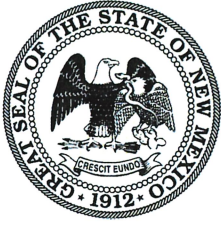


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New Mexico State Personnel Board

State Personnel Office

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Governor

Pamela D. Coleman
Director

State Personnel Board
Christine B. Romero, Chair
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BEFORE THE NEW MEXICO STATE PERSONNEL BOARD

IN RE: THE REPEAL AND REPLACEMENT OF 1.7.1 NMAC – GENERAL PROVISIONS

RULEMAKING PROCEEDING FOR THE
REPEAL AND REPLACEMENT OF 1.7.1
NMAC

CONCISE EXPLANATORY STATEMENT

The New Mexico State Personnel Board (the "Board") hereby repeals and replaces 1.7.1 NMAC — General Provisions. The rule is currently codified in Title 1, Chapter 7, Part 1 of the New Mexico Administrative Code.

(1) Statutory Authority for Rule Promulgation:

Under the Personnel Act, "The [personnel] director shall . . . recommend to the board rules [she] considers necessary or desirable to effectuate the Personnel Act," and "the [B]oard shall . . . promulgate regulations to effectuate the Personnel Act[.]" NMSA 1978, §§ 10-9-10(A), 12(E).

(2) Effective Date of Rule:

Date of publication in the New Mexico Register. See NMSA 1978, §§ 10-9-13 ("Rules promulgated by the board shall be effective when filed as required by law."); 14-4-5(D) ("Unless a later date is otherwise provided by law or in the rule, the effective date of a rule shall be the date of publication in the New Mexico register.")

(3) Date of Adoption of Rule:

December 17, 2019

(4) Date of Meeting Approving Rule:

December 6, 2019

(5) Reasons for Adopting Rule:

The purposes of the repeal and replacement of 1.7.1 NMAC are to add, clarify, and amend definitions used throughout the State Personnel Board rules and update procedures to reflect current practices and changes in law. 1.7.1 NMAC also is being repealed and replaced to conform to current NMAC2 style and format.

1.7.1.7 NMAC, Definitions, include multiple technical and substantive changes for the purposes of clarifying or updating the current definitions to adhere to statute. Several definitions were added for the same purpose.

1.7.1.8 NMAC, Approval Authority, includes changes to the compliance review process involving state agencies to adhere to current practice and provides the Director with authority to take administrative action against an agency for non-compliance with the rules, collective bargaining agreements, or agency policies.

1.7.1.12 NMAC, Employment Records, has minimal technical changes involving personnel records retention and release by agencies.

1.7.1.13 NMAC, Settlement Agreements, includes Director and DFA Cabinet Secretary approval requirements for settlement agreements between agencies and their employees arising out of personnel action covered by the State Personnel Act and corresponding rules.

1.7.1.14 NMAC, Agency Human Resources Policies, provides agencies with a deadline with which to submit copies of their policies, each year.

(6) Reasons for Changes from Published Rule:

Paragraphs in 1.7.1.7 NMAC, Definitions, were re-lettered so that they are in alphabetic order.

In the published rule, paragraph 1.7.1.7(Z) NMAC, Definitions, Midpoint, the bracketed section was intended to have a strikethrough so the final rule reflects that change.

(7) Reasons for Not Accepting Substantive Arguments from Public Comment:

There were no substantive arguments from public comment related to the repeal and replacement of 1.7.1 NMAC.

The proposed rule repeal and replaced, as authorized by the Board during its regular meeting held December 6, 2019, is hereby adopted as of the date of this Concise Explanatory Statement.

IT IS SO ORDERED,

ON BEHALF OF THE NEW MEXICO
STATE PERSONNEL BOARD

12/17/19
DATE


CHRISTINE B. ROMERO, CHAIR

FILED WITH
NEW MEXICO STATE
RECORDS CENTER

2019 DEC 17 PM 3:30

At its December 6, 2019 meeting, the New Mexico State Personnel Board repealed its rule General Provisions, 1.7.1 NMAC, filed July 7, 2001, and replaced it with a new rule, General Provisions, 1.7.1 NMAC, adopted December 13, 2019, and effective January 1, 2020.