



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2019-036

PAID PARENTAL LEAVE FOR ELIGIBLE STATE EMPLOYEES

WHEREAS, the State of New Mexico is committed to recruiting, retaining, and supporting dedicated and talented employees to serve New Mexicans; and

WHEREAS, paid parental leave promotes physical and mental health, increases worker retention, and improves worker productivity and morale; and

WHEREAS, providing paid parental leave can reduce the likelihood that working parents apply for government assistance within their new child's first year or leave their jobs in state government; and

WHEREAS, our State must support working families by making it easier for them to fulfill their caregiving responsibilities without risking financial insecurity.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by the virtue of authority vested in me by the Constitution and the laws of the State of New Mexico, hereby order as follows:

1. It shall be the policy of the Office of the Governor and state departments and agencies for which the Governor has oversight to provide twelve (12) workweeks of fully paid parental leave to Eligible Employees following the birth or adoption of a child. The purpose of this policy will be to promote activities related to the bonding, care, and well-being of newborn and newly adopted child(ren). Paid parental leave shall be paid based upon the

Eligible Employee's base salary (excluding temporary increases of pay, such as temporary promotion increases, temporary recruitment differentials, temporary retention differentials, or temporary salary increases) determined by the employee's regularly scheduled work hours.

2. The State Personnel Office will develop a statewide paid parental leave policy pursuant to this Order. All departments and agencies shall implement the statewide paid parental leave policy without delay upon receiving it from the State Personnel Office. The effective date of the policy for all departments and agencies shall be January 1, 2020 regardless of when it is adopted. Eligible Employees may request paid parental leave as of January 1, 2020.

3. An Eligible Employee, as used in this Order, means a full-time classified employee who has completed the one (1) year probationary period as defined by the State Personnel Board rules, or an exempt employee who has been employed with the State of New Mexico twelve (12) consecutive months, prior to the start of paid parental leave, excluding temporary, emergency, and term appointments. Paid parental leave may not be donated and any such leave not utilized within the six-month period explained below shall be forfeited. Domestic partners as defined by the State Personnel Board rules are eligible for paid parental leave when children join their household via birth or adoption. If both parents, including a Domestic Partner of a parent, are Eligible Employees, each parent or partner is eligible to receive Paid Parental Leave under this policy.

4. Eligible Employees must take paid parental leave during the first six (6) months following the birth or adoption of a child. Eligible Employees may utilize one (1) term of paid parental leave (up to 12 workweeks) per birth or adoption event. Employees utilizing paid parental leave shall continue to accrue vacation and sick leave in accordance with state

rules and regulations during the period of parental leave. If an official holiday occurs during the Eligible Employee's paid parental leave, the Eligible Employee will receive holiday pay in lieu of paid parental leave, provided the Eligible Employee is in pay status the day before and the day after the official holiday.

5. Paid parental leave shall run concurrently with leave under the federal Family Medical Leave Act (FMLA) as applicable.

6. Eligible Employees cannot receive short-term disability benefits and paid parental leave benefits at the same time.

7. Eligible Employees shall be required to notify their employer at least thirty (30) days in advance of their intention to use paid parental leave so that the employer may secure backfill coverage as necessary. When thirty (30) days' notice is not possible, the employee must provide this notice as soon as practicable.

8. Other statewide elected officials and state departments and agencies not subject to the Governor's oversight are encouraged but not required to comply with this Order.

I DIRECT that every executive state department or agency affected by this Order shall cooperate with the State Personnel Director in implementing this Order without delay.

I FURTHER DIRECT that this Order does not create a private cause of action and is consistent with and does not abrogate federal or state law.

I FURTHER DIRECT that this Order shall not be construed to restrict a cabinet secretary or executive state agency head from exercising every power expressly enumerated in law to that cabinet secretary or executive state agency head.

THIS ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Order shall take effect January 1, 2020 and shall remain in effect until it is rescinded by the Governor.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 31ST DAY OF DECEMBER 2019

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham

MICHELLE LUJAN GRISHAM
GOVERNOR

