HOUSE BILL 405

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

INTRODUCED BY

Anita Gonzales and Art De La Cruz and Joseph L. Sanchez

and Joseph Franklin Hernandez and Michelle Paulene Abeyta

AN ACT

RELATING TO EMERGENCY RESPONDERS; ENACTING THE VOLUNTEER
FIREFIGHTER SERVICE AND TRAINING JOB RETENTION ACT; REQUIRING
EMPLOYERS TO PROVIDE LEAVES OF ABSENCE TO EMPLOYEES WHO ARE
VOLUNTEER FIREFIGHTERS FOR TIME IN SERVICE AND TRAINING IN
CERTAIN CIRCUMSTANCES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Volunteer Firefighter Service and Training Job
Retention Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Volunteer Firefighter Service and Training Job Retention Act:

A. "certified fire department" means a fire
department certified by the state fire marshal;

B. "eligible employee" means an employee who

.229705.3

1 volunteers as a firefighter at a certified fire department;

2 C. "employee" means an individual employed by an

3 employer, including an individual employed on a part-time

4 basis;

5 D. "employer" means any individual, partnership,

6 association, corporation, business trust, legal representative

7 or organized group of persons employing one or more employees

8 at any one time, acting directly or indirectly in the interest

9 of an employer in relation to an employee, but does not include

10 the United States. "Employer" includes the state or any

11 political subdivision of the state and a person providing

12 remuneration for domestic service in a private home; and

13 E. "time in service" means time an eligible

14 employee is responding to an emergency or fire as a volunteer

15 firefighter during the hours the eligible employee would

16 normally be working at the eligible employee's regular place of

17 paid employment.

18 **SECTION 3.** [NEW MATERIAL] FIREFIGHTER TRAINING--LEAVE OF

19 ABSENCE.--

20 A. An eligible employee shall provide to the

21 eligible employee's employer a statement signed by the chief of

22 a certified fire department verifying the eligible employee's

23 status as a volunteer firefighter and shall provide an updated

24 statement signed by the chief of a certified fire department

25 re-verifying the eligible employee's status each subsequent

.229705.3

1 calendar year.

2 B. Upon request, an employer shall provide an
3 eligible employee a leave of absence not to exceed one hundred
4 twelve hours per calendar year to attend firefighter training;
5 provided that the eligible employee shall provide thirty days'
6 notice to the employer.

7 **SECTION 4.** [<u>NEW MATERIAL</u>] FIREFIGHTER--SERVICE LEAVE.--An
8 employer shall provide an eligible employee a leave of absence
9 not to exceed one hundred twelve hours per calendar year for
10 time in service; provided that:

11 A. the eligible employee notifies the employer upon
12 being called to service; and

13 B. the eligible employee provides the employer with
14 a signed statement from the chief of a certified fire
15 department verifying the time in service within three days of
16 the end of each leave of absence.

17 **SECTION 5.** [<u>NEW MATERIAL</u>] EFFECT OF A LEAVE OF ABSENCE.--

18 A. A leave of absence provided pursuant to the
19 Volunteer Firefighter Service and Training Job Retention Act
20 may be unpaid leave.

21 B. A leave of absence provided pursuant to the
22 Volunteer Firefighter Service and Training Job Retention Act
23 shall not be used as the basis to:

24 (1) terminate or demote an eligible employee;
25 or

.229705.3

- 3 -

1   (2)   reduce an eligible employee's accrual of

2   annual or sick leave or seniority.

3   **SECTION 6.**   EFFECTIVE DATE.--The effective date of the

4   provisions of this act is July 1, 2025.

5   - 4 -

.229705.3