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. 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;
- (2) that the donation may be limited to a donation between employees within an organizational unit;
- (3) for an application process for donated leave that includes:
- (a) a method of soliciting donated leave;
- (b) documentation of the identity of the donor and recipient of leave;
 - (c) a certified document by a health

care provider that describes the nature, severity and anticipated duration of the emergency medical condition of the recipient and that includes a statement that the recipient is unable to work all or a portion of the recipient's work hours; and

- (d) other information that the employing agency may reasonably require;
- (4) that an employee who wishes to request donated leave shall first use all annual, sick and personal day leave that the employee has accrued and any compensatory time due prior to receiving donated leave;
- (5) for conversion of the value of the donor's donated leave based on the donor's hourly rate of pay to hours of leave for the recipient based on the recipient's hourly rate of pay; and
- (6) that unused donated leave at the end of a medical emergency or when no longer needed shall revert to the donating employees on a prorated basis.
- B. To the extent any provision of this section conflicts with a current collective bargaining agreement negotiated pursuant to the Public Employee Bargaining Act, the provisions of this section shall not apply.