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SENATE BILL 109

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO STATE EMPLOYEES; REQUIRING BENEFITS PARITY BETWEEN
EXEMPT AND CLASSIFIED EMPLOYEES.

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

Section 1. A new section of Chapter 10 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"State Benefits Parity Act"."

Section 2. A new section of Chapter 10 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the State
Benefits Parity Act:

A. "covered employee" means a state employee who is
covered by the provisions of the Personnel Act;

B. "exempt employee" means a state employee who is

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1 exempt from the provisions of the Personnel Act, including any
2 state employee covered by the governor's exempt salary plan;

3 C. "highly compensated position" means a state
4 employee position that pays a total annual compensation of one
5 hundred thousand dollars (\$100,000) or more for executive,
6 administrative or professional services; and

7 D. "state employee" means an employee in the
8 executive branch of state government, including an appointee to
9 civil office but not including an elected official."

10 Section 3. A new section of Chapter 10 NMSA 1978 is
11 enacted to read:

12 "[NEW MATERIAL] BENEFITS PARITY--ANNUAL LEAVE PAYMENTS--
13 ADMINISTRATIVE LEAVE.--

14 A. All covered and exempt employees shall accrue
15 annual leave at the same rate based on years of service as
16 determined by the state personnel board. If a state employee
17 retires and returns to work as a state employee, the state
18 employee shall be considered a new state employee for the
19 purpose of calculating annual leave based on years of service.
20 State employees shall receive one personal leave day per year,
21 which must be used within the year or forfeited. Personal
22 leave days are not compensable.

23 B. Annual leave shall not be considered a cash
24 bonus for any state employee. Annual leave is transferable
25 when a state employee moves from one state agency to another.

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1 A state agency shall not pay a state employee for unused annual
2 leave unless the state employee is leaving state government
3 employment.

4 C. Administrative leave shall not be considered a
5 cash bonus for any elected official or state employee.

6 Administrative leave is not transferable when a state employee
7 moves from one state agency to another. A state agency shall
8 not pay a state employee for unused administrative leave.

9 D. Elected officials shall not accrue annual leave
10 and shall not be paid for unused administrative or any other
11 leave at the end of their terms."

12 Section 4. A new section of Chapter 10 NMSA 1978 is
13 enacted to read:

14 "[NEW MATERIAL] COMPENSATORY TIME--CERTAIN PROHIBITIONS--
15 PARITY FOR OTHER STATE EMPLOYEES.--

16 A. Elected officials and exempt employees in highly
17 compensated positions shall not receive compensatory time for
18 work over forty hours per week.

19 B. Compensatory time shall not be considered a cash
20 bonus for any state employee, and a state agency shall not pay
21 a state employee for unused compensatory time. Compensatory
22 time shall not be accrued beyond the calendar year."

23 Section 5. A new section of Chapter 10 NMSA 1978 is
24 enacted to read:

25 "[NEW MATERIAL] EXEMPT EMPLOYEES CONSIDERED TERM

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1 EMPLOYEES.--Exempt employees are term employees and shall not
2 be considered to be involuntarily unemployed at the end of
3 their term of employment. As required by Section 51-1-44 NMSA
4 1978, all exempt employees in the executive branch hold
5 positions that are designated as major nontenured policy-making
6 or advisory positions."

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