

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 4 DISTRICT ATTORNEYS**  
**PART 8 EMPLOYEE PERFORMANCE EVALUATIONS**

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

**10.4.8.2 SCOPE:** This part sets forth the performance appraisal and development of employees in the offices of the district attorneys and the administrative office of the district attorneys.  
[10.4.8.2 NMAC - Rp, NMDAA 91-1.7.01, 06/30/2010]

**10.4.8.3 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) (5) NMSA 1978 which requires the promulgation of district attorney personnel rules governing the evaluation of performance of employees for the purpose of improving staff effectiveness.

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

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

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

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

**10.4.8.7 DEFINITIONS:** [RESERVED]  
[See 10.4.1.7 NMAC]

**10.4.8.8 PURPOSE:** The purpose of completing an employee performance appraisal and development form may be in order to achieve any of the following:

- A. to evaluate and assess an employee's performance, conduct, and ability in relation to the job requirements for their position;
- B. to inform an employee of strong and weak points as well as training needs and expected improvements;
- C. to compare an employee's performance to previously set goals;
- D. to establish performance goals for the coming year and to determine the steps necessary to achieve them;
- E. to make fair, equitable, and legally defensible compensation decisions;
- F. to recognize an employee's potential for promotion;

- G. to assist in determining the order of layoff and reinstatement; and
  - H. as a basis for taking disciplinary action against an employee.
- [10.4.8.8 NMAC - N, 06/30/2010]

**10.4.8.9 RESPONSIBILITY:**

- A. It is the responsibility of an employee's immediate supervisor to rate each incumbent's performance at least once a year. This individual shall be referred to as the "rater".
  - B. It is the responsibility of upper level management to review all employee performance appraisal and development forms once they have been completed by the immediate supervisor. These individuals shall be referred to as the "reviewers". A reviewer is typically the rater's immediate supervisor.
  - C. It is incumbent upon all individuals designated as either a rater or a reviewer to attend training on the use of the district attorney employee performance and appraisal form within one year of being assigned to supervise an employee, or within one year of any changes to the existing employee performance appraisal and development form or process.
- [10.4.8.9 NMAC - N, 06/30/2010]

**10.4.8.10 PROCESS AND PROCEDURES:** The district attorney employee performance appraisal and development forms and an accompanying manual of detailed instructions are created and revised from time to time by the administrative office of the district attorneys, subject to the approval or ratification by the district attorneys as a group. The current version of the employee performance appraisal and development forms and an accompanying manual of detailed instructions shall be maintained by the administrative office of the district attorneys.

- A. The current version of the employee performance appraisal and development forms shall be maintained by, and are available upon request from, the administrative office of the district attorneys and may contain the following sections:
    - (1) a general information section;
    - (2) an overall performance appraisal section;
    - (3) an acknowledgments section;
    - (4) a job assignment activities and performance standards section;
    - (5) a performance indicators section;
    - (6) an appraisal results section; and
    - (7) an employee development plan.
  - B. The current version of the employee performance appraisal and development manual shall be maintained by, and is available upon request from, the administrative office of the district attorneys.
- [10.4.8.10 NMAC - N, 06/30/2010]

**HISTORY OF 10.4.8 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.