

**This is an amendment to 10.12.6 NMAC, Sections 3, 10, 11 and 15, effective X/XX/2020.**

**10.12.6.3 STATUTORY AUTHORITY:** ~~[Section 31-15-2.4(B)(6) NMSA 1978 and Section 31-15-7 Section 12-5-2 NMSA 1978, Sections 24-2B-1 to 24-2B-9, 5 U.S.C. Sections 1501 to 1508.] Paragraph (6) of Subsection B of Section 31-15-2.4 NMSA 1978, Section 31-15-7 NMSA 1978, Section 12-5-2 NMSA 1978 and Sections 24-2B-1 to 24-2B-9 NMSA 1978, 5 U.S.C. Sections 1501 to 1508.~~  
[10.12.6.3 NMAC - N, 7/1/2015; A, X/XX/2020]

**10.12.6.10 PROHIBITED POLITICAL ACTIVITIES:** Employees are prohibited from:  
A. allowing political or personal considerations to conflict with the interests of a department client's case;

~~[A.]~~ B. using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office or for any other political purpose;

~~[B.]~~ C. directly or indirectly coercing, attempting to coerce, commanding, soliciting or advising a client, state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose;

~~[C.]~~ D. threatening to deny promotions or pay increases to any employee who does not vote for certain candidates, requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund-raising dinners and similar events, advising employees to take part in political activity, and matters of a similar nature;

E. using any state, department or client equipment, facilities, property or time resources for political purposes;

~~[D.]~~ F. engaging in [a] political activity while on duty; or

~~[E.]~~ G. being an officer of a political organization.

[10.12.6.10 NMAC - N, 7/1/2015; A, X/XX/2020]

**10.12.6.11 PUBLIC/POLITICAL OFFICE:**

**A.** Employees covered by the provisions of the Hatch Act [5 U.S.C. Sections 1501 to 1508] may not be candidates for partisan political office elections.

**B.** Employees not covered by the provisions of the Hatch Act [5 U.S.C. Sections 1501 to 1508] may be candidates for any partisan political office ~~[if, upon filing or accepting the nomination and during the entire campaign, they are authorized full time continuous leave without pay.]~~ but the employee shall use annual leave or leave without pay, subject to approval pursuant to department policy, if campaigning requires that the employee be absent from assigned duties.

**C.** Employees may be candidates for nonpartisan political office, subject to the restriction set forth in 10.12.6.11 NMAC, ~~[without taking a leave of absence without pay]~~ but the employee shall use annual leave or leave without pay, subject to approval pursuant to department policy, if campaigning requires that the employee be absent from assigned duties.

**D.** Employees may hold only a nonpartisan county or municipal political office during employment in the department. If elected to a partisan political office, the employee shall resign from the department prior to taking the oath of office.

**E.** Being a local school board member or an elected member of any post-secondary educational institution shall not be construed as holding political office.

**F.** Employees running for or holding public office shall not use state equipment, facilities, property or time dedicated to employment duties to conduct campaign or public office related business. Violation of this Rule is punishable by disciplinary action pursuant to 10.12.11 NMAC and ~~[or]~~ the criminal penalties set forth in Section 10-9-23 NMSA 1978.

**G.** At a minimum of 30 days prior to any entry as a candidate into a political contest, employees shall notify the department's human resource division so the department can monitor compliance with the Hatch Act and any other law.

[10.12.6.11 NMAC - N, 7/1/2015; A, X/XX/2020]

**10.12.6.15 DUTY TO COOPERATE WITH INVESTIGATIONS:** Allegations of violations of policies and procedures set forth by the department and ~~[or]~~ state or federal law may require employees to participate as witnesses or potential witnesses in a variety of investigations.

- A.** Employees have a duty to cooperate in an investigation and are required to do so in good faith.
  - B.** During the investigative process, witnesses or potential witnesses who are interviewed are responsible to maintain confidentiality about the content of their interviews.
  - C.** Employees cannot be subjected to retaliation for cooperating with the department in investigations. Any employee who feels subjected to retaliation because of cooperating in an investigation should contact the human resource director immediately.
- [10.12.6.15 NMAC - N, 7/1/2015; A, X/XX/2020