Subject: Alternate Work Schedules Program		Policy Number: ADM: 14
Revision Number: 04	Effective Date: 11/17/2025	Original Issue Date: 10/02/1999

1) PURPOSE

a) The purpose of this policy is to define the alternate work schedule program and the guidelines and rules under which it will operate.

2) POLICY

a) It is the policy of the Department of Public Safety (DPS) to allow alternate work schedules where there are tangible benefits to the agency or state and transparent service delivery to the citizens of New Mexico. Alternate work schedules are entirely voluntary and not an employee right. The employee, supervisor or manager may terminate alternate work schedules with or without cause. Termination by the Department is a non-grievable issue. All applicable Department policies shall be adhered to by the employee as if working in the usual and customary work schedule.

3) APPLICABILITY

a) This policy is applicable to all non-commissioned employees of the DPS. Classified permanent and term employees become eligible once they have completed the applicable probationary period.
Nothing in this policy is intended to supersede or override any terms or conditions of the Collective Bargaining Agreement.

4) REFERENCES

a) Executive Order 2008-028
b) New Mexico State Personnel Board Rules

5) DEFINITIONS

a) **Agency** – Department of Public Safety
b) **Alternate Work Schedule Coordinator(s)** – Person(s) designated by the Department who is responsible for the day-to-day coordination and management of the Alternate Work Schedule Program. The coordinator(s) will oversee the Alternate Work Schedule Program including compliance

with policies, procedures, and guidelines and will report the results of the Alternate Work Schedule Program in the Department to the State Personnel Office, Human Resource Manager assigned to the Department.

c) **Compressed Work Schedule** – A compressed work schedule in which the classified, FLSA non-exempt employee works 40 hours in a period less than the standard five (5) day work week.

d) **Eligible Employee** – An employee, in an eligible position, who has been identified by the employee's supervisor as satisfactorily meeting performance standards, terms, and conditions of employment of their position.

e) **Flex Time Schedule** – A work schedule which allows a classified, FLSA non-exempt employee to deviate from the standard work hours by establishing an alternate work schedule that begins or ends at different times, but no more than one hour prior to or after the regular scheduled day.

f) **Standard Work Week** – For full-time employees, the standard work week is forty hours per week. The normal work schedule for the bi-weekly payroll begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Friday. The normal daily work schedule is five days per week, eight hours per day plus the meal period. The nature of services performed by an employee determines different work schedules. Traditional core business hours are 8:00 a.m. to 5:00 p.m.

6) OPERATIONAL PROCEDURES

a) **Eligibility Criteria**

i) Eligible Position Criteria - All non-commissioned employees are eligible to work alternate work schedules.

ii) Eligible Employee Criteria – Before an employee may be considered to be eligible to work an alternate work schedule, he/she must meet the following criteria:

(1) Satisfactorily meet performance standards, terms and conditions of employment for their position.

(2) Satisfactorily completed probationary period.

(3) Satisfactory attendance and timeliness.

(4) Must have accrued at least 40 hours of annual leave at the time a request is made to participate in a compressed work schedule.

(5) No disciplinary actions pending or on file for one year from the time a request for alternate work schedule is made.

iii) Each request for an alternate work schedule will be considered in relation to the Department's operating and customer needs. Certain positions may not be eligible for an alternate work schedule due to specific and legitimate operational needs, program needs or the job duties assigned to the position.

b) **Procedure for Requesting a Flex Time Work Schedule**

i) The eligible employee shall complete the Alternate Work Schedule Agreement and submit through his/her appropriate chain of command to the cabinet secretary.

ii) Management at any level of the approval process may deny the request if it deems inappropriate for the employee or position. If denied, the denying supervisor will indicate the reason for denial on the form and will return to the employee for filing purposes.

iii) Once the cabinet secretary approves the request, the agreement shall be returned to the employee who will file a copy with his/her district/section/bureau/division commander/chief as well as forwarding a copy to the Alternate Work Schedule Coordinator(s).

iv) In extenuating circumstances, the cabinet secretary, at his/her discretion, may grant an employee an exception to this policy if the supervisor recommends an exception, the quality and quantity of the employee's work does not decline, and if the exception will not cause a disruption to the productivity and workflow of the Department.

v) All flex time schedules must begin and end no more than one hour prior to or after the regular scheduled day.

vi) Examples of flex time schedules:

7:00 AM	to	4:00 PM
7:30 AM	To	4:30 PM
8:30 AM	To	5:30 PM
9:00 AM	To	6:00 PM

c) **Procedure for Requesting a Compressed Time Work Schedule**

i) The eligible employee shall complete the Alternate Work Schedule Agreement and submit through his/her appropriate chain of command to the cabinet secretary.

ii) Management at any level of the approval process may deny the request if it deems inappropriate for the employee or position. If denied, the denying supervisor will indicate the reason for denial on the form and will return to the employee for filing purposes.

iii) Once the cabinet secretary approves the request, the agreement shall be returned to the employee who will file a copy with his/her district/section/bureau/division commander/chief as well as forwarding a copy to the Alternate Work Schedule Coordinator(s).

iv) In extenuating circumstances, the cabinet secretary, at his/her discretion, may grant an employee an exception to this policy if the supervisor recommends an exception, the quality and quantity of the employee's work does not decline, and if the exception will not cause a disruption to the productivity and workflow of the Department.

v) Examples of compressed time schedules:

7:00 AM Mon, Tues, Wed, Thurs; (four 10-hour days with one-hour meal break)	to	6:00 PM Mon, Tues, Wed, Thurs; (four 10-hour days with one-hour meal break)
7:00 AM Tues, Wed, Thurs, Fri; (four 10-hour days with one-hour meal break)	to	6:00 PM Tues, Wed, Thurs, Fri; (four 10-hour days with one-hour meal break)
8:30 AM Mon, Tues, Wed, Thurs; (four 10-hour days with one-hour meal break)	to	7:00 PM Mon, Tues, Wed, Thurs; (four 10-hour days with one-hour meal break)

d) **Renewal / Amendment of Alternate Work Schedule Agreement**

i) The Alternate Work Schedule Agreement must be renewed under the following conditions, including but not limited to:

(1) The Alternate Work Schedule Agreement must be discussed and renewed at least annually preferably in conjunction with the employee's evaluation;

(2) Whenever there is a change in duties performed by the employee;

(3) Whenever the employee changes positions;

(4) Whenever the demands of the Department change;

(5) Whenever the approving supervisor changes positions; or
(6) Whenever there is a change to the initial or subsequent Alternate Work Schedule Agreement.
(7) If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time he/she is not working.

ii) Any amendment to the Alternate Work Schedule Agreement must be documented on a revised Alternate Work Schedule Agreement Form and submitted through the chain of command to the cabinet secretary for approval. The amendment documentation will be stored in the same manner as the initial agreement.

e) **Termination of Alternate Work Schedule**

i) The Department may require the employee to return to the standard work schedule any time the specific and operational needs of the Department require it or for other work-related reasons.
ii) The Department may temporarily require the employee to revert to the standard work schedule or to a special work schedule in order to accommodate training and attendance at conferences or other special events.
iii) The Department may require an employee who receives a less than satisfactory or needs improvement performance evaluation to return to a standard work schedule if the supervisor giving the rating believes the rating is impacted by the alternate work schedule.
iv) The Department may require an employee who is subjected to disciplinary action to return to a standard work schedule.
v) The employee has the right to return to the standard work schedule by notifying his/her supervisor with reasonable advance notice.
vi) In accordance with State Personnel Board Rule Subsection G of 1.7.4.14 NMAC Overtime, the Department shall not change the workweek to avoid payment of overtime. A change to the scheduled work hours within the workweek shall not be considered a change to the workweek.

f) **Leave**

i) Annual and sick leave shall accrue according to State Personnel Board Rule 1.7.7.8 NMAC and 1.7.7.10 NMAC.

ii) Leave usage will be charged based on the approved work schedule, e.g. employee working four 10-hour days will use 10 hours of sick/annual leave in order to have a full day off.

iii) Full-time employees, whose normal work schedule does not include the day observed as a holiday, shall be entitled to time off equal to the employee's normal workday. When an authorized holiday falls on an employee's regularly scheduled workday and the employee is not required to work, the employee shall be paid at their hourly rate of pay for the number of hours they would have normally worked.

iv) Compensatory time will still be governed by other applicable rules and regulations such as FLSA and/or other Department leave-related policies.

g) **Alternate Work Schedule Training and Reporting**

i) All alternate work schedule training shall be conducted/coordinated by the Department's Alternate Work Schedule Program Coordinator(s) in conjunction with the State Personnel Office.

ii) Supervisors should request any Alternate Work Schedule Program training through their chain of command to the Alternate Work Schedule Program Coordinator(s).

iii) Reporting of the Alternate Work Schedule Program will be the responsibility of the Alternate Work Schedule Program Coordinator(s) as outlined by the State Personnel Office.

7) ATTACHMENTS

a) **Alternate Work Schedule Agreement**

8) APPROVAL

APPROVED BY: _____ **DATE:** 11/17/25

DPS Cabinet Secretary