



New Mexico State Personnel Board State Personnel Office

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Director

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General Memorandum 2018-001

DATE: September 25, 2018

TO: Cabinet Secretaries, Agency Directors and Elected Officials

FROM: Justin Najaka, State Personnel Director *Justin Najaka*

VIA: Governor Susana Martinez

SUBJECT: Military Leave for Federal Fiscal Year 2019

Governor Martinez has authorized an additional 15 days paid military leave in accordance with NMSA 1978, Section 20-4-7, and directs all agencies to administer the leave as set out herein.

Pursuant to Governor Martinez's directive and NMSA 1978, Section 20-4-7, any member of the National Guard or Reserves who is a state employee and who is mobilized by the President of the United States or the Governor of New Mexico in support of military and emergency or disaster operations is entitled to the additional 15 days of paid military leave. The additional 15 days of paid leave may also be utilized for periods of active duty for training when the Governor deems that such training will benefit the state. This paid military leave is for the duration of the federal fiscal year 2019 (October 1, 2018 - September 30, 2019), and shall be in addition to the 15 days of paid military leave that is provided for in NMSA 1978, Section 20-4-7, for a total of 30 days of paid military leave.

Additionally, due to a number of military operations occurring domestically and abroad, many National Guard members and Reservists will use the 15 days of military leave during normal active duty training. The additional 15 days of military leave will enable the

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men and women of our armed forces to complete the training that is necessary prior to mobilization and deployment.

When military leave is exhausted, state employees have the option of being placed on leave without pay (LWOP) or using accrued leave. State employees who exhaust their annual or other personal leave shall be placed on LWOP for the remainder of time that they are on active duty. State employees shall not receive pay or accrue leave while on LWOP.

State employees in the National Guard and Reservists who are called to duty are entitled to return to their former position, or to a similar position with same pay, provided they are still qualified to perform the essential functions of the position with or without an accommodation. State employees must return to work within 90 days of release from military service.

Upon return to work, state employees shall be entitled to all of the rights and benefits they would have received had the military service not occurred, based on length of service. Therefore, all time spent while called to duty shall count for seniority, general pay increases, probation, and annual leave accrual rate purposes. Additionally, state employees that are on military leave shall be protected from a reduction in force.

Questions relating to this matter should be directed to Leave Management at the State Personnel Office at 505-476-7719.

Any questions relating to how military leave and/or LWOP may affect Group Insurance should be directed to the ERISA Administrative Services at 1-855-618-1800.

Any questions relating to how military leave and/or LWOP may affect PERA should be addressed to a PERA benefit counselor at 505-476-9600, or toll free in New Mexico 1-800-342-3422.

cc: SPO HR Operations
SPO Leave Management