

This is an amendment to 1.7.1 NMAC, Sections 7, 8, and 12 effective x/x/2026.

1.7.1.7 DEFINITIONS:

A. “Anniversary date” means the date of hire or reemployment and is changed as of the date of promotion, demotion, reduction, or transfer. The assignment of an employee to a new classification which best represents the job performed by the employee does not affect the employee’s anniversary date. The State Personnel Office (SPO) director shall resolve disputes over how an anniversary date is derived.

B. “Applicant” means any person, who has applied for a position in the classified service.

C. “Appointment” means the assumption of job duties by a candidate who was offered and then accepted a classified position in a state agency.

D. “Audit” means an examination or inspection of an agency’s personnel and human resources functions and activities, including but not limited to personnel transactions, recruitment, leave administration, collective bargaining agreement administration, and completion of personnel evaluations.

E. “Break in employment” means any period of time of at least one workday of not being in the classified service.

F. “Candidate” means any applicant who is on the employment list for a position.

G. “Classified service” means all positions in the executive branch of state government which are not exempt by law.

H. “Classification” means a job that is occupationally and quantifiably distinct.

I. “Compa-ratio” means pay expressed as a percentage of the midpoint of a pay band.

J. “Demotion” means an involuntary downward change for disciplinary reasons with a reduction in pay within an employee’s pay band or from a classified position in one pay band to a classified position in a lower pay band with a reduction in pay, and/or removal of supervisory responsibilities and pay for disciplinary reasons.

K. “Disciplinary action” means any action taken by an agency to influence change in an employee’s performance or behavior to the expected standard, including suspensions, demotions and dismissals.

L. “Dismissal” means the involuntary separation from employment.

M. “Diversity in the workplace” means an acknowledgment of all people in the workplace equally, regardless of their differences. Agencies’ management of diversity will ensure that efforts are made to adapt to and accept the importance of all individuals who fall within a group identified for protection under equal employment laws and regulations.

N. “Domestic partner” means two individuals who have shared a common, primary residence for at least 12 consecutive months, sign an affidavit of domestic partnership, and meet all of the following criteria:

(1) Both domestic partners must be unmarried.

(2) Domestic partners must have been in a mutually exclusive relationship, intending to do so indefinitely, and the relationship is similar to a marriage relationship in the State of New Mexico.

(3) Domestic partners must meet the age requirements for marriage in New Mexico (18 years of age) and be mentally competent to consent to contract.

(4) Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico.

(5) Domestic partners must be jointly responsible for the common welfare of each other and share financial obligations.

(6) Domestic partner must not be a member of another domestic partnership; nor have been so during the past 12 months. If domestic partnership dissolves and the same two people want to become partners again, they must once again meet the 12-month requirements.

(7) Domestic partners must provide proof of one of the following: joint mortgage or lease; joint ownership of a motor vehicle; joint bank account; joint credit account; domestic partner named as beneficiary of life insurance; domestic partner named as beneficiary of retirement benefits; domestic partner named as primary beneficiary in the employee's will; domestic partner assigned durable property or health care power of attorney; or documentation of sharing of household expenses by both partners.

O. “Employment list” means the list of names of candidates referred to a hiring manager by the agency’s Human Resources, from which a candidate may be selected for an interview, and from which a candidate may be selected for appointment.

P. “Employment records” means documents that contain information related to a person’s employment or application for employment.

- Q.** “**Examination**” means assessment of qualifications, knowledge, skills, and abilities of an applicant.
- R.** “**Exempt service**” means all positions in the executive branch of state government exempt from the classified service by law.
- S.** “**Filed**” means received by the office.
- T.** “**Involuntary separation**” means involuntary removal of an employee from the classified service without prejudice as provided for in 1.7.10.13 NMAC.
- U.** “**Line authority**” means the assignment of activities or approval authority by the SPO director to State Personnel Office staff or an agency in a manner that does not relinquish the SPO director’s administrative oversight or authority.
- V.** “**Manager**” means an employee in a position that manages internal staff or external staff, or who plans, organizes, integrates, coordinates, and controls the activities of others. A manager also is held accountable for the performance of people, services, systems, programs, projects and resources and can change their direction, objectives and assignments to meet performance and business needs.
- W.** “**Midpoint**” means the salary midway between the minimum and maximum pay rates of a pay band for positions in the classified service. Midpoint represents a compa-ratio value of 1.00 or one hundred percent.
- X.** “**Minimum qualifications**” means requirements approved by the board that must be met to be considered for a position.
- Y.** “**Office**” means the State Personnel Office.
- Z.** “**Pay band**” means the range of pay rates, from minimum to maximum.
- AA.** “**Promotion**” means the change of an employee from a classified position in one pay band to a classified position in a higher pay band.
- BB.** “**Reduction**” means a voluntary change without prejudice, within an employee’s pay band, or from a classified position in one pay band to a classified position in a lower pay band.
- CC.** “**Relation by blood or marriage within the third degree**” includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.
- DD.** “**Resignation**” means the voluntary separation of an employee from the classified service.
- EE.** “**Rules**” means the rules and regulations of the personnel board.
- FF.** “**Service of Notice**” shall be complete on the date the notice is mailed via certified mail to the address of record, delivered to a courier for delivery to the address of record, or hand delivered.
- GG.** “**Signature**” means handwritten or electronic signature(s), provided that the mechanism for electronic signatures is approved for use by the SPO director, provides for authentication, and otherwise complies with the Uniform Electronic Transactions Act, Sections 14-16-1 to 21 NMSA 1978.
- HH.** “**Status**” means all of the rights and privileges of an appointment.
- II.** “**Supervisor**” means an employee in a non-manager classification who devotes a substantial amount of work time to supervisory duties, regularly directs the work of other employees and has the authority in the interest of the employer to hire, promote, evaluate the performance of, or discipline other employees or to recommend such actions effectively, but does not include an individual who performs merely routine, incidental or clerical duties, or who occasionally assumes supervisory or directory roles or whose duties are substantially similar to those of subordinates, and does not include lead employees, employees who participate in peer review or occasional employee evaluation programs.
- JJ.** “**Suspension**” means an involuntary leave of absence without pay for disciplinary reasons for a period not to exceed 30 calendar days.
- KK.** “**Transfer**” means the movement of an employee from one position to another in the same pay band without a break in employment.
- LL.** “**Without prejudice**” means a declaration that no rights or privileges of the employee concerned are waived or lost except as may be expressly conceded or decided.
- MM.** “**Writing or written**” means in the written form and/or an alternative format, where deemed appropriate, and when requested, including electronic records that comply with the Uniform Electronic Transactions Act, Sections 14-16-1 to 21 NMSA 1978.

[1.7.1.7 NMAC - Rp, 1 NMAC 7.1.7, 1/1/2020; A, 1/14/2025; A, x/x/2026]

1.7.1.8 APPROVAL AUTHORITY:

A. Pursuant to the provision of Subsection A of Section 10-9-12 NMSA 1978, the SPO director shall supervise all administrative and technical personnel activities of the state classified service. The SPO director may audit the administrative and technical personnel activities of the state. The SPO director shall submit any findings of non-compliance with these rules to the board.

B. If it is established that an agency has violated the rules, an applicable collective bargaining agreement in place with the state, or the agency's policies, and the agency is given adequate opportunity to correct violations and fails to do so, the SPO director may suspend the agency's line authority or right to approve personnel actions, to approve employment lists, to advertise employment positions, to negotiate with or to make agreements with exclusive bargaining representatives, or to perform any activities related to the agency's violations and require SPO director approval until the SPO director rescinds the suspension.

C. The SPO director reserves the right to assign line authority under these rules so long as such line authority maintains the SPO director's administrative oversight and authority.

D. The SPO director shall establish criteria governing the requirements which must be met to achieve and maintain line authority status.

E. The SPO director may modify or withdraw line authority status.

[1.7.1.8 NMAC - Rp, 1 NMAC 7.1.8, 1/1/2020; A, 1/14/2025; A, x/x/2026]

1.7.1.12 EMPLOYMENT RECORDS:

A. Agencies shall maintain a record of each employee's employment history in accordance with operational necessity and applicable state and federal law requirements. Former or current employees shall have access to review their own file. Employment-related confidential records shall be available for inspection by agencies during the process of interviewing for employment when the employee has provided a signed release. No materials shall be placed in an employee's employment history without providing the employee with a copy. Employees may submit written rebuttal to any material placed in their employment history. Agencies shall transfer the complete record of an employee's employment history upon inter-agency transfer.

B. Employment records, except confidential records, are subject to inspection by the general public. Confidential records may be inspected with the written permission of the employee or pursuant to a lawful court order or subpoena.

C. For the purpose of inspection of public records under Subsection B of 1.7.1.12 NMAC, the following material shall be regarded as confidential and exempted from public inspection: records and documentation pertaining to physical or mental illness, injury or examinations, sick leave and medical treatment of persons; records and documentation maintained for purposes of the Americans with Disabilities Act [42 U.S.C. Section 12010 et seq.]; letters of reference concerning employment, licensing, or permits; records and documentation containing matters of opinion; interview notes; documents concerning infractions and disciplinary actions; performance appraisals; opinions as to whether a person should be re-employed; college transcripts; military discharge; information on the race, color, religion, sex, national origin, political affiliation, age, and disability of employees; home address and personal telephone number unless related to public business; social security number; laboratory reports or test results generated according to the provisions of 1.7.8 NMAC; and as otherwise provided by state or federal law.

[1.7.1.12 NMAC - Rp, 1 NMAC 7.1.12, 1/1/2020; A, x/x/2026]