

NOTICE OF PROPOSED RULEMAKING

Public Notice: The New Mexico State Personnel Board provides notice that it will conduct a public hearing via Zoom meeting on Friday, October 16, 2020 at 9:00 a.m. Log-in details for the Zoom meeting will be available on the State Personnel Office website beginning Tuesday, October 13, 2020. The purpose of the public hearing is to receive public input on proposed amendments to 1.7.7 NMAC – Absence and Leave.

Authority: Personnel Act, NMSA 1978, Sections 10-9-10 and 10-9-12.

Purpose: The purposes of the amendments to 1.7.7 NMAC are to: 1) permit classified State employees to carry forward more than 240 hours of annual leave beyond December 2020 and through the first six months of 2021; 2) permit classified State employees to make and receive donations of annual leave to and from employees in the exempt service within the same agency, as long as permitted by the department of finance and administration's *Policies for Governor Exempt Employees*; and 3) provide classified State employees who have passed their probationary period with two personal leave days each calendar year.

Summary of Proposed Amendments to 1.7.7 NMAC:

1.7.7.8 – Annual Leave

The proposed amendment to Subsection E would permit classified State employees to carry forward more than 240 hours of annual leave beyond the last pay period of December 2020, but not beyond July 9, 2021, in order to provide those employees with an additional six months to use, rather than lose, annual leave they may have accrued and been unable to use during the COVID-19 public health emergency. The proposed division of Subsection G into Subsections G and H distinguishes the regulations pertaining to all employees separating from the classified service from those pertaining to employees separating from the classified service due to a reduction in force. The proposed amendment to Subsection G clarifies that the annual leave payout for an employee separating from the classified service may not exceed 240 hours, even with the proposed amendment to Subsection E. The proposed amendment to Subsection H clarifies that the payout for an employee separating from the classified service due to a reduction in force may not exceed 240 hours because of the proposed amendment to Subsection E. The proposed amendment to new Subsection I clarifies that the accrued annual leave payout of an employee who dies may not exceed 240 hours because of the proposed amendment to Subsection E.

1.7.7.9 – Donation of Annual and/or Sick Leave

The proposed amendment to Subsection A would clarify that classified State employees may donate annual and/or sick leave to other classified State employees within the same agency. The amendment would also permit classified State employees to make and receive donations of annual leave to and from employees in the exempt service within the same agency, as long as permitted by Department of Finance and Administration (DFA) *Policies for Governor Exempt Employees*. DFA policy currently states, "Exempt employees may donate accrued annual leave to or receive accrued annual leave from a classified employee within the same agency." *Policies for Governor Exempt Employees*, Policy No. ESPP 20.c.

1.7.7.17 – Personal Leave Day

The proposed amendments to Subsections A-D would provide classified State employees who have passed their probationary period with two personal leave days each calendar year, instead of one.

How to Comment on the Proposed Rules:

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Denise Forlizzi, via email at DeniseM.Forlizzi@state.nm.us, fax (505) 476-7806, or mail to Attn: Denise Forlizzi – Rule Changes to 1.7.7 NMAC, State Personnel Office, 2600 Cerrillos Rd., Santa Fe, New Mexico 87505.

Written comments must be received no later than 5:00 pm on October 15, 2020. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of Proposed Rules:

Copies of the proposed rules are available for download on the State Personnel Office's website at <http://www.spo.state.nm.us/>. A copy of the proposed rules may also be requested by contacting Denise Forlizzi at (505) 365-3691.

Special Needs:

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Forlizzi at (505) 365-3691 as soon as possible to provide requested special accommodations.