



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-030500 Military Leave Policy	Issued: 6/18/86 Effective: 7/02/86	Reviewed: 4/24/26 Revised: 09/11/23
Alisha Tafoya Lucero, Cabinet Secretary		Original Signed and Kept on File

AUTHORITY:

- A. NMSA 1978, Sections 20-4-6, 20-4-7, 20-7-5 and 28-15-1 to -3 as amended.
- B. Policy *CD-010100*.
- C. 38 U.S.C. Sections 4301 - 4312.
- D. NMAC 1.7.7.16 Military Leave
- E. NMAC 1.7.10.11 Re employment after Military Service

REFERENCE:

- A. State Personnel Board Rule 1.7.7.16 NMAC.

PURPOSE:

Establish guidelines for the proper administration of military leave for Corrections Department employees.

APPLICABILITY:

New Mexico Corrections Department employees.

DEFINITIONS:

- A. Active Duty Training (ADT): Training attended by National Guard or Armed Forces Reserve members for annual training (AT), attending school, counterpart training or other special training activities.
- B. Employee: An incumbent occupying a Corrections Department position. Temporary and emergency status employees are not entitled to military leave.
- C. Federal Fiscal Year: The fiscal year begins October 1st and ends September 30th.
- D. Inactive Duty Training (IDT): This type of training includes "drill periods" for National Guard and Reserve Units. Such training is usually scheduled for a specified weekend each month, does not require an official set of military orders, and is subject to change.

POLICY:

- A. The Department will make the necessary accommodation required to allow Department employees to fully participate in both active and inactive duty military training and Civil Air Patrol Search and Rescue Missions.
- B. Military leave will be granted for active-duty training time and inactive duty time, and the employee will be paid at the normal salary level for up to 15 working days (120 hours) per federal fiscal year.

- C. An additional 15 days (120 hours) of Military Leave per federal fiscal year may be granted to members of the National Guard under extraordinary circumstances when authorized by the Governor of the State of New Mexico. All requests for this type of leave shall be requested through the New Mexico Corrections Department. Under no circumstances shall an employee request this type of leave directly from the Governor.
- D. Employees on inactive duty training will not be allowed military leave for such training, but they may use either regular compensatory time, annual leave or leave without pay.
- E. New Mexico Corrections Department employees will not be required to make up time that was granted for military duty training or Civil Air Patrol Rescue Missions.
- F. Employees who will be participating in routine military duty training or Civil Air Patrol Missions must inform supervisory personnel at least five (5) working days prior to the actual leave.
- H. All periods of active-duty training shall be supported by providing a copy of the official Military or Civil Air Patrol orders with the request for military leave. A copy of the official orders shall be maintained in the employee's personnel file.
- I. All periods of active duty in excess of the usual 15 working days, or 30 working days under unusual circumstances authorized by the Governor, shall be entered in the human resource system placing the employee on Military Leave Without Pay (LWOP), not to exceed five (5) years, unless the employee requests, and is granted, another type of approved leave.
- J. All periods of active duty in excess of five (5) years of continuous military leave will require a separation for military service. However, incumbents who separate from state service to enter the United States Armed Forces, National Guard or an organized Reserve Unit may be re-employed according to the provisions of 38 U.S.C. Sections 4301 - 4312 and NMSA 1978, Sections 28-15-1 through -3.
- K. Employees on military leave with pay shall accrue annual and sick leave.



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AUTHORITY:

Policy *CD-030500*

PROCEDURES:

A. Active Duty Training:

1. Under normal circumstances, the employee shall submit an application for leave to their immediate supervisor or the Roster Management Office (for custody employees) at least ten (10) working days prior to the date of leave. The type of leave requested shall be "military." The application for leave must be accompanied by a copy of the official military orders or Civil Air Patrol Mission authorization.
2. Under emergency or mobilization when an employee is given short notice, the employee shall submit an application for leave to their supervisor or Roster Management (for custody employees) immediately upon notification. The type of leave requested shall be "military." The employee will submit a copy of orders as soon as they are received.
3. The application for leave and a copy of the military orders or Civil Air Patrol Mission authorization shall be sent to the appropriate Human Resource Administrator or Roster Management (for custody employees). The applicant shall retain the original orders/authorization.

B. Inactive Duty Training (IDT):

1. Employees are required to submit a copy of their unit's annual IDT Schedule to their supervisor or Roster Management (for custody employees) on an annual basis.
2. The employees shall submit an application for leave to their immediate supervisor or Roster Management (for custody employees) at least five (5) working days prior to the date of leave. The type of leave requested may be annual, regular comp time or leave without pay. The Comments Section should reflect "Military IDT."
3. The employee shall be placed on the appropriate type of leave.