




Absences

Inteli-Care, LLC’s primary goal is to provide exceptional care for the member in an environment that promotes positive growth for both the member and clinical employee. Quality care includes uninterrupted services from familiar staff; therefore, regular attendance helps promote our objective to provide quality care. Employees are expected to work as scheduled per the member’s Individual Plan of Care. Absenteeism and tardiness reflect on an employee’s overall attendance record. It is important that you report to work as scheduled at all times.

A Request for Time Off (RTO) form is required for:

- planned requests at least 48 hours in advance to be considered an excused absence.
- all Healthy Workplaces Act (HWA) Leave requests (Reference: Table 2, Page 4; Paid Sick Leave Poster, Page 6)

Table 1 - How To Report An Absence/Tardy

WHAT	WHEN	HOW
Request Time Off (RTO) Form <i>Planned & Unplanned</i>	<ul style="list-style-type: none"> Planned: Submit an RTO Form at least 48 hours in advance Unplanned: Submit an RTO form before start of your shift or as soon as practicable 	<ol style="list-style-type: none"> PREFERRED: Access the online RTO Form on the Employee Portal login page of the IC website: https://www.inteli-care.com/employee-portal/ or scan this code:  OR Fill out a copy of the paper RTO form in your red folder, scan and either: <ol style="list-style-type: none"> email it to: RTO@ic-nm.com or text the attachment to 505-485-2238 or bring it in to your IC office <p>Be sure to complete the information related to Health and Safety if it applies. Leaving this information blank will be considered an absence for a non-HWA reason. <i>You must complete this information for an HWA covered reason even if you do not have available sick leave to cover the absence.</i></p>
Call/Leave Voicemail <i>Unplanned</i>	Before start of shift	Albuquerque: 505-898-9745 ♦ Socorro: 575-838-1821 ♦ Santa Rosa: 575-208-2610 ♦ Santa Fe: 505-473-2732 Be prepared to provide the following information: <ul style="list-style-type: none"> Name Date/Time of Start of Absence Expected duration of absence Request to use HWA Leave and amount of sick leave to be used Brief description of the reason. If HWA eligible, be sure to include HWA Covered Person and HWA Covered Reason
Text Msg <i>Unplanned</i>	Before start of shift	Text 505-485-2238 with the information outlined above

Documentation

If you are out due to an injury or illness for more than one (1) consecutive day, IC reserves the right to request documentation of illness and/or a release to come back to work, consistent with HWA leave regulations. Documentation may be requested for any absence to be excused. IC policy, consistent with the Health Workplace Act, is:

- If employee is out for one day’s absence, documentation is not required
- If employee uses two or more consecutive workdays, documentation may be requested by IC

When documentation is required under the Act, an employee will timely provide it to the IC upon request. The employee is allowed up to fourteen (14) days from the date they return to work to provide the documentation.



Documentation requirements include:

- Health Documentation: must be signed by a health care professional
- Safety Documentation:
 - A police report
 - A court-issued document
 - A signed statement by a victim services organization, clergy member, attorney, advocate, the employee, a family member, or any other person.

Attendance

An employee with a pattern of NCNS (*reference Acronyms, Terms and Definitions – Table 3*), unplanned or unexcused absences which are not related to Health and Safety (HWA) may receive a write-up. If your attendance reflects repeated absenteeism and/or tardiness not related to HWA leave, the IC Manager may meet with you to discuss attendance and/or tardiness. Irregular attendance not related to HWA leave may result in disciplinary action up to and including termination.

A NCNS is unacceptable. The first offense will result in a written warning; a second is grounds for termination and a compliance meeting with the Director of Operations and the Human Resource Director will be required to continue employment.

It is solely the employee's responsibility to provide notice of absence or tardiness before the start of a shift. *IC considers an absence or tardy unacceptable when a spouse, relative, and/or friend reports the employee's absence to IC and it is unrelated to HWA.* In an event of absence (other than a true emergency or urgent illness), you are required to notify the IC office a minimum of 48 hours in advance.

Clinical employees: Rescheduling or modifying the member's schedule must be submitted to scheduling for review before the start of the shift. If the request for schedule change is not received with adequate time for review, then the member will be impacted and could compromise the employee's ability to service the member in the future.

Healthy Workplaces Act (HWA) Leave

Effective July 1, 2022, New Mexico's Healthy Workplaces Act (HWA), requires private employers to provide paid sick leave and offers employee protections for absences related to Health and Safety. Employees accrue 1 hour of leave for every 30 hours worked up to 64 hours of paid sick leave per year. Please refer to the attached diagram for HWA Qualification criteria and the attached Notice of Employee Rights.

All IC employees are eligible for HWA earned sick leave. Employees begin accruing sick leave July 1st, 2022. There is no waiting period required for this sick leave. As soon as sick leave accrues, the employee is entitled to use it. An employee does not earn leave for sick leave hours used.

The employee's HWA leave balance may not reflect the number of hours the employee may use in a one-year period as there is a limit of sixty-four hours per 12-month period the employer is required to let an employee use.

- Example: Employee works 32 hours and uses 8 hours of HWA sick time; they earn HWA sick time for the 32 worked hours not the full 40 hours.

IC is required to give written notification of sick leave accrued and used at least once per calendar quarter. Each employee's record of sick leave earned, taken and balance will be on paycheck stubs. Employees will receive their paycheck stub quarterly by email unless they notify IC of another delivery method.



An employer is not required to:

- permit an employee to use more than 64 hours in a twelve-month period. Therefore, an employee’s HWA leave balance may not reflect the number of hours the employee may use if the employee has taken a lot of sick leave during the last 12 months and is approaching this limit.
- carry over more than 64 hours of an employee’s accrued but unused sick leave from year to year (IC is using a calendar year).
- cash out an employee’s leave balance upon separation. If an employee is rehired within 12 months by the same employer, the employee’s HWA sick leave balance at the time of separation will be reinstated.

If employee does not have any accrued leave they can still request approval for an HWA eligible absence. The employee is responsible for adhering to the procedures outlined in the Attendance/HWA Leave policy for requesting or reporting an absence/tardy which covers HWA eligible leave/absences.

The NM Department of Workforce Solutions website (<https://www.dws.state.nm.us/NMPaidSickLeave>) has additional information as well a link to file a complaint for an employee who believes the employer violated a requirement of the Act.

Acknowledgement

I have read and understand the Attendance/HWA Leave policy and attached HWA criteria and Notice of Employee Rights. The purpose of this policy is to provide company policies and procedures and employee rights regarding absences and attendance. I understand IC may periodically change, alter, or modify this policy with or without advance notice. I understand I will be notified of changes made and it is my responsibility to conduct myself in accordance with the changes.

By signing below, I certify that I have read and understand the provisions in the Attendance/HWA Leave policy and have received a copy of the DWS Notice of Employee Rights. I understand if I have any questions regarding the Attendance/HWA Leave policy, or my employment with IC, I may seek assistance from an IC Supervisor or Manager.

Employee Signature

Date

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Inteli-Care, LLC Witness

IC Representative WITNESS Signature

Date

Table 2 – Healthy Workplace Act Guide

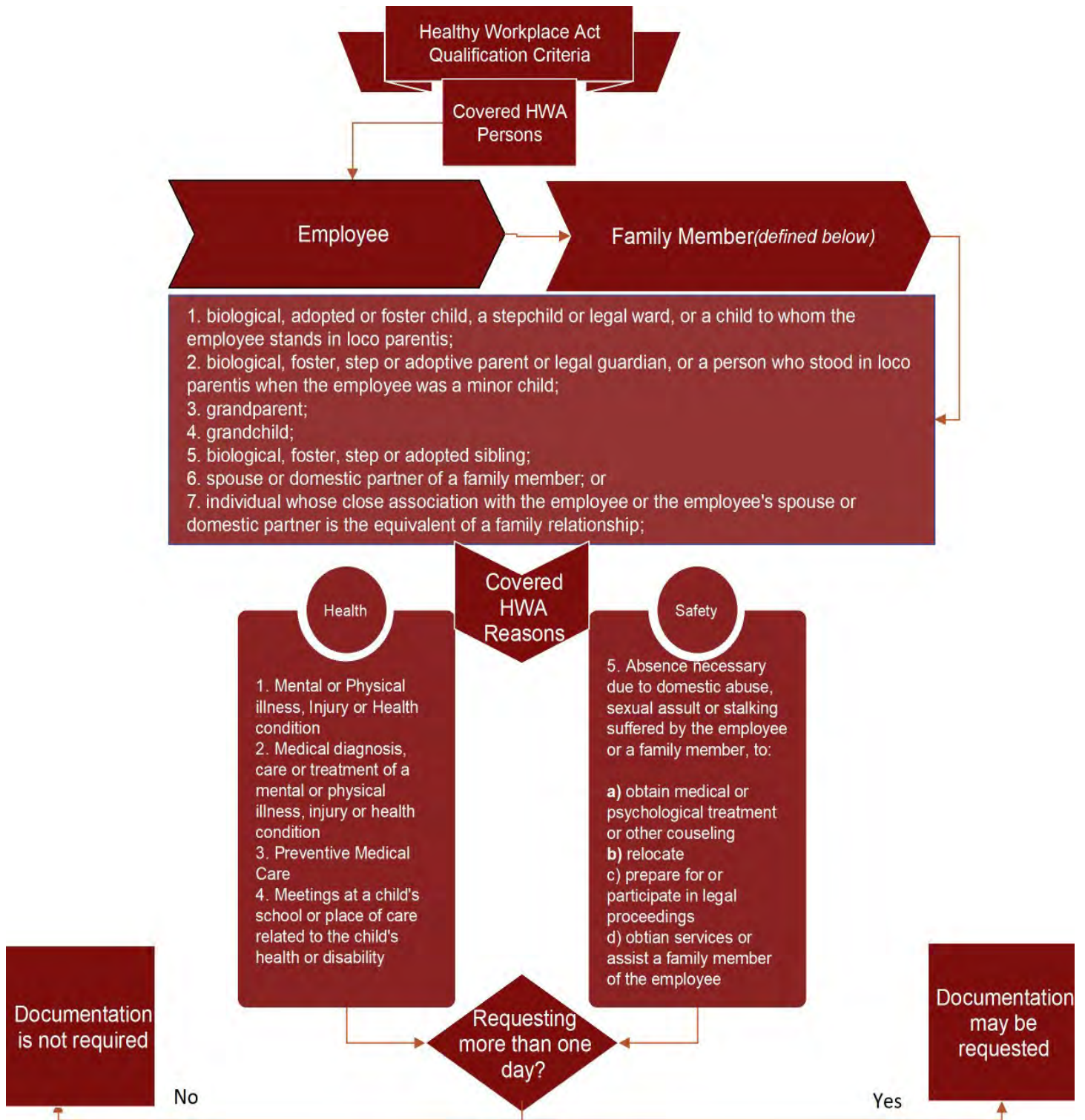




Table 3 – Glossary of Acronyms, Terms and Definitions

Acronym	Term	Definition
AB	Absence	Any day(s) in which the employee will not work a shift as scheduled; including being late, early departures and not working that day
ATO	Planned Absence/Approved Time Off	Planned time off is defined as Requested Time Off (RTO): <ul style="list-style-type: none"> Employee gives notice of absence by submitting an RTO form RTO Form must be submitted for approval at least 48 hours in advance Approval is based on business needs.
DWS	Department of Workforce Solutions	New Mexico Department of Workforce Solutions Labor Relations Division
EX	Excused	Employee did not request time off at least 48 hours in advance, employee should notify IC prior to the start of their shift: <ul style="list-style-type: none"> Non- HWA Eligible Absence - provide documentation for 1 day’s absence or more to get absence(s) excused;
HWA	Healthy Workplaces Act	Employers provide up to 64 hours of paid sick leave to their employees and offers employee protections for absences related to Health and Safety.
HWA UTO	Healthy Workplaces Act - Unplanned Time off	Employee did not request time off at least 48 hours in advance, employee should notify IC prior to the start of their shift: <ul style="list-style-type: none"> HWA Eligible Absence - documentation for 1 day’s absence is not required and is automatically excused. If more than one day’s absence, documentation is required to get absence(s) excused (examples shown in Table 2).
IC	Inteli-Care, LLC	Employer
NCNS	No Call/No Show	Employee fails to report an absence by any means prior to or during the shift
RTO	Request Time Off form	A Form used to request time off at least 48 hours in advance or any unplanned absence that is eligible for Healthy Workplaces Act (HWA) leave
SMA	Schedule Modification Allowance	Unforeseen issues are a late start to a shift as a result of a delay that will not be considered an occurrence. There is a 2-hour limit per allowance and full day absences are not counted under the Schedule Modification Allowance. Employees will be required to make up the time during their lunch or before their shift. If time is not made up, the event will be considered an occurrence. Employees are only allowed 1 unforeseen event per quarter.
UE	Unplanned Time Off/Unexcused Absence	Any day(s) in which the employee will not work a shift as scheduled; including being late, early departures and not working that day and <ul style="list-style-type: none"> Non- HWA Eligible Absence and did not provide documentation for 1 day’s absence or more to get absence(s) excused



PAID SICK LEAVE Notice of Employee Rights

Healthy Workplaces Act | NMSA 50-17-1 to 50-17-12 | Effective date: July 1, 2022

Labor Relations Division

401 Broadway NE, Albuquerque, NM 87102

Albuquerque: (505) 841-4400 • Santa Fe: (505) 827-6838 • Las Cruces: (575) 524-6195

ACCRUAL

Employees accrue one hour of earned sick leave for every thirty hours worked, starting their first day of work. Up to 64 hours of unused earned sick leave can carry over year-to-year.

The Act provides minimum requirements; other laws or employer policies may provide for more accrual, use, or carry over of earned sick leave. The Act does not preempt or override the terms of any collective bargaining agreement.

The Act applies to all employees—full-time, part-time, seasonal, and temporary. The Act also applies to employees who are salaried, tipped, or on a per-diem schedule, as well as employees paid on task, piece, or commission basis. Employees may not contract out of or agree to waive their rights under the Act.

USE OF PAID SICK LEAVE

Employees may use up to 64 hours of earned sick leave per twelve-month period, if they work enough hours. Individual employers may set a higher limit. Employers may select when the 12-month period begins.

PAY

Used sick leave is compensated at the employee's usual hourly rate and benefits. The hourly rate must be at least minimum wage.

REASON FOR USE OF LEAVE

Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meetings related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

USE OF SICK LEAVE

Employers must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other paid leave before the employee uses sick leave pursuant to the Act.

The employee should notify the employer in advance when use of sick leave is foreseeable and make a reasonable effort to schedule the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable.

NOTICE

An employer must give written or electronic notice of employee rights and the Act's terms and provisions to an employee at the start of employment. This notice must be in English, Spanish, or any language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the employee.

REASONABLE DOCUMENTATION

An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses two or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave as confidential.

DOCUMENT RETENTION

Employers must keep records documenting hours worked by employees and earned sick leave accrued and taken by employees for four years.

RETALIATION PROHIBITED

Employers may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the Act. Employers may not retaliate because an employee raises concerns about violations of the Act, exercises their rights under the Act, or participates in investigations or legal proceedings related to alleged violations of the Act.

Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

COMPLAINT PROCESS

The New Mexico Department of Workforce Solutions, Labor Relations Division, enforces the Act. Any employee aggrieved by a violation of the Act may file a complaint with the Labor Relations Division by calling (505) 841-4400, visiting www.dws.state.nm.us, or going to a New Mexico Workforce Connections Office. Notice: The Division will disclose complainant's identity as part of the investigation. An employee's legal status for presence in the United States is not a defense to any action brought pursuant to the Act.

Employees must file a complaint with the Division or file a civil action in a court within three years from the date the alleged violation occurred.

An employer found to be in violation of the Act will be liable for damages and/or penalties pursuant to the Act.

For more details, see the full text of the law and regulations, available at www.dws.state.nm.us