

This rule was filed as 10 NMAC 5.200.

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 5 STATE POLICE**  
**PART 200 PERSONNEL**

**10.5.200.1 ISSUING AGENCY:** Department of Public Safety, State Police Division.  
[12/31/98; Recompiled 11/30/01]

**10.5.200.2 SCOPE:** All commissioned officers of the state police division of the New Mexico department of public safety.  
[12/31/98; Recompiled 11/30/01]

**10.5.200.3 STATUTORY AUTHORITY:** Section 29-2-1.1(G) NMSA 1978 defines the New Mexico state police board as meaning the secretary of the department of public safety. Section 29-2-4.1 NMSA 1978 directs the New Mexico state police board to promulgate rules and regulations governing the employment and operating practices for employees of the state police division.  
[12/31/98; Recompiled 11/30/01]

**10.5.200.4 DURATION:** Permanent.  
[12/31/98; Recompiled 11/30/01]

**10.5.200.5 EFFECTIVE DATE:** June 1, 1987, unless a later date is cited at the end of a section or paragraph. Repromulgated in NMAC format effective December 31, 1998.  
[6/1/87, 12/31/98; Recompiled 11/30/01]  
[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

**10.5.200.6 OBJECTIVE:** The objective of Part 200 of Chapter 5 is to provide standards for personnel practices within the state police division, as authorized by the provisions of Section 29-2-4.1 NMSA 1978.  
[12/31/98; Recompiled 11/30/01]

**10.5.200.7 DEFINITIONS:** [RESERVED]  
[12/31/98; Recompiled 11/30/01]

**10.5.200.8 PERSONNEL:**

**A. Appointments:** All state police commissioned officers of the New Mexico state police shall be appointed by the chief and the appointments ratified by the secretary.

(1) The appointment of commissioned officer personnel may commence after satisfactory completion of all phases of recruit training, statutory requirements and other requirements of the department as determined by the chief.

(a) All recruits, while attending recruit school, serve at the pleasure of the chief.

(b) The physical requirements of recruits are established by the state police training bureau subject to approval of the office of the chief.

(2) Prior to assignment to attend recruit school, all applicants must have a satisfactory background investigation completed.

(3) No person shall be hired as the clerk, deputy or assistant to the current chief or deputy chiefs if they are related to the chief or deputy chiefs within the third degree of consanguinity or affinity, without prior approval of the secretary of the department of public safety. This provision does not apply where the compensation of such clerk, deputy or assistant shall be at the rate of \$600.00 per year or less.

**B. Probationary status:** All full-time personnel will be placed on probationary status at the time of their appointment or promotion.

(1) All personnel will serve a two-year probationary period upon appointment.

(2) Subject to the provisions of 8.2.4 [now Paragraph (4) of Subsection B of 10.5.200.8 NMAC], inclusive, any probationary period may be extended upon recommendation of the chief with the concurrence of the secretary.

(3) Commissioned personnel promoted to sergeant, lieutenant, or captain will serve a probationary period of not less than one year. Officers in exempt ranks (major, deputy chief, chief) do not serve on probation.

(4) If the employee fails to satisfactorily perform the duties and responsibilities of the promoted position during the probationary period, the probationary period may be extended or the employee returned to the former or like position, as determined by the chief, or other action pursuant to Part 100, the Standard of Conduct. Even if any prescribed probationary periods have expired, an employee shall remain on probation until the chief executes written confirmation that the employee has satisfactorily, as determined by the chief, completed the probationary period.

**C. Exempt promotions:** Promotions to major or deputy chief are exempt promotions and discretionary with the chief.

(1) The exempt rank is essentially a temporary rank for an administrative staff position granted to an officer.

(2) The incumbent, in the exempt rank, will retain his permanent rank status and, if removed from an exempt rank, will return to a rank no less than his permanent rank.

(3) An officer who holds an exempt rank shall enjoy all the privileges and prestige of the rank as though it were a permanent rank.

(4) The incumbent in the exempt rank holds the position and serves at the pleasure of the chief.  
[12/31/98; Recompiled 11/30/01]

#### **HISTORY OF 10.5.200 NMAC:**

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

NMSPRule 200.0, Personnel, filed 8-11-82.

NMSPRule 200.0, Personnel, filed 10-25-84.

NMSPRule 200.0, Personnel, filed 6-1-87.

History of Repealed Material: [Reserved]