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BEFORE THE NEW MEXICO STATE PERSONNEL BOARD
IN RE: RULEMAKING PROCEEDING FOR AMENDMENTS TO 1.7.1 NMAC – GENERAL PROVISIONS
AMENDMENTS TO 1.7.7 NMAC – ABSENCE AND LEAVE
AMENDMENTS TO 1.7.8 NMAC – DRUG AND ALCOHOL ABUSE
REPEAL AND REPLACEMENT OF 1.7.10 NMAC – FURLOUGH, REDUCTION IN FORCE,
REEMPLOYMENT, SEPARATION WITHOUT PREJUDICE

CONCISE EXPLANATORY STATEMENT

The New Mexico State Personnel Board (the "Board") hereby amends 1.7.1 NMAC – General Provisions, amends 1.7.7 NMAC – Absence and Leave, amends 1.7.8 NMAC – Drug and Alcohol Abuse, and repeals and replaces and amends 1.7.10 NMAC – Furlough, Reduction in Force, Reemployment, Separation Without Prejudice. The rules are currently codified in Title 1, Chapter 7, Part 1; Title 1, Chapter 7, Part 7; and Title 1, Chapter 7, Part 8; and Title 1, Chapter 7, Part 10 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 [he] considers necessary or desirable to effectuate the Personnel Act," and "the board shall...promulgate regulations to effectuate the Personnel Act[.]" NMSA 1978, §§ 10-9-10(A), 12(E), 13.

(2) Date of Notice in New Mexico Register:

The Notice of Rulemaking was published in Volume XXXVI, Issue: 5 of the New Mexico Register on March 11, 2025.

(3) Date of Meeting Approving Rule:

April 18, 2025

(4) Date of Adoption of Rule:

May 8, 2025

(5) Date of Publication of Adopted Rule in New Mexico Register:

The adopted Rule will be published in Volume XXXVI, Issue: 10 of the New Mexico Register on May 20, 2025.

(6) Effective Date of Rule:

May 20, 2025 (1.7.13.10 NMAC “The Board shall determine the effective date of Rules....”).

(7) Reasons for Adopting Rule:

Amendments to 1.7.1 – General Provisions

The change to 1.7.1.11 Computation of Time, clarifies that three (3) calendar days are added to response times when service of notice is by certified mail or courier

Amendments to 1.7.7 NMAC – Absence and Leave

The change to 1.7.7.8 Annual Leave, removes provision that allows employees to carry forward more than 240 hours of annual leave after December 2020, but not beyond July 9, 2021.

The change to 1.7.7.10 Sick Leave, eliminates the ability of employees to appeal denial of sick leave or alleged violations of the Public Employee Caregiver Leave Act to the State Personnel Office Director.

The change to 1.7.7.12 Family and Medical Leave, removes the requirement that disputes over the administration of the Family Medical Leave Act be forwarded to the State Personnel Office Director for resolution.

Amendments to 1.7.8 NMAC – Drug and Alcohol Abuse

Corrects internal citations in Sections 1.7.8.8, 1.7.8.9, 1.7.8.10, 1.7.8.13, 1.7.8.15, 1.7.8.18.

Repeal and Replacement of 1.7.10 NMAC – Furlough, Reduction in Force, Reemployment, Separation Without Prejudice

The change to 1.7.10.13, Separation Without Prejudice, clarifies that three (3) calendar days are added to response times when service of notice is by certified mail or courier.

(8) Reasons for Changes from Published Proposed Rules:

There are no changes to the published proposed rules.

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

There were no public comments related to the amendment of 1.7.1 NMAC, the amendment of 1.7.7 NMAC, the amendment of 1.7.8 NMAC, and the repeal and replacement of 1.7.10 NMAC.

The amended Rules and the repealed and replaced Rule, as authorized by the Board during its regular meeting held April 18, 2025 are hereby adopted as of the date of this Concise Explanatory Statement.

IT IS SO ORDERED,

ON BEHALF OF THE NEW MEXICO
STATE PERSONNEL BOARD


DAVID CUNNINGHAM, CHAIR

DATE: May 8, 2025