



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

Nivia L. Thames
Deputy Director

State Personnel Board
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General Memorandum 2017-001

DATE: September 6, 2017

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 2018

Governor Martinez has continued authorization for an additional 15 days of paid military leave in accordance with NMSA 1978, Section 20-4-7, and directs all agencies to continue to administer the leave as previously instructed.

Pursuant to Governor Martinez's directive, and NMSA 1978, Section 20-4-7, state government employees who are members of the National Guard or Reserves and who are mobilized by the President of the United States or the Governor of New Mexico in support of military and emergency or disaster operations are entitled to the additional 15 days of paid military leave. This paid leave is for the duration of the federal fiscal year 2018 (October 1, 2017 to September 30, 2018), 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 men and women of our armed forces to complete the training that is necessary prior to mobilization and deployment. This training is essential to ensure that our troops possess the necessary skills and training to protect them and others.

2600 Cerrillos Road, Santa Fe, New Mexico, 87505 (505) 476-7759



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 leave shall then be placed on LWOP for the remainder of time that they are on active duty. State employee shall not receive pay or accrue leave while on LWOP.

For unusual and extenuating circumstances, additional military leave may be considered and/or approved. Requests of this nature should be forwarded to Justin Najaka, State Personnel Director, who will consult with General Nava. The approval of additional leave will be based upon the merits of the request.

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 the same pay, provided that they are still qualified to perform the duties of the position. 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, and 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 the assigned Human Resources Consultant at the State Personnel Office.

Any questions relating to this matter from Governor's Exempt Service should be directed to Julia Ruetten, Governor Exempt Pay Plan Director at 505-827-4982.

Any questions relating to how military leave and/or LWOP may affect Group Insurance should be addressed 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: Agency Human Resource Managers