



New Mexico State Personnel Board

State Personnel Office

Michelle Lujan Grisham
Governor


Ricky A. Serna
Acting Director

State Personnel Board
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General Memorandum 2021-003

Date: October 1, 2021

To: Cabinet Secretaries, Agency Heads, Elected Officials and Human Resource Managers

From: Ricky A. Serna, Acting Director 

Subject: Military Leave for federal Fiscal Year 2022

Governor Michelle Lujan Grisham has authorized an additional fifteen (15) days paid military leave in accordance with NMSA 1978, Sections 20-4-7 and 20-5-14, and hereby directs all agencies to administer the leave as described in this memorandum and in compliance with state and federal law.

Pursuant to NMSA 1978, Sections 20-4-7 and 20-5-14, the Governor has granted members of the National Guard, reserve components of the United States Armed Forces (Reserves), and the State Defense Force up to fifteen (15) working days for federal fiscal year 2022 for military training as she has deemed that such training will benefit the State by enabling the employees to better perform their duties.

The additional fifteen (15) days of paid leave may be utilized for periods where the employee is ordered to duty for National Guard or Reserves training or is attending officially authorized State Defense Force training or instruction courses, during normally scheduled work hours.

This paid military leave is for the duration of the federal fiscal year 2022 (October 1, 2021 -September 30, 2022) and shall be in addition to the fifteen (15) days of paid military leave that is required by NMSA 1978, Sections 20-4-7 and 20-5-14, for a maximum total of thirty (30) days of paid military leave. This paid leave is in addition to other paid leave or vacation time to which the employee is already entitled.

When military leave is exhausted, employees will have the option of being placed on leave without pay (LWOP) or using other forms of accrued paid 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.

Pursuant to the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and NMSA 1978, 20-4-7.1, 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 and meet any other legal requirements. Depending on the time of military service, employees will have a set time during which they must return to work or apply for reemployment after release. Employees who qualify under USERRA are entitled to all employment rights and benefits guaranteed by that law.

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 benefits counselor at 505-476-9600, or toll free in New Mexico 1-800-342-3422. All other questions relating to this matter should be directed to the State Personnel Office at 505-476-7759.