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BEFORE THE NEW MEXICO STATE PERSONNEL BOARD

IN RE: RULEMAKING PROCEEDING FOR AMENDMENT TO 1.7.1 NMAC – GENERAL PROVISIONS AMENDMENTS TO 1.7.3 NMAC – CLASSIFICATION AMENDMENTS TO 1.7.4 NMAC - PAY

CONCISE EXPLANATORY STATEMENT

The New Mexico State Personnel Board (the "Board") hereby amends 1.7.1 NMAC – General Provisions, amends 1.7.3 NMAC – Classification, amends 1.7.4 NMAC – Pay. The rules are currently codified in Title 1, Chapter 7, Part 1; Title 1, Chapter 7, Part 3; Title 1, Chapter 7, Part 4 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: 24 of the New Mexico Register on December 23, 2025.

(3) Date of Meeting Approving Rules:

February 6, 2026

(4) Date of Adoption of Rules:

February 24, 2026

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

The adopted Rule will be published in Volume XXXVII, Issue: 4 of the New Mexico Register on February 12, 2026.

(6) Effective Date of Rules:

February 24, 2026(1.7.13.10 NMAC “The Board shall determine the effective date of Rules....”).

(7) Reasons for Adopting Rules:

These changes are needed to modernize the rules to reflect current practices related to the way in which the State Personnel Office administers the statewide classification system. Additionally, these changes are needed to ensure transparency and consistency in employee compensation. Finally, these rules are needed to ensure uniformity and clearly separate the responsibilities between the State Personnel Office and State Agencies related to classified service employment.

Amendments to 1.7.1 NMAC– General Provisions

The change to 1.7.1.15 Training and Development, provides the State Personnel Office Director the authority to prescribe mandatory training courses for classified service employees.

Amendments to 1.7.3 NMAC – Classification

The change to 1.7.3.7 Definitions, clarifies that the State Personnel Office Director develops the annual classification plan.

The change to 1.7.3.8 Classification Plan, explains that the State Personnel Office appoints and trains a job evaluation review committee to submit recommendations to the State Personnel Office Director on created, revised, and deleted class descriptions.

The change to 1.7.3.9 Position Assignment, states that an appeal of a position assignment decision as a result of a classification study must be submitted within 60 days of the implementation of the class study.

The change to 1.7.3.10 Implementation of Classification Study Results, clarifies that the State Personnel Office Director determines the date an employee is assigned a new classification as a result of a classification study.

Amendments to 1.7.4 NMAC – Pay

The change to 1.7.4.9 Assignment of Pay Bands, removes the job evaluation committee to determine the assignment of pay bands and replaces it with a market-based analysis to determine the assignment of pay bands.

The change to 1.7.4.12 Administration of the Salary Schedules, removes language limiting in pay band increase to once per fiscal year and clarifies that a salary increase upon promotion of less than five percent per pay band and a salary increase of greater than ten percent per pay band requires approval of the State Personnel Office Director.

The change to 1.7.4.13 Pay Differentials, allows an agency to authorize a pay differential of \$0.35 per hour for an employee who has been assigned to perform multi-lingual duties when deemed necessary.

(8) Reasons for Changes from Published Proposed Rules:

There are no changes to the proposed published rules.

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

There were no public comments received related to the amendment of 1.7.1 NMAC, the amendment of 1.7.3 NMAC, the amendment of 1.7.4 NMAC.

The amended Rules, as authorized by the Board during its regular meeting held February 6, 2026, 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



February 11, 2026
DATE

SANDRA D. LOPEZ, CHAIR