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HOUSE BILL 439

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LEGISLATORS; SPECIFYING LEAVE REQUIREMENTS FOR
LEGISLATORS EMPLOYED BY POLITICAL SUBDIVISIONS OF THE STATE
WHEN CONDUCTING LEGISLATIVE BUSINESS; ALLOWING FOR POLITICAL
LEAVE WITHOUT PAY; PROHIBITING PUBLIC EMPLOYERS FROM ADOPTING
LEAVE POLICIES THAT ALLOW A LEGISLATOR TO TAKE PAID LEAVES OF
ABSENCE EXCEPT FOR ACCRUED ANNUAL AND COMPENSATORY TIME WHEN
THE LEGISLATOR IS CONDUCTING LEGISLATIVE BUSINESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 2, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] LEGISLATORS AS EMPLOYEES OF POLITICAL
SUBDIVISIONS--ACCRUED ANNUAL OR COMPENSATORY LEAVE OR POLITICAL
LEAVE.--

A. A legislator who is an employee of a political

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1 subdivision of the state may take accrued annual or
2 compensatory leave or political leave when the member is
3 unable, during usual working hours, to perform the member's
4 usual job because of legislative business. Sick leave or
5 administrative leave shall not be used for legislative
6 business. This requirement appertains regardless of whether
7 the member receives per diem and mileage reimbursement from the
8 legislature.

9 B. Public employers, including home rule
10 municipalities, are prohibited from adopting leave policies
11 that allow employee-legislators to take paid leave other than
12 annual or compensatory leave that has already been earned when
13 the employee-legislator is conducting legislative business.

14 C. A public employee serving as a legislator shall
15 not lose seniority with the public employer nor shall
16 legislative service be considered a break in service with the
17 public employer for any purpose.

18 D. As used in this section, "political leave" means
19 leave without net pay for the time of absence due to
20 legislative duties. The public employer shall decide through
21 its adopted personnel policies how net pay shall be deducted
22 from the employee-legislator's regular pay."