

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 81

HOUSE BILL 403, as amended

Introduced by

REPRESENTATIVE CONRAD D. JAMES

REPRESENTATIVE STEPHANIE GARCIA RICHARD
REPRESENTATIVE CHRISTINE TRUJILLO
REPRESENTATIVE SHERYL WILLIAMS STAPLETON



CHAPTER 81

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

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

6 (d) other information that the
7 employing agency may reasonably require;

8 (4) that an employee who wishes to request
9 donated leave shall first use all annual, sick and personal
10 day leave that the employee has accrued and any compensatory
11 time due prior to receiving donated leave;

12 (5) for conversion of the value of the
13 donor's donated leave based on the donor's hourly rate of pay
14 to hours of leave for the recipient based on the recipient's
15 hourly rate of pay; and

16 (6) that unused donated leave at the end of
17 a medical emergency or when no longer needed shall revert to
18 the donating employees on a prorated basis.

19 B. To the extent any provision of this section
20 conflicts with a current collective bargaining agreement
21 negotiated pursuant to the Public Employee Bargaining Act, the
22 provisions of this section shall not apply. _____

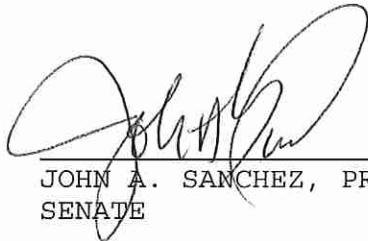
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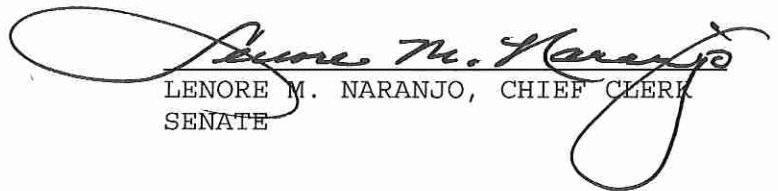
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES



DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



JOHN A. SANCHEZ, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of April, 2015



SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO