

HOUSE MEMORIAL 7

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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A MEMORIAL

REQUESTING A STUDY AND REPORT ON THE USE OF EMPLOYMENT
CLASSIFICATIONS THAT RESULT IN LONG-TERM WORK WITHOUT BENEFITS
OR EMPLOYEE PROTECTIONS IN NEW MEXICO STATE GOVERNMENT.

WHEREAS, New Mexico's ability to recruit and retain a
stable, skilled public workforce depends on total compensation,
including wages and benefits, and the legislative finance
committee has noted that benefits are a material share of
overall compensation; and

WHEREAS, Deloitte's work for the legislative finance
committee identified compensation, flexibility to work remotely
and work environment as leading drivers of state employee
attrition and identified high vacancy rates and reduced
capacity tied to compensation and agency budget constraints;
and

1 WHEREAS, New Mexico law uses the term "regular
2 nonprobationary employee" as a key threshold for who counts as
3 a public employee for collective bargaining purposes, which
4 threshold can create strong incentives to classify work in ways
5 that avoid "regular" status and related protections; and

6 WHEREAS, the Personnel Act exempts "employees of a
7 professional or scientific nature which are temporary in
8 nature", yet certain state agencies and the state personnel
9 office are using this language to deny employees who are of
10 neither a professional nor scientific nature access to the
11 rights afforded to all other employees in the classified
12 service; and

13 WHEREAS, the personnel board rules define a temporary
14 appointment as the employment of a candidate in a position
15 created for a duration of less than one year, in which the
16 employee does not have to complete a probationary period and is
17 subject to termination without appeal, but should be afforded
18 all other benefits outlined in personnel board rule, other than
19 military leave, although some public employees are not being
20 afforded equitable pay increases, sick or annual leave,
21 insurance coverage or other benefits afforded under personnel
22 board rule; and

23 WHEREAS, concerns persist that some public workers are
24 repeatedly separated and rehired, sometimes with a break as
25 short as one work day, in ways that may functionally evade job

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1 protections, their right to organize and long-term workforce
2 stability; and

3 WHEREAS, these practices can cause predictable harms,
4 including disruption of health coverage, loss of leave accrual
5 continuity, suppressed wages, reduced retirement readiness and
6 destabilized household finances, with disproportionate impacts
7 on lower wage workers and workers in public-facing service
8 roles, which raises environmental justice and humanitarian
9 concerns when the same communities already carry heavier
10 burdens;

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the legislative
13 council service, in coordination with the state personnel
14 office, the department of finance and administration and the
15 general services department, be requested to contract for a
16 study and report on the use of employment classifications and
17 appointment practices in executive branch agencies that result
18 in long-term work without access to standard benefits or
19 employee protections, including any patterns of repeated
20 separations and rehires that prevent workers from reaching
21 eligibility thresholds for benefits or regular status; and

22 BE IT FURTHER RESOLVED that the report include, at
23 minimum:

24 A. a statewide count, by agency and job family, of
25 workers in temporary, term, seasonal, casual, on-call or other

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1 nonregular categories, including average tenure, cumulative
2 years worked and frequency and length of breaks in service;

3 B. an estimate of the fiscal impact of extending
4 benefit eligibility to workers who meet objective work
5 thresholds, including health insurance, leave and retirement-
6 related costs, alongside administrative costs and expected
7 savings from improved retention and reduced turnover;

8 C. identification of the statutory, rule, statewide
9 human resources accounting reporting system coding or policy
10 gaps that allow repeated nonregular employment over multiple
11 years, and proposed options to close those gaps, including
12 enforcement mechanisms and audit triggers; and

13 D. an equity impact section describing which
14 workers are most affected by category and geography, including
15 impacts on rural service delivery and high-need communities;
16 and

17 BE IT FURTHER RESOLVED that the legislative council
18 service be requested to submit the report to the legislative
19 finance committee and the appropriate interim legislative
20 committees no later than November 1, 2026; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the director of the legislative council service,
23 the director of the state personnel office, the secretary of
24 finance and administration and the secretary of general
25 services.

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