

# Administrative Office of the Courts

Supreme Court of New Mexico



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## INTERPRETATIVE MEMORANDUM 2024-004

**DATE:** November 20, 2024  
**TO:** Administrative Authorities, NMJB Employees  
**FROM:** Karl W. Reifsteck, AOC Director  
**RE:** **Awarding of Administrative Leave including Administrative Compensatory Time leave**

X. *[Signature]* 11/20/24  
Date  
 Approved  
 Not Approved

This memorandum shall serve to interpret the application of the New Mexico Judicial Branch Personnel Rule (NMJBPR) 5.03, Administrative Leave, which states:

### 5.03 ADMINISTRATIVE LEAVE

(Ref: Leave Policy, and Inclement Weather Policy)

- A. The Chief Justice may authorize *administrative leave* with pay for any period.
- B. **An Administrative Authority may authorize an employee administrative leave with pay:**
  - (1) **For a period not to exceed ten (10) business days per calendar year when it is in the best interest of the Judicial Branch to do so, and**
  - (2) **For a period not to exceed twenty-five (25) business days for disciplinary purposes as per NMJBPR Section 9.06.**
- C. The *administrative leave* that is granted by the Chief Justice without a specific day and time, such as for fairs and fiestas, must be pre-approved by the *employee's* immediate supervisor prior to being taken. (Added 08/01/10)
- D. **An Administrative Authority may not authorize administrative leave to supplement holiday leave, or administrative leave granted by the Chief Justice. (Added 08/01/10)**
- E. An *Administrative Authority* may grant up to eighty (80) hours of *administrative leave* in a calendar year for an *employee* to participate in an *employee* assistance program, counseling, or drug or *alcohol* rehabilitation program. (Added 08/01/10)
- F. The *Director* may authorize *administrative compensatory time*, and *administrative compensatory time buy-back* to *employees* whose *Administrative Authority* provides justification of his or her extraordinary efforts which have had a statewide or judicial-wide positive impact. (Added 07/01/14)

[Emphasis added]

- All leave administrative leave shall be awarded in the best interest of the judiciary, and consistent with sound fiscal management of taxpayer funding.
- Administrative leave is paid leave that may be voluntary or involuntary. The NMJBPR limits the length of time an employee may be placed on administrative leave, and governs the reasons when it may be appropriately used. Use of administrative leave outside of Section 5.03, above or without the AOC Director's written approval is a violation of the NMJBPR.
- An administrative authority may award administrative leave including administrative compensatory time (leave) to an individual judicial employee, as outlined in the NMJBPR, *only* when it is in the best interest of the judicial branch and complies with the NMJBPR. This may include a moderate number of hours of leave for recognition, tenure, or services awards defined in the approved judicial entity's personnel procedures, as approved by the AOC Director, or when the judicial branch is best served by the employee being placed on administrative leave.
- An administrative authority may not award leave to an employee or defined group of employees without an articulable justification, and specific reason for the award as outlined in the NMJBPR.
- An administrative authority is prohibited under the NMJBPR from the blanket approval of administrative leave awarded to all employees of a judicial entity, including seasonal awarding of administrative leave. Only the Chief Justice may award administrative leave for these purposes.
- If an administrative authority has awarded leave to employees for uses that are not consistent with the NMJBPR, including this interpretative memo, they must contact AOC HRD to discuss immediate corrective action.

**QUESTIONS:**

Questions relating to the awarding of administrative leave including administrative compensatory time should be directed to the AOC Human Resources Division.