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HOUSE BILL 403

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

INTRODUCED BY

Conrad James

AN ACT

RELATING TO PUBLIC EMPLOYEES; PROVIDING FOR PUBLIC EMPLOYERS TO
IMPLEMENT A LEAVE DONATION POLICY FOR EMPLOYEES WITH MEDICAL
EMERGENCIES.

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

SECTION 1. [NEW MATERIAL] LEAVE DONATION POLICY.--

A. State agencies, political subdivisions and
school districts shall implement policies that provide for
employees who earn annual or sick leave the opportunity to
donate annual or sick leave to another employee for a medical
emergency. The policy shall provide:

(1) that a reasonable amount of leave may be
donated by an employee annually and that each employee shall
maintain a certain minimum amount of leave before making a
donation of leave in excess of that amount;

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- 1 (2) that the donation may be limited to a
2 donation between employees within an organizational unit;
- 3 (3) for an application process for donated
4 leave that includes:
- 5 (a) a method of soliciting donated
6 leave;
- 7 (b) documentation of the identity of the
8 donor and recipient of leave;
- 9 (c) a certified document by a licensed
10 health care provider that describes the nature, severity and
11 anticipated duration of the emergency medical condition of the
12 recipient and that includes a statement that the recipient is
13 unable to work all or a portion of the recipient's work hours;
14 and
- 15 (d) other information that the employing
16 agency may reasonably require;
- 17 (4) that required documentation pursuant to
18 this section is confidential and is not a public record for
19 purposes of the Inspection of Public Records Act;
- 20 (5) that an employee who wishes to request
21 donated leave shall first use all annual, sick and personal day
22 leave that the employee has accrued and any compensatory time
23 due prior to receiving donated leave;
- 24 (6) for conversion of the value of the donor's
25 donated leave based on the donor's hourly rate of pay to hours

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1 of leave for the recipient based on the recipient's hourly rate
2 of pay; and

3 (7) that unused donated leave at the end of a
4 medical emergency or when no longer needed shall revert to the
5 donating employees on a prorated basis.

6 B. To the extent any provision of this section
7 conflicts with a current collective bargaining agreement
8 negotiated pursuant to the Public Employee Bargaining Act, the
9 provisions of this section shall not apply.