



CHAPTER 12: PUBLIC DEFENDER COMMISSION

PART 3: CLASSIFICATION

10.12.3.1 ISSUING AGENCY:

Public Defender Commission

[[10.12.3.1](#) NMAC - N, 7/1/2015]

10.12.3.2 SCOPE:

Applies to all employees

[[10.12.3.2](#) NMAC - N, 7/1/2015]

10.12.3.3 STATUTORY AUTHORITY:

Section [31-15-2.4](#)(B)(6) NMSA 1978 and Section [31-15-7](#) NMSA 1978.

[[10.12.3.3](#) NMAC - N, 7/1/2015]

10.12.3.4 DURATION:

Permanent.

[[10.12.3.4](#) NMAC - N, 7/1/2015]

10.12.3.5 EFFECTIVE DATE:

7/1/2015 unless a later date is cited at the end of a section.

[[10.12.3.5](#) NMAC - N, 7/1/2015]

10.12.3.6 OBJECTIVE:

The objective of Part 3 of Chapter 12 is to provide for a uniform and flexible system for the classification of department positions that supports the mission of the department, is adaptable to change, ensures that all positions are assigned to their appropriate classification, and sets forth a process for implementing classification studies.

[[10.12.3.6](#) NMAC - N, 7/1/2015]



10.12.3.7 DEFINITIONS:

"Classification plan" means a document developed by the human resource director and approved by the chief that describes the chief's classification philosophy and is the foundation for ensuring consistent application of the philosophy.

[[10.12.3.7](#) NMAC - N, 7/1/2015]

10.12.3.8 CLASSIFICATION PLAN:

- A.** The human resource director, pursuant to direction from the chief, shall establish, maintain and, administer a classification plan for all positions throughout the department.
- B.** The chief establishes a classification through the review, approval and adoption of new or revised classification descriptions.
- C.** The human resource director may recommend the deletion of unused classification descriptions and revisions to classification descriptions if the revision does not necessitate a study.
- D.** The human resource director shall provide affected parties an opportunity to comment on the creation, revision, and deletion of classification descriptions prior to implementation.
- E.** Classification reviews, classification studies and/or classification re-evaluations may be requested by department management.

[[10.12.3.8](#) NMAC - N, 7/1/2015]

10.12.3.9 POSITION ASSIGNMENT:

- A.** The human resource director shall ensure that each position in the department is assigned to the classification that best represents the duties assigned by the employer and performed by the employee.
- B.** When a filled position is assigned a classification with a lower pay band, in accordance with the provisions Subsection A. of [10.12.3.9](#) NMAC, the employee may elect to take a reduction in accordance with Subsection DD of [10.12.1.7](#) NMAC, or overfill the position in their current classification.
- C.** A position assignment decision may be appealed to the chief through the department's chain-of-command. Appeals to the chief must be in writing and include the employee's analysis of the reasons for the appeal as well as the human resource director's analysis for the reasons for reclassification of the position. The chief's decision is final and binding.

[[10.12.3.9](#) NMAC - N, 7/1/2015]



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Chief Public Defender
Bennett J. Baur

10.12.3.10 IMPLEMENTATION OF CLASSIFICATION STUDY RESULTS:

On a date determined by the human resource director, employees affected by a classification study shall be assigned to the resulting new classification which best represents the job performed without having to meet the established requirements, unless minimum qualifications are required by law.

[[10.12.3.10](#) NMAC - N, 7/1/2015]