

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 7 STATE PERSONNEL ADMINISTRATION
PART 2 CLASSIFIED SERVICE APPOINTMENTS

1.7.2.1 ISSUING AGENCY: State Personnel Board.
[1.7.2.1 NMAC - Rp, 1 NMAC 7.2.1, 07/07/01]

1.7.2.2 SCOPE: All state agencies in the classified service.
[1.7.2.2 NMAC - Rp, 1 NMAC 7.2.2, 07/07/01]

1.7.2.3 STATUTORY AUTHORITY: NMSA 1978, Section 10-9-10(A); NMSA 1978, Sections 10-9-13(E), (J); and NMSA 1978, Section 10-9-18(A).
[1.7.2.3 NMAC - Rp, 1 NMAC 7.2.3, 07/07/01; A, 11/14/02]

1.7.2.4 DURATION: Permanent.
[1.7.2.4 NMAC - Rp, 1 NMAC 7.2.4, 07/07/01]

1.7.2.5 EFFECTIVE DATE: 07/07/01 unless a later date is cited at the end of a section.
[1.7.2.5 NMAC - Rp, 1 NMAC 7.2.5, 07/07/01]

1.7.2.6 OBJECTIVE: The objective of Part 2 of Chapter 7 is: to describe various types of appointments in the classified service and to describe employees' rights in the classified system.
[1.7.2.6 NMAC - Rp, 1 NMAC 7.2.6, 07/07/01]

1.7.2.7 DEFINITIONS:

- A.** "Career appointment" is the employment of a candidate in a position recognized by the office as permanent.
- B.** "Term appointment" is the employment of a candidate in a position created for a special project or a state or federally funded program with a designated duration.
- C.** "Temporary appointment" is the employment of a candidate in a position created for a duration of less than one year.
- D.** "Emergency appointment" is the employment of an apparently qualified applicant when an emergency condition exists and the appropriate employment list contains no available candidates.
- E.** "Convert(ed)" means the changing of an employee to a different type of status.

[1.7.2.7 NMAC - Rp, 1 NMAC 7.2.7, 07/07/01]

1.7.2.8 PROBATION:

- A.** A probationary period of one year is required of all employees unless otherwise provided for by these rules.
- B.** The probationary period includes all continuous employment in the classified service except temporary service.
- C.** A break in employment of at least one work day or more will require an employee to serve another probationary period upon rehire into the classified service with the exception of those employees returned to work under 1.7.10.10 or 1.7.10.14 NMAC.
- D.** Any full-time continuous leave, except for military leave, taken during the probationary period exceeding 30 calendar days shall extend the probationary period by the number of days of leave that exceeds 30 calendar days.
- E.** A probationer may have their appointment expired for non-disciplinary reasons with a minimum of 24 hours written notice without right of appeal to the board. Such employees shall be advised in writing of the reason(s) for the expiration of appointment.

[1.7.2.8 NMAC - Rp, 1 NMAC 7.2.8, 07/07/01; A, 11/14/02; A, 7-15-05]

1.7.2.9 CAREER STATUS: An employee in a career appointment attains career status beginning the day following the end of the probationary period required by **1.7.2.8 NMAC** unless otherwise provided for by these rules.

[1.7.2.9 NMAC - Rp, 1 NMAC 7.2.9, 07/07/01]

1.7.2.10 TERM STATUS: Employees in term status who complete the one year probationary period required by *1.7.2.8 NMAC* shall have all of the rights and privileges of employees in career status except that term appointments may be expired due to reduction or loss of funding or when the special project or program ends with at least 14 calendar days written notice to the employee without right of appeal to the board.
[1.7.2.10 NMAC - Rp, 1 NMAC 7.2.10, 07/07/01; A, 11/14/02]

1.7.2.11 TEMPORARY STATUS: Temporary appointments may be expired with at least 24 hours written notice to the employee without right of appeal to the board.
[1.7.2.11 NMAC - Rp, 1 NMAC 7.2.11, 07/07/01]

1.7.2.12 EMERGENCY APPOINTMENTS:

A. An emergency appointment is the employment of an apparently qualified applicant when an emergency condition exists and there are no applicants available on an appropriate employment list.

B. No employee may hold an emergency appointment longer than 90 calendar days in any 12-month period.

C. Emergency appointments may be expired with at least 24 hours written notice to the employee without right of appeal to the board.

D. An employee in emergency appointment may be converted to a career, term, or temporary status if the employee: has met the established requirements or the agency certifies that the employee holds qualifications and abilities necessary for successful job performance and is performing to the agency's satisfaction; and there are no available candidates for the position after appropriate recruitment.

[1.7.2.12 NMAC - Rp, 1 NMAC 7.2.12, 07/07/01]

1.7.2.13 EXPIRATION OF APPOINTMENT: The expiration of a term, probationary, emergency or temporary appointment shall not be considered to be a layoff within the meaning of *1.7.10.9 NMAC* or a dismissal within the meaning of *Subsection L of 1.7.1.7 NMAC*.

[1.7.2.13 NMAC - Rp, 1 NMAC 7.2.13, 07/07/01; A, 11/14/02; A, 10-15-08]

1.7.2.14 ACKNOWLEDGMENT OF CONDITIONS OF APPOINTMENT: Agencies shall require that a form be signed by all employees at the time of appointment acknowledging the terms and conditions of the appointment.

[1.7.2.14 NMAC - Rp, 1 NMAC 7.2.14, 07/07/01; A, 11/14/02]

HISTORY OF 1.7.2 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

SPB-6, Appointment, filed 04-04-90;

SPB-6, Appointment, filed 10-19-90;

SPB 3, Classified Service Appointments, filed 12-15-92.

History of Repealed Material:

1 NMAC 7.2, Classified Service Appointments, filed 06-13-97.

Other History:

1 NMAC 7.2, Classified Service Appointments, filed 01-12-96 replaced SPB 3, filed 12-15-92;

1 NMAC 7.2, Classified Service Appointments, filed 05-02-96;

1 NMAC 7.2, Classified Service Appointments, filed 06-13-97 replaced by 1.7.2 NMAC, Classified Service Appointments, effective 07/07/01.