

AN ACT

RELATING TO PUBLIC EMPLOYEES; AMENDING THE HAZARDOUS DUTY OFFICERS' EMPLOYER-EMPLOYEE RELATIONS ACT TO CLARIFY THAT THE COMPELLED STATEMENT OF AN OFFICER SHALL NOT BE RELEASED EXCEPT UPON COURT ORDER.

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

SECTION 1. Section 10-7F-1 NMSA 1978 (being Laws 2010, Chapter 62, Section 1) is amended to read:

"10-7F-1. SHORT TITLE.--Chapter 10, Article 7F NMSA 1978 may be cited as the "Hazardous Duty Officers' Employer-Employee Relations Act"."

SECTION 2. Section 10-7F-2 NMSA 1978 (being Laws 2010, Chapter 62, Section 2) is amended to read:

"10-7F-2. DEFINITIONS.--As used in the Hazardous Duty Officers' Employer-Employee Relations Act:

A. "compelled statement" means a statement provided by an officer to the officer's employer if the statement is compelled under threat of dismissal from employment or any other employment sanction;

B. "emergency medical technician" means an individual who has been licensed by the department of health as an emergency medical technician;

C. "firefighter" means an individual who is employed as a non-volunteer firefighter and who has taken the

oath prescribed for firefighters;

D. "hazardous duty officer" or "officer" means an individual who is employed full time by the state or a political subdivision of the state as a firefighter, emergency medical technician or paramedic, provided that "hazardous duty officer" does not include an individual who has not completed the probationary period established by the individual's employer as a condition of employment; and

E. "paramedic" means an individual who has been licensed by the department of health as a paramedic."

SECTION 3. Section 10-7F-3 NMSA 1978 (being Laws 2010, Chapter 62, Section 3) is amended to read:

"10-7F-3. INVESTIGATIONS OF HAZARDOUS DUTY OFFICERS--
REQUIREMENTS--LIMITATION.--

A. When a hazardous duty officer is under investigation by the officer's employer for alleged actions that could result in administrative sanctions being levied against the officer, any investigative interview of the officer shall be conducted only:

(1) upon the order of the officer's department director or the department director's designee;

(2) when the officer is on duty or during the officer's normal waking hours, unless the urgency of the investigation requires otherwise; and

(3) at the employer's facility, unless the

urgency of the investigation requires otherwise.

B. Prior to commencement of an investigative interview:

(1) the officer shall be informed of the name and rank of the person in charge of the investigative interview and all other persons who will be present during the investigative interview;

(2) the officer shall be informed of the nature of the investigation, and the names of all known complainants shall be disclosed to the officer unless the chief administrator of the officer's employer determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation; and

(3) a reasonable attempt shall be made to notify the officer's immediate superior of the pending investigative interview.

C. During an investigative interview, the following requirements shall be adhered to:

(1) at the commencement of the investigative interview, the officer shall be advised of all legal rights that the officer has with respect to the investigative interview;

(2) each investigative interview session

shall not exceed two hours unless the parties mutually consent to continuation of the session;

(3) there shall not be more than one investigative interview session within a twenty-four-hour period, unless the parties mutually consent to additional sessions, provided that there shall be at least a one-hour rest period between the sessions;

(4) there shall not be more than two investigators at any given time;

(5) the officer shall be allowed to attend to physical necessities as they occur in the course of an investigative interview; and

(6) the officer shall not be subjected to offensive language or illegal coercion by an investigator in the course of an investigative interview.

D. An investigative interview of an officer shall be recorded, and the complete investigative interview shall be published as a transcript; provided that any recesses called during the investigative interview shall be noted in the transcript. An accurate copy of the transcript or tape shall be provided to the officer, upon written request, no later than fifteen working days after the investigation has been completed.

E. The compelled statement of an officer shall not be released by the employer except upon court order."