

NOTICE OF PROPOSED RULEMAKING

Posted: Tuesday, March 11, 2025

Public Notice: The New Mexico State Personnel Board will hold a public hearing on Friday, April 18, 2025, at 9:00 a.m. The meeting will be held in person in the Willie Ortiz Auditorium, 2600 Cerrillos Road, Santa Fe, NM 87505.

Purpose of Rule Hearing: The purpose of the public hearing is to receive public input on the proposed amendments to 1.7.1 NMAC – General Provisions; the proposed amendments to 1.7.7 NMAC – Absence and Leave; the proposed amendments to 1.7.8 NMAC – Drug and Alcohol Abuse; and the proposed repeal and replacement of 1.7.10 NMAC – Furlough, Reduction in Force, Reemployment, Separation Without Prejudice.

Statutory Authority: Personnel Act, Sections 10-9-10 and 10-9-12 NMSA 1978.

Purpose of the Proposed Amendments: The purpose of these changes is to ensure uniform application of the rules, to clarify roles and obligations of the State Personnel Office Director, and to conform to state and federal law.

Summary of Proposed Changes to 1.7.1 NMAC General Provisions: The section being substantively amended is: *Section 1.7.1.11*, clarifying that three (3) calendar days are added to response times when service of notice is by certified mail or courier.

Summary of Proposed Changes to 1.7.7 NMAC Absences and Leave: The sections being substantively amended are: *Section 1.7.7.8*, removing provision that allowed employees to carry forward more than 240 hours of annual leave after December 2020, but not beyond July 9, 2021; *Section 1.7.7.10*, eliminating the ability of employees to appeal denial of sick leave or alleged violations of the Public Employee Caregiver Leave Act to the SPO Director; *Section 1.7.7.12*, removing the requirement that disputes over the administration of the Family Medical Leave Act be forwarded to the SPO Director for resolution.

Summary of Proposed Changes to 1.7.8 NMAC Drug and Alcohol Abuse: The sections being amended are: *Section 1.7.8.8*, *1.7.8.9*, *1.7.8.10*, *1.7.8.13*, *1.7.8.15*, *1.7.8.18*, correcting internal citations.

Summary of Proposed Changes to 1.7.10 NMAC Furlough, Reduction in Force, Reemployment, Separation Without Prejudice: Because of the state-required formatting changes (1.24.11.9 NMAC), this rule will be repealed and replaced. The section being substantively amended is: *Section 1.7.10.13*, clarifying that three (3) calendar days are added to response times when service of notice is by certified mail or courier.

How to Comment on the Proposed Rules: Public comment addressing the proposed rule changes can be made in person using the Public Comment sign-in sheet, by mail to Denise Forlizzi, State Personnel Office, 2600 Cerrillos Rd., Santa Fe, New Mexico 87505 or by emailing your comment to DeniseM.Forlizzi@spo.nm.gov by 5:00 p.m. Thursday, April 17, 2025. Email comments must include the subject line, “Rule Changes to 1.7.X NMAC”, the commenter’s name and contact information.

Copies of Proposed Rules: Copies of the proposed rules are available for download on the State Personnel Office’s website at www.spo.state.nm.us. A copy of the proposed rules may also be requested by contacting Denise Forlizzi by phone at (505)365-3691 or by email DeniseM.Forlizzi@spo.nm.gov.

Special Needs: Individuals who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Forlizzi at (505)365-3691 as soon as possible to allow adequate time to provide the requested accommodation(s).