



State of New Mexico
House of Representatives

State Capitol
Santa Fe

April 4, 2024

The Honorable Patrick M. Allen
Cabinet Secretary
New Mexico Department of Health
Harold Runnels Building
1190 South St. Francis Drive
Santa Fe, New Mexico 87505

Dear Secretary Allen:

It has come to our attention the New Mexico Department of Health (DOH) has established a new policy eliminating overtime pay for non-union health care employees in the state's 24/7 facilities. In addition, it is our understanding that providing "comp time" instead of actual overtime pay is due to a financial deficit in DOH's facility management program's operating budget. In turn, we are writing to express our serious concerns as to how this new "no overtime pay" policy will adversely affect the ability of state facilities to deliver needed health care and other services to some of our state's most vulnerable populations, including veterans, the elderly, and individuals with disabilities.

Specifically, we have received information that with the current statewide shortage of nurses, overtime shifts are currently essential to filling critical staffing gaps at state facilities and without any overtime pay there are grave concerns as to whether sufficient staff will be available to provide the care required. These staffing concerns are only exaggerated when non-union nursing staff wants to utilize the "comp time" acquired, yet there will be no additional nurses able to ensure adequate staffing levels are met. Equally important, if overtime shifts are currently a necessity to ensure proper staffing levels, the awarding of "comp time" is practically worthless since these nurses may never be able to utilize the "comp time" due to the lack of needed replacements.

The lack of overtime pay will also cause adverse impacts on nurses who have been depending upon this extra compensation to meet the financial needs of their families and will likely result in many nurses seeking employment elsewhere. Again, considering the ongoing nurse shortage, the loss of experienced and dedicated nurses cannot be easily replaced in the current employment marketplace which only multiplies the serious effect this no overtime pay policy will create in state facilities.

There are also questions as to the legality of providing overtime pay to union DOH employees, while only providing "comp time" for non-union employees. To avoid negatively impacting staff morale, it only seems prudent and fair to treat union and non-union staff the same way in terms of overtime compensation. Otherwise, a dual system appears to be discriminatory.

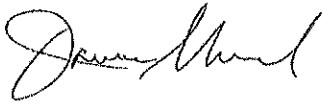
We are also puzzled as to why the no overtime pay policy is needed in the aftermath of the Legislature appropriating nearly \$11.3 million to DOH's facility management program in the past session's House Bill 2 to erase a budget deficiency in Fiscal Year 2024. If the \$11.3 million did not address the entire deficiency, then there are other means of finding additional resources to fix the problem other than eliminating overtime pay for non-union employees. Further, if a deficiency still exists, we find it difficult

to comprehend why the DOH would adopt a policy that raises serious questions as to the future ability of state facilities to provide essential health care and other services.

Therefore, we request DOH reconsider immediately this recent overtime pay policy change for all non-union workers and explore other alternatives to close any remaining budgetary shortfall. The nurses and other hard-working employees who will be affected by this new policy deserve our respect and appreciation for the valuable services they provide, and they should not be subjected to a policy change that threatens both their financial livelihood and the facility's ability to take care of their vulnerable residents.

Thank you for your consideration of our request. If we can provide any assistance in this important matter, please do not hesitate to contact us.

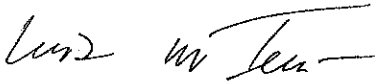
Respectfully yours,



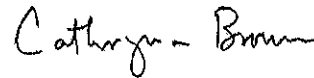
James G. Townsend
Republican Caucus Whip District 54



Gail Armstrong
Republican Caucus Chair District 49



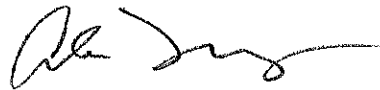
Luis M. Terrazas
State Representative District 39



Cathrynn N. Brown
State Representative District 55



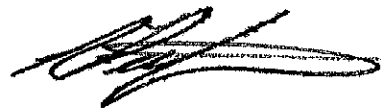
William R. Rehm
State Representative District 31



Alan T. Martinez
State Representative District 23



Martin R. Zamora
State Representative District 63



Randall T. Pettigrew
State Representative District 61



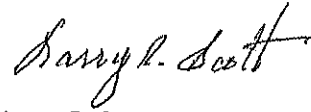
Jack Chatfield
State Representative District 67



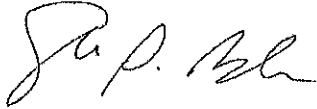
Rod Montoya
State Representative District 1



Candy Spence Ezzell
State Representative District 58



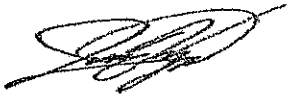
Larry R. Scott
State Representative District 62



John Block
State Representative District 51



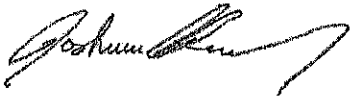
Andrea Reeb
State Representative District 64



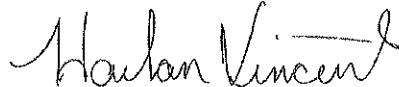
Jason C. Harper
State Representative District 57



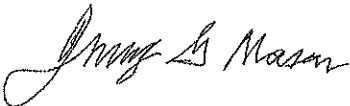
Jenifer Jones
State Representative District 32



Joshua N. Hernandez
State Representative District 60



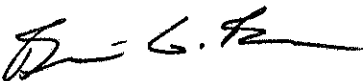
Harlan Vincent
State Representative District 56



Jimmy G. Mason
State Representative District 66



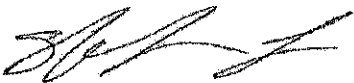
Tanya Mirabal Moya
State Representative District 7



Brian G. Baca
State Representative District 8



Mark Duncan
State Representative District 2



Stefani Lord
State Representative District 22



Jared A. Hembree
State Representative District 59