check and no taxes, PERA or benefits will be deducted. Work with HR and your supervisor to code your time to maintain benefits.

49 Revised: 3/14/2016

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## An employee's time away from work

- If an employee is unable to work for 28 consecutive days, WC will reimburse the employee for the leave they used during the first 7 days of their injury.



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## Worker's Compensation (WC)

- An employee may not be terminated or disciplined for filing a legitimate Workers Compensation Claim.



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## Worker's Compensation (WC) & FMLA

The employees WC injury may be considered as a "serious health condition" for FMLA purposes.



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## Annual Leave Donations

- Per the NMJBPR & NMJBPAWE to be eligible for Annual Leave Donations the employee **cannot** be receiving Workers' Compensation Benefits.



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## Communication is KEY

In #6 of the Claim Explanation form the employee is required to provide prompt notification of "all doctor's appointments, diagnosis/prognosis, billings and/or changes in treatment."

Employee must keep supervisor and HR informed.



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**BEFORE** the employee returns to work they must provide their supervisor and HR a written doctor's release which clearly states any work restrictions.

- If the employee has any restrictions the doctor must clearly indicate those restrictions in writing (based on the job description).
- If no restrictions the employee will resume regular job duties.
- The court may or may not have work available that accommodates the employee's restrictions, if accommodations are not possible contact HR.



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**SAFETY FIRST**  
Avoid harmful UV rays

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## Use of State Vehicle

### Defensive Driving Training

- Prior to operating any state vehicle, an employee must complete a 6-hour National Safety Council certified Defensive Driving Course (DDC).
- After which, employees are required to attend a 4-hour refresher course every four years. It is the employees responsibility to ensure their defensive driving certificate is up to date.
- The class fee is paid by the Employer.
- **Upon obtaining a DDC certificate, e-mail Lydia Romero at 827-4840 for enrollment into the gas card purchase database.**
- Employees must provide AOC-HRD with a copy of their Defensive Driving Certificate for their file.

For a schedule of Defensive Driving Courses, visit: <http://www.state.nm.us/gsd/defensdriving.html>

Acknowledgement form 1.C

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### Use of Private Vehicles

- Must get prior approval before using your own vehicle in lieu of a state vehicle.
- Reimbursement for privately owned vehicle is \$.46 cents per mile.



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### Driving with Electronics

Applies to all Judicial Branch Employees

- New Mexico Judicial Branch restricts the use of all electronic devices to "Hands Free" operation while driving a motor vehicle.
- Cannot take a state vehicle out of the state without GSD & Fiscal Services Division's written permission.
- Violations of this policy may result in disciplinary action.



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### Driving with Electronics

Safe Driving Tips:

- Obey all traffic laws and drive vehicles safely and defensively at all times.
- Do not drink alcohol and drive.
- Do not speed.
- Avoid distractions.
- Don't drive drowsy.



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## Driving with Electronics

### Safe Driving Tips:

- Wear your seat belt at all times.
- Be extra careful in bad weather.
- Don't follow other vehicles too closely.
- Watch out for other drivers.
- Practice defensive driving.



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## Language Access Training Policy

The NM Judicial Branch is committed to ensuring access to justice for all NM residents.

We recognize that language access is a significant aspect of equal access to justice at all points of public contact with the judiciary, within and outside the courtroom and courthouse.

- All employees must view the Language Access Video (at-will employees, term, and temp employees).

Acknowledgement form 1.D

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## FEMA - What is it?

(Federal Emergency Management Agency)

- FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.
- Examples include: Active Shooter situations, Floods, Natural Disasters etc...



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### Active Shooter Awareness

Brought to us from FEMA

- AOC Loss Prevention and Control Committee provides training on Active Shooter responsiveness.



Acknowledgement form 1.G

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### Active Shooter Awareness

Active Shooter situations are unpredictable and evolve quickly.

Actions to take when confronted with an Active Shooter:

1. Evacuate
2. Hide
3. Take Action



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### Active Shooter Awareness

1. Evacuate

- Develop an Emergency Action Plan.
- Please refer to your specific building evacuation plan.



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## Active Shooter Awareness

### 2. Hide

- Be out of Active Shooters view.
- Lock and block door.
- Silence your cell phones.
- Remain quiet.



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## Active Shooter Awareness

### 3. Take Action

- This should be your last resort.
- Act aggressively, throw items, yell, commit to your actions.



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## Active Shooter Awareness

### When law enforcement arrives what should you do?



- Remain calm
- Follow instructions
- Put down any objects
- Raise hands
- Avoid yelling or screaming
- Proceed in the direction from which the officers are entering

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## Active Shooter Awareness



Link: <http://www.youtube.com/watch?v=5VcSwejU2D0>

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## Judicial Information Division (JID)

- The Judicial Information Division (JID) provides computer applications to support the business needs and priorities of the Judiciary. JID also provides technology support for the wide array of computer technology used by the Judiciary.



Acknowledgement form 1.H

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## How To Request JID Services

To request JID services, please submit a work order by email to: [helpdesk@nmcourts.gov](mailto:helpdesk@nmcourts.gov)

- Or you can call the help at 505-476-6911
- Option #1: Client Team
- Option #2: Applications Team
- Option #3: Video Arraignment Team
- Option #4: Systems Team

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## Computer Security - Spyware

### Malicious Software, aka Spyware

- Any technology that aids in gathering information about you or the Judiciary without your knowledge and consent.
- Programs that are installed on a computer to secretly gather information and relay it to advertisers or other interested parties.
- Spyware can be a result of installing a new program.

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## Computer Security - Spyware

### How to avoid Spyware

- Do not click on options in deceptive or suspicious pop-up windows or email messages.
- Do not install any software – Work with the Judicial Information Division to have software installed.
- Avoid accessing websites you are not familiar with.

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## Computer Security - Phishing

Phishing – An online scam whereby email are sent by criminals who seek to steal your identity, rob your bank account, or take over your computer.



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## Computer Security - Social Engineering



Example – You receive a call from someone who claims they are from JID. They ask you for your SHARE password to fix a problem that has been reported to them.

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## Computer Security - Social Engineering

### What You can do

- Never lose sight of the fact that successful social engineering attacks rely on you.
- If a received phone call is suspicious, request to return their call.
- Do not provide personal or confidential information to a caller until you are able to verify the caller's identity, and their association with their employer's company.
- Never provide a caller with anyone's password, including your own.
- Report any unrecognized person to your manager.

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## Computer and Internet Use Policy

### Judiciary-supplied Computer Hardware & Software



- You may not use judiciary equipment for non-judicial business purposes.
- This includes but is not limited to political or business-for-profit activities.
- The Judicial Information Division (JID) may perform audits on any judicial owned computer.

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### Computer and Internet Use Policy

#### Appropriate Email and Internet Usage



- Employees should use the Judiciary email system for official business only.
- May not be used for transmission, retrieval or storage of materials of a discriminatory or harassing nature, or materials that are pornographic, obscene defamatory, or otherwise abusive, or inappropriate.

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### Computer and Internet Use Policy



- No derogatory or inflammatory remarks about an individuals sex, race, age, disability, religion, national origin, physical attributes, or sexual preferences shall be transmitted using NM Judiciary resources.
- Internet access to sites that contain pornographic material IS PROHIBITED.
- No expectation of privacy, violations are subject to disciplinary action.

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### Computer and Internet Use Policy

- All internet downloads of commercial software application and/or copyrighted material copied from non-judiciary computers or networks must be approved in advanced of the download by the Judicial Information Division.
- Staff and Judges should be cautious about downloading materials that may contain invasive computer code (e.g. virus, worms, and trojans)

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# Questions?



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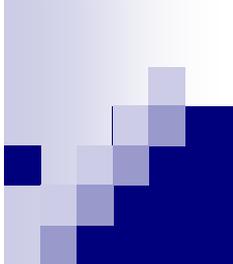
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**Administrative Office  
of the Courts**

**New Employee Orientation Class  
Training Module 4**

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### Class Agenda / Training Modules

- Training Module 1 - Structure of the Judiciary and Background on AOC
- Training Module 2 - NM Judicial Branch Personnel Rules Part I & II and NM Judicial Branch Code of Conduct
- Training Module 3 - Loss Control, Fraud Reporting, Drug & Alcohol Prevention & Testing, & Computer and Internet use
- **Training Module 4 - Harassment, Discrimination, and Retaliation Prevention**
- Training Module 5 - Benefits Overview including PERA and Payroll

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### Harassment, (including Sexual Harassment), Discrimination and Retaliation Policy

The purpose of this policy is to protect all employees from harassment (including sexual harassment), discrimination and retaliation and to establish procedures employees must follow if aware of or subject to harassment, discrimination or retaliation.



Acknowledgement form T.F

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### Judicial Branch Definitions

**Harassment** – is unwelcome behavior or conduct that substantially interferes with an individuals employment. Harassment may include, but not limited to, verbal or physical attacks, graphic or written statements, threats, or slurs. Whether the alleged conduct constitutes prohibited Harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question.



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### Judicial Branch Definitions

What are some things that might be considered as harassment that you have witnessed during your working career?

It is behaviour which is



- Unwelcome
- Unsolicited
- Repeated
- Offensive
- Intimidating
- Humiliating
- Threatening

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### Judicial Branch Definitions

**Discrimination:** “Any practice or behavior, whether intentional or not, which has a negative impact on an individual or group because of characteristics or circumstances unrelated to the persons abilities or the employment issue in question (e.g., disability, sex, age over 40, race, etc...).”



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### Judicial Branch Definitions

What discriminatory behavior have you witnessed during your working career that might be inappropriate?



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### Judicial Branch Definitions

Retaliation: "The act of attacking in return as in taking revenge, reciprocating, settling a score or getting even."



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### Judicial Branch Definitions

What retaliatory behavior have you witnessed during your working career that might be inappropriate?



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### Discrimination, Retaliation And Harassment

A. Discrimination or harassment based on race, religion, sex, age, national origin, ancestry, physical or mental handicap, serious medical condition, sexual orientation, gender identity, socioeconomic status, political affiliation or any other reason not related to work performance shall not be tolerated in the work place; nor shall retaliation against a person filing a complaint or report of such discrimination or harassment be tolerated.



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### Discrimination, Retaliation and Harassment

B. Discrimination, retaliation and harassment are unacceptable and are grounds for disciplinary action.



C. An employee who is aware of or who is the subject of discrimination, retaliation or harassment should report such behavior to the AOC HR Director.

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### Title VII of the Civil Rights Act of 1964

- Prohibits discrimination on the basis of race, ancestry, color, religion, sex or national origin.
- Prohibits discrimination in hiring, firing, promotions, wages, job assignments, fringe benefits and other terms and conditions of employment.



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## How to Prevent Sexual Harassment Issues

- ❖ Set a positive and professional image at all times. Be an example.
- ❖ Think about your words and actions.
- ❖ Treat all people with COURTESY, DIGNITY and RESPECT!



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## Remember



- ❖ Remarks or actions may not be intended to hurt anyone, **but someone else may feel differently.** Those remarks/actions could be considered harassment.
- ❖ If you are offended, don't hesitate to **make that clear to the harasser** and your supervisor or the AOC HR Director.
- ❖ Always think about how others may feel before you speak or act.

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Harassment Including Sexual Harassment  
 ALL New Employees View TWO Videos  
 Entitled: *Harassment Is... and He Said, She Said*

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Thank you! Questions?



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# Administrative Office of the Courts

## New Employee Orientation Class Training MODULE 5

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## Class Agenda / Training Modules

- Training Module 1 - Structure of the Judiciary and Background on AOC
- Training Module 2 - NM Judicial Branch Personnel Rules Part I & II and NM Judicial Branch Code of Conduct
- Training Module 3 - Loss Control, Fraud Reporting, Drug & Alcohol Prevention & Testing, & Computer and Internet use
- Training Module 4 - Harassment, Discrimination, and Retaliation Prevention
- **Training Module 5 - Benefits Overview including PERA and Payroll**

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## Handouts

- ❖ Health Plans Summary of Benefits
- ❖ State of NM Benefit Enrollment New Hire or Qualifying Event Enrollment Information
- ❖ Bi-Weekly Contribution Rate Sheet
- ❖ Deferred Compensation
- ❖ The Solutions Group FAQ Handout
- ❖ PERA Member Handbooks

Continued....

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## .....Handouts

- Premium Only Plan (POP)
- POP Waiver form
- Language Access Acknowledgement Form
- State Employees Calendar
- Judicial Branch Observed Holiday's Schedule
- IT Acknowledgement Form (being developed)

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## Insurances

### Who is Eligible for insurance?

Any employee hired to work at least 20 hours a week and whose term of employment when hired is for six or more months.

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## Insurances

### Who is Eligible to be insured?

- Employee
  - Lawful Spouse
  - Domestic Partner (must file affidavit)
  - Natural Children
  - Adopted Children
  - Stepchildren
  - Children of Domestic Partner
  - Children for whom the employee has court approved legal guardianship.
- Note: (Children can be covered up to age 26)

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## Benefits Available

(Judiciary pays a portion of the bi-weekly premiums)

- Health Insurance
- Dental Insurance
- Vision Insurance
- Basic Life Insurance – 100% paid by the State.
- Dependent Life
- Employee Assistance Program (EAP) – 100% paid by the State.

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## Benefits Available

(Employee pays 100% of premiums)

- Supplemental Term Life Insurance
- Short and Long Term Disability
- Flex Plans – Medical, Dependent Care, Transportation and Parking

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## State Group Insurances

- Employees must enroll **online** at [www.mybenefitsnm.com](http://www.mybenefitsnm.com) within 31 days of their date of hire.
- After enrolling, give AOC HRD a copy of your enrollment form so a copy may be placed in your personnel file.
- If employee is waiving benefits, they must complete the online process indicating they are waiving benefits.




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## ...State Group Insurances

- Employees will have the option to change their insurances when one of the following happens:
  - Qualifying Event (Change of Status)
  - The State has a full Open Enrollment (occurs approx. every 4-6 years)
  - Or the employee opts out of POP (premium only plan) at the beginning of the next plan year (January 1<sup>st</sup>)

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## Notify HR Immediately When the Following Change of Status Occurs:

- ...Change of marital status
- ...Satisfying requirements of Domestic Partnership
- ...Death of employee or covered dependent
- ...Birth of child, or court approved adoption or guardianship
- ...You, and/or your dependents lose coverage elsewhere (i.e. when a spouse changes or loses their job)
- ...A dependent child is no longer eligible (reaches age 26, obtains coverage elsewhere)
- ...A child becomes eligible when no longer covered under Medicaid.

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## POP

- POP is the State's PREMIUM ONLY PLAN.
- This is a pre-tax premium conversion plan that allows state employees to have their **health, dental, and vision insurance** premiums deducted from their gross pay **BEFORE** taxes.
- Reduces your taxable income and increases your take home pay.
- Premiums are paid in arrears.
- An employee will be automatically enrolled in POP unless a waiver form is received.

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## Medical Health Plans

### PRESBYTERIAN HEALTH PLAN (HMO)

- HMO Plan (no out-of-network option)
- Lower Premiums

### BLUE CROSS/BLUE SHIELD PLAN (HMO)

- HMO Plan (no out-of-network option)
- Lower Premiums

### BLUE CROSS/BLUE SHIELD PLAN (PPO)

- Preferred Provider Network and Non-Preferred
- Provider Options
- Mid-level Premiums

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## HMOs vs. PPOs

### HMO- Health Management Organization

- Costs/deductibles tend to be lower
- Often have no deductible and co-payments or are generally low upon doctor or hospital visit
- Out-of-pocket expenses are kept to minimum
- Restrictions- must see plan's "in-network" list of provider's to receive lower cost

### PPO- Preferred Provider Organizations

- Less restrictions
- Costs/deductibles tend to be higher
- Can see almost any doctor you choose
- Ability to see "in-network" list of provider's and save money, or see provider's that are "out-of-network" as your choice

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## Deductible vs. Co-pay

### ■ Deductible

- Annual amount the employee must pay before the plan begins paying on qualifying visits/procedures.

### ■ Co-Pay or

- **Co-Insurance**  
- The amount the employee is responsible for, often after deductible is met.

- Medical Plan year  
Jan 1<sup>st</sup> to Dec 31<sup>st</sup>

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**Co-pay Cost Comparisons**  
**Effective 1/1/15**

Service/Item	PRESBYTERIAN (HMO)	BCBS (HMO)
Deductible	\$325 / \$650 / \$975 Single/Couple / Family	\$325 / \$650 / \$975 Single/Couple / Family
PCP Office Visit	\$25	\$25
Specialist	\$40	\$40
Preventive/Wellness	\$0	\$0
Urgent Care	\$50	\$50
Hospital In Patient	\$500	\$500
Emergency Room	\$175	\$175

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**Co-pay Cost Comparisons**  
**Effective 1/1/15**

Service/Item	BCBS (PPO) Preferred Provider	BCBS (PPO) Non-Preferred Provider
	Deductible	\$500 / \$1000 / \$1500 Single/Couple/Family
PCP Office Visit	\$30	50% of Co-Insurance
Specialist	\$50	50% of Co-Insurance
Preventive/Wellness	\$0	50% of Co-Insurance
Urgent Care	\$50	\$50
Hospital In Patient	\$1000	50% of Co-Insurance
Emergency Room	\$175	\$175

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**Express Scripts**

- Is the prescription provider for all health plans.
- 3 ways to obtain your prescription:
  - Retail Pharmacy Network
  - Mail Order
  - Internet

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## Vision Services Plan



### In-network coverage

- Exams - \$10 co-pay
- Frame allowance - \$130 + 20% off out of pocket expense.
  - ✓ Cost controls on lens options
  - ✓ Polycarbonate lenses covered for kids (*up to age 19*)
- Contact Lens allowance - \$110 when contacts are chosen instead of glasses.
  - ✓ Value added discounts (*sunglasses, other options*)
  - ✓ Laser vision care discounts
  - ✓ Out of network coverage
  - ✓ 15% off contact lens exam

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## Vision Services Plan

### Out-of-network coverage

- Exam \$35
- Single Vision Lenses \$25
- Bifocal Lenses \$40
- Trifocal Lenses \$55
- Frame \$35
- Contact Lenses \$110

*\*Contact VSP Customer Service prior to out of network services.*

1-800-877-7195

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## Employee Assistance Program (EAP)

What is EAP?

EAP is a employer pre-paid confidential service that provides the following services to employees and their dependents:

- Short-term counseling;
- Prevention/education resources; and
- Crisis intervention

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## What is a Flexible Spending Account (FSA)?

- The FSA is a program that allows you to set aside money for eligible expenses prior to taxes being withheld.
- A minimum tax savings of 7.65% can be gained from Flexible Spending Accounts.
- You can use the account throughout the year to get reimbursed for eligible health care and dependent care expenses.

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## Health Care FSA

- Maximum payroll deduction of \$2550.00/yr.
- Reimbursement of approved medically necessary expenses via:
  - Benefits Debit Card.\*
  - Claim submission, with payment sent by check or direct deposit.

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## What can I use my Debit Card For? (FSA)

- You can use your debit card to pay for medically necessary expenses, this includes:
  - Out of pocket medical expenses such as co-pays, co-insurance, and deductibles.
  - Non cosmetic dental expenses
  - Medically necessary prescriptions
  - Vision care expenses




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## Where can I use my Benefits Card? (FSA)

- At a hospital or doctor's office\*
- At a dentist office\*
- At your vision care provider\*
- At any chain pharmacy or grocery store for prescriptions

\*Any charge that is not a standard State of New Mexico co-pay will trigger a request for you to submit documentation to CompuSys/Erisa.




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## What can't I use my card for? (FSA)

- Expenses incurred at merchants that are not health care providers.
- Expenses that aren't medically necessary.
- Expenses for services that have yet to be incurred.
- Expenses incurred prior to your eligibility in the plan.
- Expenses from a prior plan year incurred after the Grace Period.

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## Dependent Care Benefit Account (FSA)

- Minimum annual payroll deduction \$130.00
- Maximum annual payroll deduction of \$5000.00 per family.
- The purpose of Dependent Care is to allow an employee and their spouse to work, or look for work.




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## Eligible Dependent Care Expenses (FSA)

Eligible Expenses include:

- Before/After School Care
- Daycare
- Summer Camp
- Late pick-up fees
- Registration fees\*
- Application fees\*

\*These fees aren't reimbursable until care has been provided.




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## Ineligible Dependent Care Expenses (FSA)

- Ineligible Expenses include:
  - Expenses for a non Qualifying Individual.
  - Expenses that are incurred that aren't related to the employee being gainfully employed.
  - Expenses paid to a Participant's Spouse, or a child who is over the age of 19.
  - Kindergarten/Educational Expenses
  - Overnight Camps
  - Instructional or sport specific camps; e.g. ballet, soccer, etc.
  - Extra fees for incidentals
  - Late payment fees
  - Expenses for services that have yet to be incurred.

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## Transportation Reimbursement Program (FSA)



- The Transportation Reimbursement Program offers a way for employees to pay for commuting costs utilizing pre-tax dollars.
- Eligible expenses for transit include expenses associated with using any public or privately operated transit service.
- May enroll at any time.

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## Transportation Benefits (FSA)

Qualified Transportation benefits include:

- Mass-transit/Van-Pooling
  - Transit may be a publicly or privately operated vehicle that seats at least 6 adults.
  - Maximum election of \$130 a month.
- Qualified parking is parking at or near your place of employment.
  - Maximum election of \$255 a month.

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## FSA - How to submit a Claim?

- When submitting a claim to CompuSys/Erisa, make sure to include the appropriate supporting documentation.
- Claims may be submitted via:
  - USPS mail
  - Email to [nmflex@cserisa.com](mailto:nmflex@cserisa.com)
  - Online at [nmflex.com](http://nmflex.com)
  - Fax

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## FSA - Questions

- If you have any additional questions, please contact CompuSys/Erisa at 1-800-933-7472.
- You may also email us at [nmflex@cserisa.com](mailto:nmflex@cserisa.com).
- Business Hours from 7:00 am to 4:00 pm Mountain Time.

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**Disability Insurance – OPTIONAL**

(Employee pays 100% of the cost)

■ **Short Term Disability:**

- 28 day waiting period (no benefits paid out during this time).
- 60% of weekly earnings to max of \$500 for weeks 1-21.
- No pre-existing conditions.
- Must participate for one year prior to begin receiving benefits.
- Employee can not receive more than 100% of his/her pre-disability earnings with sick, annual, etc and disability benefit combined.

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**Disability Insurance – OPTIONAL**

(Employee pays 100% of the cost)

■ **Long Term Disability:**

- LTD begins once STD has ended as long as the employee is still disabled.
- 40% of monthly wages to a maximum of \$2,000.
- Must apply for SSDI, PERA and appeal all denials.
- Your LTD will be reduced by deductible sources of income.
- 2 year maximum benefit.

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**Basic Employee Term Life Insurance**  
**Minnesota Life** (A Securian Company)  
 100% paid for by the State

- Basic Term Life \$50,000
- AD&D Basic \$50,000
- This coverage ends when your employment ends unless you convert it into a personal policy.




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## Basic Dependent Life Insurance Minnesota Life (A Securian Company)



**SECURIAN®**

### ■ Dependent Life

- \$10,000 increments of coverage for Spouse and Domestic Partner up to \$500,000.00.
- \$5,000/\$10,000/\$15,000 coverage for Children
- Website:  
<https://www.mybenefitsnm.com/TermLife.htm>

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## Supplemental Life Insurance Minnesota Life (A Securian Company)

- Additional Life coverage amount is the choice of increments of \$10,000 up to \$500,000.00.
- Evidence of Insurability (EOI) is required for amount of coverage in excess of \$150,000.
- Complete the Medical History Statement Form to receive EOI.

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## Instructions

### (How to Enroll in Benefits)

- Forms and Benefit Plan information can be found at [www.mybenefitsnm.com](http://www.mybenefitsnm.com)
- For questions please contact ERISA Services, Inc. at 505-244-6000.
- If you are adding dependents such as spouse, domestic partner, or children, you must fax Proof of Dependency to ERISA at 505-244-6009.

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## Instructions (How to Enroll in Benefits)

- Forms of Proof of Dependency include: marriage certificate, affidavit of domestic partnership, and birth certificates.
- Premium rates can be found at [www.mybenefitsnm.com](http://www.mybenefitsnm.com) (also in your orientation packet)
- To enroll visit [www.mybenefitsnm.com](http://www.mybenefitsnm.com) to complete online enrollment form.

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## INSURANCE CONTACTS

Presbyterian	1-888-275-7737	<a href="http://www.phs.org">www.phs.org</a>
Blue Cross/BS	1-877-994-2583	<a href="http://www.bcbsnm.com">www.bcbsnm.com</a>
Express Scripts	1-800-743-1720	<a href="http://www.Express-Scripts.com">www.Express-Scripts.com</a>
Delta Dental	1-877-395-9420	<a href="http://www.deltadentalnm.com">www.deltadentalnm.com</a>
Vision Service Plan	1-800-877-7195	<a href="http://www.vsp.com">www.vsp.com</a>
Flexible Spending	1-800-933-7472	<a href="http://www.nmflex.com">www.nmflex.com</a> (CompuSys/Erisa Group)
EAP	1-866-327-2400	<a href="http://www.solutionsbiz.com">www.solutionsbiz.com</a>
Disability (CompuSys/Erisa Group)	1-800-933-7472	<a href="http://www.mybenefitsnm.com/Disability">www.mybenefitsnm.com/Disability</a>
EE Benefits Bureau	1-877-301-8041	<a href="http://www.generalservices.state.nm.us/riskmanagement/">www.generalservices.state.nm.us/riskmanagement/</a>
Minnesota Life Ins.	1-888-609-9763	<a href="https://www.mybenefitsnm.com/TermLife.htm">https://www.mybenefitsnm.com/TermLife.htm</a>

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- 457B plan through Nationwide.
- Pretax deferrals (similar to a 401-K plan but without the employer match).
- Lowers your taxable income while saving for retirement.
- If interested call Nationwide @ 1-866-827-6639 to set up an appointment for a nationwide rep to meet with you.

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## Public Employees Retirement Association (PERA) – State Plan 3

- PERA is a mandatory condition of employment and is a benefit plan to pay retirement benefits when certain eligibility requirements (a combination of age and service credits) are met.
- Retirement
  - State contributes 16.99% of gross salary.
  - Employee contributes 8.92% of gross salary and is fully vested in their portion immediately.
- Retiree Health Care
  - State contributes 2% of gross salary.
  - Employee contributes 1% of gross salary



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## PERA

### Tier 1 – Members hired prior to 7/1/10 can retire:

- After 25 yrs regardless of age at 75% of your 3 highest years of service.
- After 26 years & 8 months employees receive 80% of their 3 highest years of service.
- Fully vested in retirement plan after 5 years.

General members who were hired on or after 7/1/10 and were originally employed in plans are now members of Tier 1.

Effective 7/1/13, new legislation established 2 benefit tiers under each PERA coverage plan, Tier 1 & Tier 2. You are in Tier 1 if hired for the first time on or before 6/30/13; had member contributions on account as of 6/30/13 or were retired as of 6/30/13.

See PERA website for additional information:  
<http://www.pera.state.nm.us>

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## PERA

### Tier 2 – Members hired after 7/1/10 can retire:

- At any age and have 30 or more years of earned service credit.
- Rule of 85 – members must have 8 or more years of service credit and age at time of retirement and years of service credit must equal 85; or
- At age 65 with 8 or more years of service credit.
- Fully vested in retirement plan after 8 years.

General members who were hired on or after 7/1/10 and were originally employed in plans are now members of Tier 1.

Effective 7/1/13, new legislation established 2 benefit tiers under each PERA coverage plan, Tier 1 & Tier 2. You are in Tier 1 if hired for the first time on or before 6/30/13; had member contributions on account as of 6/30/13 or were retired as of 6/30/13.

See PERA website for additional information:  
<http://www.pera.state.nm.us>

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## PERA Tiers

- Effective July 1, 2013, new legislation established two benefit tiers under each PERA coverage plan.
- **TIER 1**  
Individuals that are hired for the first time on or before June 30, 2013; or had member contributions on account as of June 30, 2013; or retired as of June 30, 2013.
- **TIER 2**  
Individuals who are hired for the first time on or after July 1, 2013; or refunded employee contributions on or before June 30, 2013, and returned to work for a PERA affiliate on or after July 1, 2013.

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## PERA Part-time Employees

- Effective July 1, 2014, part-time employees must work 32 hours or more per week totaling 64 hours or more in an 80 hour pay period to earn one full month of service credit.
- Employees who work between 20 and 32 hours per week, in an 80 hour pay period will earn one month for every two calendar months worked.

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## Payroll

- All employees are responsible to ensure that their timesheets are coded correctly and that all time is entered on a weekly basis.
- New employees will receive access to their time sheet through Oracle – PeopleSoft Enterprise.
- The SHARE team will send you and your HR Administrator your user I.D. and your first time password.

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## Mandatory Paycheck Deductions Effective 01/01/14

Quarterly Worker's Compensation Tax - \$2.00

Deduction	Employee Share	State Share
FICA (social security) <small>2008 Cap - \$102,000</small>	6.20%	6.20%
Medicare	1.45%	1.45%
PERA	8.92%	16.99%
Retiree Health Care - PERA	1%	2%

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## Payroll Deductions

- It is the employee's responsibility to ensure and verify the correct deductions and insurance premiums are withdrawn from their pay check.
- If there is an error please contact HRD immediately!
- Your first insurance deductions will be taken out of your paycheck on \_\_\_\_.

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## DISCLAIMER

### Disclosure Statement:

The information contained within this New Employee Orientation presentation is subject to change without notice and while it is intended to be as accurate as possible it is also by nature - strictly an overview and cannot possibly address all circumstances.

Please refer to NMJB and the AOC Policies and procedures; PERA policies; General Services Department website; and any applicable state and federal laws.

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## Human Resources Division

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## THANK YOU!

FOR MORE INFORMATION

- Please contact your AOC HR Administrator
- Check the websites available
- Call the insurance carriers toll free numbers

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Lets now complete your forms!



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