

1 HOUSE BILL 502

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC EMPLOYEES; REDUCING THE PERIOD OF EMPLOYMENT  
12 PROBATION FOR PUBLIC EMPLOYEES FROM ONE YEAR TO NINETY DAYS;  
13 PROHIBITING AN ADDITIONAL PROBATIONARY PERIOD IF AN EMPLOYEE  
14 ELECTS TO TRANSFER OR MOVE TO A DIFFERENT STATE SERVICE  
15 ASSIGNMENT.

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

18 SECTION 1. Section 10-9-13 NMSA 1978 (being Laws 1961,  
19 Chapter 240, Section 9, as amended) is amended to read:

20 "10-9-13. RULES--ADOPTION--COVERAGE.--Rules promulgated  
21 by the board shall be effective when filed as required by law.  
22 The rules shall provide, among other things, for:

23 A. a classification plan for all positions in the  
24 service;

25 B. a pay plan for all positions in the service;

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1 C. competitive entrance and promotion tests to  
2 determine the qualifications, fitness and ability of applicants  
3 to perform the duties of the position for which they apply.  
4 Such rules shall also provide for the awarding to those  
5 applicants having a passing grade of two preference points for  
6 each year of residency in New Mexico not to exceed a total of  
7 ten preference points;

8 D. exemption from competitive entrance tests for  
9 those professional persons applying for classified positions in  
10 the service who possess recognized registration or  
11 certification by another state agency;

12 E. a period of probation of [~~one year~~] ninety days  
13 during which a probationer may be discharged or demoted or  
14 returned to the eligible list without benefit of hearing;  
15 provided that, once an employee has completed the initial  
16 probationary period, that employee shall not be required to  
17 complete any additional probationary period upon electing to  
18 transfer or otherwise move to another service assignment;

19 F. the establishment of employment lists for the  
20 certification of the highest standing candidates to the  
21 prospective employers and procedure to be followed in hiring  
22 from the lists;

23 G. hours of work, holiday and leave;

24 H. dismissal or demotion procedure for employees in  
25 the service, including presentation of written notice stating

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1 specific reasons and time for the employees to reply thereto,  
2 in writing, and appeals to the board;

3 I. the rejection of applicants who fail to meet  
4 reasonable requirements as to age, physical condition,  
5 training, experience or moral conduct; and

6 J. employment of any apparently qualified applicant  
7 for a period of not more than ninety days when an emergency  
8 condition exists and there are no applicants available on an  
9 appropriate employment list as provided in Subsection F of this  
10 section. The applicant, if employed, shall be paid at the same  
11 rate as a comparable position covered by the Personnel Act."