

1 HOUSE BILL 300

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

3 INTRODUCED BY

4 Joy Garratt and Christine Chandler and
5 Patricia Roybal Caballero
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10 AN ACT

11 RELATING TO PUBLIC EMPLOYEES; REQUIRING POLICY ENABLING PUBLIC
12 EMPLOYEES TO TELEWORK; AMENDING AND ENACTING SECTIONS OF THE
13 NMSA 1978.
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. A new section of Chapter 10, Article 7 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] PUBLIC EMPLOYEE TELEWORK POLICY.--

19 Notwithstanding any statute or rule to the contrary, public
20 employees shall be eligible to perform the public employees'
21 work duties via telework; provided that specific work tasks do
22 not require the employees' presence in a specific work site
23 provided by the agency employing the employee."

24 SECTION 2. Section 10-9-13 NMSA 1978 (being Laws 1961,
25 Chapter 240, Section 9, as amended) is amended to read:

.224661.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 "10-9-13. RULES--ADOPTION--COVERAGE.--Rules promulgated
2 by the board shall be effective when filed as required by law.
3 The rules shall provide, among other things, for:

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

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

7 C. competitive entrance and promotion tests to
8 determine the qualifications, fitness and ability of applicants
9 to perform the duties of the position for which they apply.

10 Such rules shall also provide for the awarding to those
11 applicants having a passing grade of two preference points for
12 each year of residency in New Mexico not to exceed a total of
13 ten preference points;

14 D. exemption from competitive entrance tests for
15 those professional persons applying for classified positions in
16 the service who possess recognized registration or
17 certification by another state agency;

18 E. a period of probation of one year during which a
19 probationer may be discharged or demoted or returned to the
20 eligible list without benefit of hearing;

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

25 G. hours of work, holiday and leave;

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[bracketed material] = delete

1 H. dismissal or demotion procedure for employees in
2 the service, including presentation of written notice stating
3 specific reasons and time for the employees to reply thereto,
4 in writing, and appeals to the board;

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

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

14 K. a plan for telework under which an employee
15 performs the duties and responsibilities of the employee's
16 position from an approved work site other than the employee's
17 assigned position location during any part of regular paid
18 hours, including from an employee's residence."