

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 4 DISTRICT ATTORNEYS
PART 2 CLASSIFICATION PLAN

10.4.2.1 ISSUING AGENCY: Administrative Office of the District Attorneys
[10.4.2.1 NMAC - N, 06/30/2010]

10.4.2.2 SCOPE: This part sets forth the rules for the establishment, maintenance and administration of the uniform classification plan applicable to all positions in the offices of the district attorneys.
[10.4.2.2 NMAC - Rp, NMDAA 91-1.1.01, 06/30/2010]

10.4.2.3 STATUTORY AUTHORITY: This rule is adopted pursuant to:

- A. Section 36-1-25 NMSA 1978 which, among other things, authorizes the duly appointed director of the administrative office of the district attorneys to appoint necessary personnel and assign their duties within the administrative office of the district attorneys;
- B. Section 36-1-26 NMSA 1978 which, among other things, requires the director of the administrative office of the district attorneys to develop uniform systems for use by district attorney offices with respect to personnel matters;
- C. Section 36-1A-2 NMSA 1978 of the District Attorney Personnel and Compensation Act, sections 36-1A-1 through 36-1A-15 NMSA 1978, which, among other things, created the District Attorney Personnel and Compensation Act to establish for all district attorneys a uniform, equitable and binding system of personnel administration;
- D. Section 36-1A-8 NMSA 1978 which, among other things, requires the district attorneys to promulgate personnel rules, with the assistance of the director of the administrative office of the district attorneys as authorized by Subsection I of Section 36-1-26 NMSA 1978, which among other things requires the director of the administrative office of the district attorneys to perform such other duties in furtherance of the administration of the business of the district attorneys as directed by the elected or appointed district attorneys; and
- E. Section 36-1A-8 (B) (1) NMSA 1978 which requires the promulgation of district attorney personnel rules governing a classification plan for all positions.

[10.4.2.3 NMAC - N, 06/30/2010]

10.4.2.4 DURATION: Permanent
[10.4.2.4 NMAC - N, 06/30/2010]

10.4.2.5 EFFECTIVE DATE: June 30, 2010, unless a later date is cited at the end of a section.
[10.4.2.5 NMAC - N, 06/30/2010]

10.4.2.6 OBJECTIVE: To establish for all district attorneys a uniform, equitable and binding system of personnel administration.
[10.4.2.6 NMAC - N, 06/30/2010]

10.4.2.7 DEFINITIONS: [RESERVED]
[See 10.4.1.7 NMAC]

10.4.2.8 CLASS SPECIFICATIONS:

- A. The district attorneys as a group shall be responsible for the overall coordination, review and maintenance of the classification plan pursuant to the provisions of the District Attorney Personnel and Compensation Act. The plan shall consist of, but not be limited to:
 - (1) all approved classes of positions;
 - (2) detailed class specifications; and
 - (3) the rules governing the administration of the plan.
- B. Each approved class shall be defined by a class specification, assigned to an appropriate pay grade and class title as recommended by the board and adopted by the district attorneys as a group. No action shall be taken to fill any position until it has been classified in accordance with this classification plan.
- C. Each class specification shall contain the duties and responsibilities characteristic of a class of positions. Each class shall also include the class title, supervision exercised and received, guidelines available,

examples of work performed, working conditions and minimum qualifications or substitutions thereof that specify education, training, experience, knowledge, abilities and skills required for a position.

D. While the exact duties and responsibilities of positions may differ, all positions allocated to a class series shall be comparable as to kind of work, level of difficulty or responsibility and qualification requirements.

E. Each class specification shall include, but is not limited to, specific examples of work performed by employees in the classification as a whole.

F. Any changes in the classification plan shall be effective in the first full pay period following implementation by the district attorneys. The decision of the district attorneys regarding such changes is final.

G. Notification of new or revised specifications or notification of abolished classes shall be furnished by the board to each district attorney's office, the department of finance and administration and the legislative finance committee.

[10.4.2.8 NMAC - Rp, NMDAA 91-1.1.02, 06/30/2010]

10.4.2.9 EXERCISE OF CLASSIFICATION AUTHORITY AND PROCEDURES:

A. Position classification assignment: Each position shall be assigned the classification that best represents the duties performed. Official classifications shall be used on all personnel payroll records and in the preparation of legislative and operating budgets.

B. Position classification requests: All requests for position reclassifications shall require the completion of a job analysis questionnaire form, available from the administrative office of the district attorneys, to be completed by the affected incumbent. Additional forms or correspondence may also be submitted as further written justification.

C. Position classification actions: Reclassification actions shall be approved by the board. All reclassification actions shall be reviewed by the legislative finance committee and approved for budgetary purposes by the department of finance and administration.

D. New class or class revision:

(1) If the board determines that a new class or class revision is necessary, the recommendation of the board shall be presented to the district attorneys as a group. Upon approval by the district attorneys as a group, the board will establish this class provided it has been reviewed by the legislative finance committee and approved for budgetary purposes by the department of finance and administration.

(2) When a position is new or reclassified, the pay shall be determined in accordance with the provisions of the pay plan established in these rules.

(3) The board, subject to the approval by the district attorneys as a group, may recommend deletion of unused classifications and revisions to class specifications, if the revision or deletion does not necessitate a classification study. Such a deletion or revision shall be reviewed by the legislative finance committee and approved for budgetary purposes by the department of finance and administration.

(4) A respective district attorney may appeal a position classification decision by the board by stating the reasons for the appeal in writing to the board. The district attorneys as a group shall review the matter and issue a decision which is final and binding.

(5) When the district attorneys request a job analysis of one or more positions, the incumbent employee(s) shall be required to fill out the job analysis questionnaire form, available from the administrative office of the district attorneys, signed and reviewed by their supervisor and the respective district attorney.

(6) When the information on the job analysis questionnaire form, available from the administrative office of the district attorneys, appears to be insufficient, a job analysis shall be performed by the district attorney or their designee.

[10.4.2.9 NMAC - Rp, NMDAA 91-1.1.05, 06/30/2010]

HISTORY OF 10.4.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

NMDAA 90-1, New Mexico District Attorney's Association Personnel Rules and Regulations for New Mexico District Attorneys Association, filed 2/22/90.

NMDAA 91-1, Personnel and Compensation Plan for the Employees of the District Attorneys of the State of New Mexico, filed 6/11/91.

History of Repealed Material:

NMDAA 91-1, Personnel and Compensation Plan for the Employees of the District Attorneys of the State of New Mexico, filed 6/11/91 - Repealed effective 06/30/2010.