

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 7 STATE PERSONNEL ADMINISTRATION
PART 6 GENERAL WORKING CONDITIONS

1.7.6.1 ISSUING AGENCY: State Personnel Board
[5-15-96; Rn, 1 NMAC 7.8, 7-1-97; 1.7.6.1 NMAC - Rn, 1 NMAC 7.6.1, 11/30/00]

1.7.6.2 SCOPE: All state agencies in the classified service
[5-15-96; Rn, 1 NMAC 7.8, 7-1-97; 1.7.6.2 NMAC - Rn, 1 NMAC 7.6.2, 11/30/00]

1.7.6.3 STATUTORY AUTHORITY: NMSA 1978, Sections 10-9-1 to 10-9-25, NMSA 1978, Section 10-9-10(A), NMSA 1978, Section 10-9-13(G), NMSA 1978, Section 10-9-21, NMSA 1978, Section 12-5-2, NMSA 1978, Sections 24-2B-1 to 24-2B-8, U.S.C. Sections 1501 to 1508.
[5-15-96; Rn, 1 NMAC 7.8, 7-1-97; 1.7.6.3 NMAC - Rn, 1 NMAC 7.6.3, 11/30/00; A, 11/14/02]

1.7.6.4 DURATION: Permanent.
[5-15-96; Rn, 1 NMAC 7.8, 7-1-97; 1.7.6.4 NMAC - Rn, 1 NMAC 7.6.4, 11/30/00]

1.7.6.5 EFFECTIVE DATE: July 1, 1997, unless a later date is cited at the end of a section.
[5-15-96; Rn, 1 NMAC 7.8.5, 7-1-97; A, 7-1-97; 1.7.6.5 NMAC - Rn & A, 1 NMAC 7.6.5, 11/30/00]

1.7.6.6 OBJECTIVE: The objective of Part 6 of Chapter 7 is: to define certain acceptable activities; to prohibit certain activities and to provide legal holiday observation dates, while setting forth general working conditions for employees.
[5-15-96; Rn, 1 NMAC 7.8.6, 7-1-97; A, 7-1-97; 1.7.6.6 NMAC - Rn, 1 NMAC 7.6.6, 11/30/00]

1.7.6.7 DEFINITIONS: "Nonpartisan election" is any election for public office when the candidate's party affiliations are neither indicated nor required.
[7-1-97; 1.7.6.7 NMAC - Rn, 1 NMAC 7.6.7, 11/30/00]

1.7.6.8 NEPOTISM: No agency shall permit the hiring, promotion, or direct supervision of an employee by a person who is related by blood or marriage within the third degree to the employee.
[11-3-90...5-15-96; Rn, 1 NMAC 7.8.10, 7-1-97; 1.7.6.8 NMAC - Rn, 1 NMAC 7.6.8, 11/30/00]

1.7.6.9 LEGAL HOLIDAYS: Each year, prior to December 1, the Board shall publish the dates on which legal public holidays as designated in NMSA 1978, Section 12-5-2 (Repl. Pamp. 1988) shall be observed for the next calendar year.
[5-24-53...5-15-96; Rn, 1 NMAC 7.8.12, 7-1-97; 1.7.6.9 NMAC - Rn, 1 NMAC 7.6.9, 11/30/00]

1.7.6.10 PROHIBITED POLITICAL ACTIVITIES: Employees are prohibited from:

- A.** using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose;
- B.** directly or indirectly coercing, attempting to coerce, commanding, or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;
- C.** threatening to deny promotions or pay increases to any employee who does not vote for certain candidates, requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising dinners and similar events, advising employees to take part in political activity, and matters of a similar nature;
- D.** engaging in a political activity while on duty; or
- E.** being an officer of a political organization.

[4-27-62...5-15-96; Rn, 1 NMAC 7.8.14.5, 7-1-97; 1.7.6.10 NMAC - Rn & A, 1 NMAC 7.6.10, 11/30/00; A, 11/14/02]

1.7.6.11 PUBLIC/POLITICAL OFFICE:

A. Employees covered by the provisions of the *Hatch Act* [5 U.S.C. Sections 1501 to 1508] may not be candidates for partisan political office elections.

B. Employees not covered by the provisions of the *Hatch Act* [5 U.S.C. Sections 1501 to 1508] may be candidates for any partisan political office if, upon filing or accepting the nomination and during the entire campaign, they are authorized full-time continuous leave without pay.

C. Employees may be candidates for nonpartisan political office, subject to the restriction set forth in **1.7.6.11 NMAC**, without taking a leave of absence.

D. Employees may hold only a nonpartisan county or municipal political office during employment in the classified service.

E. Being a local school board member or an elected member of any post-secondary educational institution shall not be construed as holding political office.

F. Employees running for or holding public office shall not use state equipment, facilities, property or time dedicated to employment duties to conduct campaign or public office related business. Violation of this Rule is punishable by disciplinary action pursuant to **1.7.11 NMAC** and/or the criminal penalties set forth in *NMSA 1978 Section 10-9-23*.

[7-1-80...5-15-96; 1.7.6.11 NMAC - Rn & A, 1 NMAC 7.6.11, 11/30/00; A 2-14-01; A, 11/14/02]

1.7.6.12 [RESERVED]

[1-2-93 ... 5-15-96; Rn, 1 NMAC 7.8.16.2, 7-1-97; 1.7.6.12 NMAC - Rn, 1 NMAC 7.6.12, 11/30/00; A, 11/14/02; Repealed, 11/13/2018]

1.7.6.13 COMPLAINTS:

A. Each agency shall establish a written complaint procedure by which employees can seek to remedy problems associated with their working conditions. Agency complaint procedures shall be filed with the Office and the information made available to all employees of the agency.

B. Employees have the right to present or make known their complaints, free from interference, restraint, discrimination, coercion, or reprisal.

C. Agencies should utilize alternative methods of dispute resolution, including mediation, wherever appropriate to resolve conflicts in the workplace and encourage positive working relationships between employees and management.

D. If the complaint pertains to an interpretation of these rules, it may be appealed to the director within 30 calendar days of the agency's final decision. The director will issue an interpretation in accordance with 1.7.1.9 NMAC.

[7-1-80...5-15-96; Rn & A, 1 NMAC 7.15.11, 7-1-97; 1.7.6.13 NMAC - Rn, 1 NMAC 7.6.13 & A, 11/30/00; A, 5-14-09]

1.7.6.14 [RESERVED]

[Rn & R, 1 NMAC 7.6.8, 1 NMAC 7.6.9, 1 NMAC 7.6.13, 7-1-97; 1.7.6.14 NMAC - Rn, 1 NMAC 7.6.14, 11/30/00]

HISTORY of 1.7.6 NMAC: [RESERVED]