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HOUSE BILL 129

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Reena Szczepanski and Patricia Roybal Caballero

AN ACT

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

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

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

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

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

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

underscored material = new
[bracketed material] = delete

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

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

24 G. hours of work, holiday and leave;

25 H. dismissal or demotion procedure for employees in

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~~[bracketed material]~~ = delete

1 the service, including presentation of written notice stating
2 specific reasons and time for the employees to reply thereto,
3 in writing, and appeals to the board;

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

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

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