



# New Mexico State Personnel Board State Personnel Office

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## Interpretive Memorandum 2014 - 002

Date: August 15, 2014

To: Cabinet Secretaries, Agency Heads, and Agency Human Resource Managers

From: Justin Najaka, Interim Director, State Personnel Office 

Subject: Leave Clarification

### 1. Purpose

This shall serve to interpret the application of the State Personnel Board (SPB) Rules and Regulations of the New Mexico Administrative Code (NMAC) regarding Absence without Leave<sup>1</sup> (AWOL) and Leave without Pay<sup>2</sup> (LWOP). Specifically, this shall serve to clarify the difference between AWOL and LWOP.

### 2. Background

The SPB Rules and Regulations outline specific types of Absence and Leave, including AWOL and LWOP. It has come to the State Personnel Office's (SPO) attention that there may be confusion regarding when an employee's leave is coded as AWOL, versus when an employee's leave is coded as LWOP

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<sup>1</sup> NMAC 1.7.7.13

<sup>2</sup> NMAC 1.7.7.11

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### **3. Guidelines**

Agency Human Resources (HR) Managers should utilize the LWOP time reporting code (TRC) for instances when an employee requests leave and receives approval for that leave, but the employee does not have any appropriate accrued leave available. For example, if the employee has accrued sick leave, but no accrued annual leave, and the employee wants to request time off for a reason that does not qualify for sick leave use, the employee would have to request LWOP.

Agency HR Managers should utilize the AWOL TRC for instances when an employee fails to request leave in advance, including LWOP, and then fails report to work as scheduled. An employee that is AWOL may be subject to disciplinary action, up to, and including dismissal.