



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

State Personnel Board
Christine B. Romero, Chair
Jerry Manzagol, Vice Chair

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
July 20, 2018
Minutes

Megan Muirhead Carmen V. Chavez

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at approximately 9:00 a.m. on July 20, 2018, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Roll Call

Director Justin Najaka called roll and a quorum was established with the following members present:

Christine B. Romero, Chair

Jerry Manzagol, Vice Chair

Carmen V. Chavez, Board Member

Megan Muirhead, Board Member –was not present for meeting

Invocation

Helen Quintana

Pledge of Allegiance

Jeffrey Young

Approval of Agenda

Vice Chair Manzagol moved to approve the July 20, 2018, State Personnel Board Agenda; seconded by Board Member Chavez. Motion carried.

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Approval of Minutes – June 15, 2018

Board Member Chavez moved to approve the June 15, 2018 State Personnel Board minutes, seconded by Vice Chair Manzagol. Motion carried.

II. Director's Report

Director Najaka provided the following update:

SHARE:

As of June 30, 2018 the NEOGOV application software is no longer being used and permanently using the Talent Acquisition module in SHARE. Many streamline features are available and user-friendly for applicants. Training was provided to the HR staff and staff will continue to receive training on the new system. It's been a good transition with positive feedback with very minimal concerns or complaints.

In-Service Day:

SPO had an in-service day on July 11, 2018 with the consolidated group. The in-service day was to go over and discuss key information with staff and a BBQ. It was an opportunity for staff to bond and to team build. The office was shut down for a few hours to cover the things that we needed to go over and had a nice BBQ afterwards.

Consolidation:

Chair Romero asked what changes have been made with the new fiscal year, since July 1, 2018 in terms of the consolidation. Director Najaka indicated that no new changes have been made and that the intent and plan was to bring on the federally funded agencies but currently dealing with the federally funding issue. No news to announce but meetings have been made with the federal government, office of management and budget secretary. Issues are still being discussed but with a lot of support from them. The last meeting was about a month ago and once new information is available, it will be provided.

Chair Romero indicated --so no additional, physical movement of staff out of the agencies into consolidated space, correct? Director Najaka said that is correct and we don't have a place to put them. On July 19th (yesterday) a tour took place with the conduction manager who will be working on the Willie Ortiz Building and the Carruthers building, the meeting was with the major contractors to go over the final details. The construction on the Carruthers building should start on August 1, 2018 and the projected completion date is November 19, 2018. The Willie Ortiz building construction will start once the Carruthers building is finished and the completion date is February, 2019.

National Governors Association

The National Governors Association is in Santa Fe and began on July 19. Governor Martinez is honored to host this huge event.

National Association of State Personnel Executives (NASPE)

Director Najaka attended the National Association of State Personnel Executives (NASPE) this past week from Saturday-Wednesday. State Personnel Directors from different States and some key staff attended. A lot of good material was shared and overall a really good conference. It is a great networking event with other Directors.



Staff Update:

Vickie DeAguero has transferred to the Department of Transportation.

Jeffrey Young started on July 2nd as the new attorney supervisor with the legal team at SPO. Jeff has been an attorney 4 years at the federal, state and local level, recently the senior assistant city attorney for Denver. Jeffrey has previously worked as the general counsel for the Colorado Community College, an attorney for the CIA and was an operations officer for 10 years. He is very excited to be in Santa Fe and to be with SPO.

Vice Chair Manzagol asked for Director Najaka to provide information regarding the Fair Share Fees. Director Najaka indicated the United States Supreme Court recently issued its opinion on June 27, 2018, in the (Mark) *Janus v. AFSCME* case. Public employees cannot be forced to pay agency fees or fair share fees to public sector unions. Since the opinion was issued, the deductions from those fair share union fee payers have stopped. The case did not affect the dues paying members, it is only related to the fair share fees. The case affected the fair share fees in every state; not just New Mexico.

III. General Public Comment

A public comment was made by Sky Tallman, Staff Development Specialist with HSD. Mr. Tallman made a public comment at the last board meeting with his concerns about the consolidation. He thanked Director Najaka for the update that was provided in the director's report, however he felt that it was very vague and doesn't illuminate anything. He expressed that the uncertainty of not knowing what is going to happen for the federal funded agencies has caused a lot of good HR staff to leave HSD. He feels that a lot of questions need to be addressed for those affected with the consolidation. Chair Romero thanked Mr. Tallman for his comment and she expressed that when dealing with federal government, other federal regulations, the different laws and different ways to manage money, it doesn't happen as quickly as we would like it too. HSD is one of the larger agencies that she is sure is included with the discussions and she will continue to encourage informative communication with HSD and all the agencies involved with the consolidation.

IV. Executive Session

Vice Chair Manzagol moved that the State Personnel Board meeting be closed. The authority for closing the meeting is under the Open Meetings Act NMSA 1978, Section 10-15-1(H)(3), for deliberations in connection with an administrative adjudicatory proceeding, for the matters listed on the agenda; second by Board Member Chavez.

Director Najaka called roll and all members voted in the affirmative. **Motion carried.**

The Board met in Executive Session from approximately 9:25 a.m. to 9:34 a.m.

For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. **Aragon, Jr. v. New Mexico Corrections Department; Docket No. 17-015** (*consolidated w/17-016*)
After careful consideration of the Administrative Law Judge's proposed findings of fact, analyzes of the relevant law and/or policies in light of the proposed findings of fact of the Recommended Decision and the parties' exceptions to the Recommended Decision, if any, in *Aragon Jr. v. New Mexico Corrections Department, Docket No. 17-015*, **Board Member Chavez moved to adopt the Administrative Law Judges' Recommended Decision. Motion seconded by Vice Chair Manzagol. Motion carried.**

2. **Leon v. New Mexico Corrections Department; Docket No. 17-016** (*consolidated w/17-015*)
After careful consideration of the Administrative Law Judge's proposed findings of fact, analyzes of the relevant law and/or policies in light of the proposed findings of fact of the Recommended Decision and the parties' exceptions to the Recommended Decision, if any, in *Leon. v. New Mexico Corrections Department, Docket No. 17-016*, **Vice Chair Manzagol moved to adopt the Administrative Law Judges' Recommended Decision. Motion seconded by Board Member Chavez. Motion carried.**

3. **Hunt v. New Mexico Regulation and Licensing Department; Docket No. 17-026**
After careful consideration of the Administrative Law Judge's proposed findings of fact, analyzes of the relevant law and/or policies in light of the proposed findings of fact of the Recommended Decision and the parties' exceptions to the Recommended Decision, if any, in *Hunt v. New Mexico Regulation and Licensing Department, Docket No. 17-026*, **Board Member Chavez moved to adopt the Administrative Law Judges' Recommended Decision. Motion seconded by Vice Chair Manzagol. Motion carried.**

V. Litigation Update

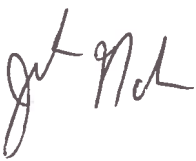
Richard Blumenfeld, Administrative Law Judge for the Board, presented the Litigation Update today. So far in July, Adjudication division received 6 new appeals and disposed of 4. There are currently 24 appeals pending. An update on appeals of Board decisions: An appeal has been filed in Santa Fe District Court in the matter of Mares v. NM Department of Finance & Administration. As you recall, at its last meeting, the Board reversed DFA's dismissal of Ms. Mares, finding that she had actually resigned prior to being dismissed. The appeal was filed by DFA and has initially been assigned to Judge Greg Shaffer. An appeal has also been filed in the matter of Marquez v. NM Department of Health. In this case, the Board upheld Ms. Marquez's dismissal for getting paid when she was not working and for insubordination. The appeal was filed by Appellant Marquez and has initially been assigned to Judge Raymond Ortiz in Santa Fe District Court. No dispositive action to report in the six other Board decisions currently on appeal.

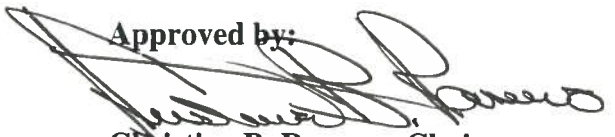
VI. Other Business – Next Meeting Date: Friday, August 24, 2018



VII. Adjournment

With no further business, **Vice Chair Manzagol** moved to adjourn the State Personnel Board meeting at approximately 9:38 a.m.; seconded by Board Member Chavez.
Motion carried.

Attest: 
Justin Najaka, Director

Approved by: 
**Christine B. Romero, Chair
State Personnel Board**