



BILL RICHARDSON
GOVERNOR

MARY LOU CAMERON
BOARD CHAIR

RAY CAMP
BOARD VICE-CHAIR

New Mexico

State Personnel Board

State Personnel Office

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SANDRA K. PEREZ
DIRECTOR

TERRI HOLLAND
DEPUTY DIRECTOR

SEAN FITTING
DEPUTY DIRECTOR

State Personnel Board Meeting
State Personnel Office
Willie Ortiz Auditorium
2600 Cerrillos Road
February 1, 2008
9:00 am

MINUTES

- I. This meeting of the New Mexico State Personnel Board was called to order by Chair, Mary Lou Cameron at approximately 9:00 a.m., on the above-cited date at State Personnel Office, Willie Ortiz Auditorium, Santa Fe, New Mexico.

Pledge of Allegiance

Scott Summerfield

Roll Call

Following the Pledge of Allegiance Director Sandra Perez called roll and a quorum was established with the following members present:

Mary Lou Cameron
Ray Camp
Gene Valdes
Phil Ewing absent

Approval of Minutes

Upon motion by Member Camp and seconded by Member Valdes, the minutes for January 4, 2008 were approved by unanimous voice with some technical changes.

Approval of Agenda

Upon motion by Member Camp and seconded by Member Valdes, the agenda was approved by unanimous voice vote.

- II. Director's Report

Director Perez informed the Board that Member Jerry Manzagol resigned from the Board after 5 years of service. Chair Cameron expressed her appreciation for all Member Manzagol has contributed to the Board.

Mr. Justin Najaka, State Personnel Office Director of Compensation Design and Analysis, gave the Board an update on employee pay and compensation legislation. He stated that House Bill 7 gave state employees a 2.4% salary increase and House Bill 10 gave state employees 4% salary increase. Mr. Najaka further stated that House Bill 7 substitutes House Bill 2 and was a flat 2.4% increase with a provision of an additional .2% for Retiree Health Care. If passed the effective date will be July 1, 2008 which is in the middle of a pay period and that the SHARE team stated that the system can accommodate processing the increase in the middle of a pay period.

Ms. Terri Holland, State Personnel Office Deputy Director, informed the Board that the Governor's Career Conference was preceding and the conference will be held at the Albuquerque Convention Center on October 29 and 30, 2008. She stated that CNM will be partnering with SPO and will handle all registration activity and will be teaching many of the classes offered. Ms. Holland will be working closely with the State Personnel Office training staff to offer a full and appealing array of classes to the conference participants.

Ms. Holland also gave the Board an update on the internship program stating that the Internship Task Force is moving ahead. She informed the Board that they have had good participation from more than fourteen agencies. She stated that a short survey was sent to every State agency and had interesting results. Most agencies stated that the major obstacle to hiring interns was the necessary funding. Ms. Holland informed the Board that the committee is exploring federal options for internship funding and at the last meeting a sub-committee was formed to begin the draft internship plan. The committee is comprised of 6 members including representatives from HSD, DOT, TRD, DVR and the NM Commission on Community Volunteerism. She stated that the goal is to have a working draft completed by late spring.

Member Valdes expressed interest in knowing how many interns actually went on to work in state government. Ms. Holland stated that she would look into it and get back with him on what she found.

Mr. Dominic Garcia, State Personnel Office Chief of Staff, informed the Board that the Administrative Services Bureau has made some budget adjustments in the 400 category (\$30,000.00) to cover operating costs and are waiting on DFA approval.

Mr. Garcia informed the Board of new employees at the State Personnel Office as well as those that are departing stating that of six (6) people interviewed for the Single Point of Contact job three (3) were hired. New to SPO are Mr. Stuart Hamilton from the Department of Finance and Administration and Mr. Andrew Lopez from the Department of Transportation. Ms. Leane Madrid will be promoted from within SPO to also be a Single Point of Contact. Also new to SPO is Alarie Ray-Garcia (no relation) to be the Public Information Officer. Ms. Valerie Block, State Personnel Office, now is a basic analyst for the Safer New Mexico team.

Departing SPO is: Ms. Tanya Giddings who is now employed with the University of New Mexico as a lobbyist; Ms. Janna Reyes who is enjoying the love and companionship of her new daughter at home; and Ms. Milissa Starkovich who now works for the Children, Youth and Families Department.

Mr. Garcia stated that over the winter break, the State Personnel Office had five (5) interns: Jessica Torres, Joy Gonzales, Camille Garduno, Jesse Last, and Alicia Valdez.

Mr. Garcia informed the Board that the State Personnel Office has been invited to present at the 2008 State Management Excellence Summit on Knowledge Transfer and additionally, there are one hundred (100) participants signed up to attend the State Personnel Office presentation. He also informed the Board that the keynote speaker at the summit will be New Mexico's Attorney General, Mr. Gary King.

Mr. Garcia suggested to the Board that the meeting scheduled to be held in Hobbs be moved to Deming for March 14th. After some discussion from the Board, they agreed to the location change. It was also agreed that the Sept. 26th meeting would move to Sept. 22nd in Farmington and the October 27th meeting would be in Hobbs.

Upon motion by member Camp and seconded by Member Valdes, the changes to the Board meeting schedule were approved by unanimous voice vote.

Mr. Bobby Griego, State Personnel Office Quality Assurance Bureau, gave the Board an update on the QA work plan. He informed the Board that the plan may have changes in the future and he will keep them up to date on the changes. Mr. Griego informed the Board that the Selection and Hiring Review fieldwork in the eleven (11) sample agencies is complete. He stated that a draft report will be forthcoming. Mr. Griego requested that the report to the Board be moved from March to April due to internal scheduling complications.

Mr. David Berry, State Personnel Office Single Point of Contact, along with Mr. John McCarthy, Deputy Director of the Office of Cultural Affairs, spoke to the Board about the new museum being built in Santa Fe stating that it will reflect the entire state of New Mexico and it is the opportunity of a lifetime. Mr. McCarthy stated that the Palace of the Governor is the centerpiece of the new museum which is over 400 years old and is a historical landmark. He further stated that the museum will emphasize the story of New Mexico and it will open in May of 2009.

III. Safety Sensitive Positions Annual Review

Mr. Ken Giles, State Personnel Office Director of Human Resources Management, along with Ms. Sherry Smith, SPO Quality Assurance Bureau, gave the Board an update on the Safety Sensitive Position Review. Mr. Giles stated that the QA bureau completed a review of the justifications of the safety sensitive covered positions at the agencies which had positions designated as safety sensitive. Mr. Giles stated that the agencies involved did a great job on getting this information together and it was indeed a lot of work.

Mr. Giles requested the Board's approval of the positions designated as safety sensitive stating that the list provided to the Board is compiled by Agency and included classifications and specific positions determined as Safety Sensitive by SPO.

After the Board verified the justification, Member Valdes motioned to approve the list of Safety Sensitive Positions. Member Camp seconded the motion and it was approved by unanimous voice vote.

IV. Class Study – Physician Assistant

Mr. Cliff McNary, State Personnel Office Compensation, Design and Analyst Bureau, along with Mr. Daniel Jacobs, HR Manager, Department of Health, asked the Board to approve the proposed Physician Assistant Classification description stating that the consolidation of the classification system in 2001, the Mid-Level Medical Provider, predecessor to the current Physician Assistant Technical Occupational Group, along with several levels of the Nurse classification, were slotted into the Physician Assistant TOG. Mr. McNary also stated that as a result incumbents performing Nurse Practitioner duties were also folded into the Physician Assistant title.

Mr. McNary explained that because the two disciplines are distinctly different jobs, it became necessary to create a two separate and new job descriptions to properly capture the work being performed by Certified Nurse Practitioners and Physician Assistants. He also explained that the new description was measured by the Job Evaluation Committee on January 23, 2008 and the pay band was assigned as 70. Furthermore, the Minimum hourly wage was assigned as \$16.37; the Mid hourly wage: \$22.74; the Max hourly wage: \$29.10; Min Annual: \$34,050; Mid Annual: \$47,299; and Max Annual: \$60,528.

Upon motion by Member Camp and seconded by Member Valdes, the Class study for Physician Assistant was approved by unanimous voice vote.

V. Class Study – Certified Nurse Practitioner

Mr. Cliff McNary, State Personnel Office Compensation, Design and Analyst Bureau, along with Mr. Daniel Jacobs, HR Manager, Department of Health, asked the Board to approve the proposed Certified Nurse Practitioner classification description. Mr. McNary stated that due to the consolidation of the classification system in 2001, the Mid-Level Medical Provider, predecessor to the current Physician Assistant Technical Occupational Group (TOG), along with several levels of the Nurse classification, were slotted into the Physician Assistant TOG. As a result, incumbents performing Nurse Practitioner duties were also folded into the Physician Assistant title. He further stated that because the two disciplines are distinctly different jobs, it became necessary to create two separate and new job descriptions to properly capture the work being performed by Certified Nurse Practitioners and Physician Assistants.

Mr. McNary explained that the new description was measured by the Job Evaluation Committee on January 23, 2008 and the pay band was assigned as 70. Furthermore, the Minimum hourly wage was assigned as \$16.37; the Mid hourly wage: \$22.74; the Max hourly wage: \$29.10; Min Annual: \$34,050; Mid Annual: \$47,299; and Max Annual: \$60,528.

Upon motion by Member Valdes and seconded by Member Camp, the Class study for Certified Nurse Practitioner was approved by unanimous voice vote.

VI. Alternative Pay Band Assignments – Physician Assistant, Certified Nurse Practitioner

Mr. Cliff McNary, State Personnel Office Compensation, Design and Analyst Bureau Team, along with Mr. Daniel Jacobs, Department of Health asks the Board to adopt the proposed Alternative Pay Band Assignments for the newly adopted Physician Assistant and Certified Nurse Practitioner classifications. Mr. McNary informed the Board that as with most, if not all of the health care classifications, these two occupations require APBs due to external salary market pressures that affect agencies' ability to attract and retain qualified employees.

Upon motion by Member Valdes and seconded by Member Camp, the Alternative Pay Band Assignments were approved by unanimous voice vote.

VII. HR Council Report

The Council co-chairs were unable to attend.

VIII. General Public Comment

No public comment.

IX. Sanctions – Lorenzo Sotello: Paragraph C of 1.7.12.16 NMAC

Director Perez informed the Board that she wrote Mr. Andrew Padilla, President of AFSCME Council 18, regarding correspondence she received from Mr. Shane Youtz, Attorney for AFSCME Council 18 as it was unclear to her whether he received a copy of the correspondence. The Director also stated that she shared with Mr. Andrew Padilla the fact that Mr. Sotello may not have informed AFSCME Council 18 of the sanctions he already had against him which were incurred from Judge Padilla in the case that led to Mr. Ritzma's complaint. She informed Mr. Andrew Padilla what those sanctions were.

Director Perez also informed the Board that Mr. Lorenzo Sotello failed to show up at a meeting the day before to represent an employee and believes this behavior is a further reflection of Mr. Sotello's attitude.

Member Valdes stated that he was appalled at how poorly this Union staff member represented this appellant and hearings are serious. Member Valdes also stated that Mr. Sotello's actions are insubordinate.

Pursuant to NMAC 1.7.12.16 C, Member Valdes motions to prohibit AFSCME staff member, Mr. Lorenzo Sotello from appearing before the board or hearing officers for six (6) months. Member Camp seconded the motion and commented that Mr. Sotello's behavior was very unprofessional and added that he was shocked and appalled. The motion was passed by unanimous voice vote.

Judge Padilla will draft the letter of sanctions for Chair Cameron to sign.

X. Executive Session

Chair Cameron moved to go into Executive Session pursuant to NMSA 1978, Section 10-15-1 (H) 2 and 3 to discuss the following personnel matters and appeals:

Moore v. New Mexico Department of Corrections; Docket No. 06-102;
Jim v. NM Children, Youth and Families Department; Docket No. 07-038; and
Fernandez v. New Mexico Office of State Engineer; Docket No. 07-061;
Salazar v. New Mexico Department of Finance and Administration, Docket No. 03-061

Member Camp seconded the motion with members Camp, Cameron and Valdes voting in the affirmative.

The Board met in Executive Session from approximately 11:00 a.m. – 12:00 p.m.

The matters discussed in closed session were limited to those specified in the motion to close.

After careful consideration of the proceedings and the Administrative Law Judge's recommendations regarding *Moore v. New Mexico Department of Corrections*; Docket No. 06-102, Member Camp moved to reverse the dismissal on the grounds that it was without just cause and that the administrative law judges' recommended conclusions of law be amended as follows: The Department shall reinstate appellant to his previous job subject to a 30 working day unpaid suspension with all the appropriate benefits and back pay awarded. The appellant

shall provide a sworn statement of gross earnings or unemployment benefits to the Department for the purpose of determining appropriate back pay. The Administrative Law Judge shall retain jurisdiction to resolve any dispute concerning back pay. Member Valdes seconded the motion and it was passed by unanimous voice vote.

After careful consideration of the proceedings and the Administrative Law Judge's recommendations regarding *Jim v. NM Children, Youth and Families Department*, Docket No. 07-038, Chair Cameron moved to adopt the ALJ's recommended decision. Member Camp seconded the motion. The motion passed with Member Valdes abstaining from the vote.

After careful consideration of the proceedings and the Administrative Law Judge's recommendations regarding *Fernandez v. New Mexico Office of State Engineer*, Docket No. 07-061, Member Valdes moved to adopt the ALJ's recommended decision. Member Camp seconded the motion and it was passed by unanimous voice vote.

After careful consideration of the proceedings and the Administrative Law Judge's recommendations regarding *Salazar v. New Mexico Department of Finance and Administration*, Docket No. 03-061, Member Cameron moved to table the case until the March 14, 2008 meeting due to the date that the Board received the transcripts (2-1-08) of hearing. Chair Cameron stated that it is incumbent on the Board to review the entire record before giving a final decision. Member Camp seconded the motion and it was passed by unanimous voice vote.

XI. Litigation Update

Mr. Padilla, State Personnel Office Chief Law Judge, had no more to add to what the Board had in their packets for litigation updates.

XII. Other Business Next Scheduled Meeting date: March 14, 2008 – Deming

XIII. Adjournment of Board Meeting

Upon motion by Member Camp and seconded by Member Valdes, the meeting was adjourned at approximately 12:00 p.m.

Approved by:

Chair Cameron
State Personnel Board

Attest:

Sandra K. Perez