



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

State Personnel Board
Christine Romero, Chair
Dennis L. Garcia, Vice Chair

Justin Najaka
Interim Director

Megan Muirhead Ted H. Hazard

Nivia L. Thames
Deputy Director

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
March 26, 2015**

Minutes

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 March 26, 2015 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

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

Christine Romero, Chair
Dennis L. Garcia, Vice Chair
Megan Muirhead, Board Member

Approval of Agenda

Interim Director Najaka notified the Board that Item IV (C) on the agenda would be tabled and presented at the next Board Meeting. Vice Chair Garcia moved to approve the agenda, seconded by Board Member Muirhead. Motion carried.

Approval of Minutes – January 16, 2015

2600 Cerrillos Road, Santa Fe, New Mexico, 87505 (505) 476-7759



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Vice Chair Garcia moved to approve the January 16, 2015 State Personnel Board meeting minutes, seconded by Board Member Muirhead. Motion carried.

II. Director's Report Interim Director Justin Najaka

FY09 Back Pay Update: Since the January Board meeting significant progress has been made. 3000 additional checks have been processed and distributed, to date a total of 8780 checks have been processed. Board Member Muirhead asked if special payrolls have been running regularly and Interim Najaka stated that they have.

2015 Legislative Session: This Legislative Session there were 1731 bills; 816 introduced by the House and 915 introduced by the Senate, 206 have passed both House and Senate and have been sent to the Governor. As of March 26, 2015, 15 bills have been signed by the Governor. The Governor has 20 days after the end of the Legislative Session to take action on bills. No bills introduced directly affected the State Personnel Office. Senate Bill 95 proposed that the Motor Transportation Division and Special Investigation Division be moved out of classified service and into the State Police salary plan. This division will be under the State Police salary plan and will be effective July 1, 2015.

Public Employees Labor Relations Board (PELRB): PELRB held a meeting concerning a rule change that would grant the PELRB hearing officer the authority to make decisions about the back pay and reinstatement that currently falls under the direction of the State Personnel Board. Several members of SPO attended the meeting and participated in a discussion with all parties sharing information. The official rule change will go before the PELRB Board in May. Interim Director Najaka provided the Board with the letter that was drafted to the PELRB regarding the rule change.

State Personnel FY16 Budget: Stuart Hamilton CFO provided the Board an update on the operating budget. House Bill 2 is currently under review and the budget recommendation has passed the House and Senate. The amount approved is \$4,348.3 with \$235.8 of that amount as MOU revenue for Shared Services. Total budget is \$4,600.0 which is an increase of \$53.0 from last year. An \$800.0 special appropriation for the digitization project for state personnel records has been included in Department of Information Technology (DoIT) budget. Chair Romero asked if the digitization project includes records for all state agencies and Mr. Hamilton confirmed that it does. Interim Director Najaka informed the Board that the digitization project is currently moving forward and we are collaborating with agencies. \$450.0 was appropriated in FY14 for the project. During the initial phase of the project, the contractor who was hired passed away. A new contractor recently hired is working with SPO and various agencies to move the project forward.

Staff Updates: Stuart Hamilton has moved from Compensation and Classification to serve as CFO, George Ecklund has been promoted to Purchasing Agent and Isis Chirinos has been hired as the front desk receptionist. Joe Cueto has been hired as the Public Information Officer (PIO) for SPO, as well as for the Higher Education Department. Former CFO, Eve Banner has accepted a position with Department of Cultural Affairs. Julia Lanham, Training Director will be going to General Services Department. SPO currently has seven vacancies.



III. General Public Comment

Connie Derr, -Executive Director of AFSME addressed the Board and asked the following questions concerning FY09 Back Pay: 1) when will all payments be processed and distributed; 2) how are the checks for retirees and individuals that have left state government being handled if we do not have current addresses; 3) if there is any way to send out statements with the checks; and 4) how temporary recruitment differentials (TRD) are being factored into the back pay. Interim Director Najaka stated special payrolls will continue in order to ensure all checks are distributed. Checks for individuals who have left state government and retirees with incorrect addresses are being researched and every effort is being made to find correct addresses. Checks for employees who are receiving TRD's are being addressed.

IV. Classification Studies

A. Assistive Technology Specialist and Assistive Technology Specialist Supervisor Classifications and Pay Band

Michael McEuen, Compensation and Classification Analyst, presented the request to approve the Assistive Technology Specialist and Assistive Technology Specialist Supervisor, Classifications and Pay Bands. Mr. McEuen introduced Mr. Jim Salas, Deputy Director, New Mexico Commission for the Blind. The agency is in need of a position that would assist individuals who are blind or vision impaired with not only vocational rehabilitation and independent living programs but also familiar with the latest technologies available to blind or vision impaired individuals.

Board Member Muirhead moved to approve the Assistive Technology Specialist Classifications and Pay Bands, seconded by Vice Chair Garcia. Motion carried.

B. Health Program Manager I, II and III Classifications and Pay Band

Cliff McNary, State Classification and Testing Manager, presented the request to approve the Health Program Managers Classifications and Pay Bands. Mr. McNary introduced Teresa Padilla, Human Resource Director, New Mexico Department of Health (DOH). The Health Program Managers series is needed to assist in classifying managerial positions that are currently generically classified. The Health Program Manager I would manage a sole program, Health Program Manager II would manage multiple small to medium size programs or one large program, Health Program Manager III would be a Deputy Division Director who would oversee Health Program Managers I and II. Ms. Padilla stated that these classifications would be beneficial to DOH and assist the agency in recruiting qualified program managers appropriately in the specific health field programs.

Vice Chair Garcia moved to approve the Health Program Managers Classifications and Pay Bands, seconded by Board Member Muirhead. Motion carried.

C. EXPO-New Mexico Parking Coordinator Classification and Pay Band

Tabled until the April 30, 2015 Board meeting

V. Executive Session

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

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

The Board met in Executive Session from approximately 9:26 a.m. to 10:18 a.m. For the record the matters discussed in closed session were limited to those specified in the Motion to close.

1. *Trujillo v. New Mexico Department of Health*. Docket No.14-013
 - After careful consideration of the Administrative Law Judge's proposed Findings of Fact and analysis of the relevant law and/or policies in light of the proceedings proposed findings of fact recommended decision and the parties' exception to the recommended decision if any in the matter *Trujillo v. New Mexico Department of Health*. Docket No.14-013. Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Board Member Muirhead. **Motion Carried**
2. *Bargas v. NM Children, Youth and Families*; Docket No. 14-017
 - After careful consideration of the Administrative Law Judge's proposed Findings of Fact and analysis of the relevant law and/or policies in light of the proceedings proposed findings of fact recommended decision and the parties' exception to the recommended decision if any in the matter of *Bargas v. NM Children, Youth and Families*; Docket No. 14-017, Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Board Member Muirhead. **Motion Carried**
3. *Torres v. New Mexico Department of Health*; Docket No. 14-024
 - After careful consideration of the Administrative Law Judge's proposed Findings of Fact and analysis of the relevant law and/or policies in light of the proceedings proposed findings of fact recommended decision and the parties' exception to the recommended decision if any in the matter of *Torres v. New Mexico Department of Health*; Docket No. 14-024. Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Board Member Muirhead Garcia. **Motion Carried**
4. *Duarte v. New Mexico Department of Health*; Docket No. 14-025
 - After careful consideration of the Administrative Law Judge's proposed Findings of Fact and analysis of the relevant law and/or policies in light of the proceedings proposed findings of fact recommended decision and the parties' exception to the recommended decision if any in the matter of *Duarte v. New Mexico Department of Health*; Docket No. 14-025. Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Board Member Muirhead. **Motion Carried**



5. *Van Kuelen v. NM Twelfth Judicial District Atty*; Docket No's. 14-044DA & 14-046DA
 - **After careful consideration of the Administrative Law Judge's proposed Findings of Fact and analysis of the relevant law and/or policies in light of the proceedings proposed findings of fact recommended decision and the parties exception to the recommended decision if any in the matter of *Van Kuelen v. NM Twelfth Judicial District Atty*; Docket No's. 14-044DA & 14-046DA, Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Board Member Muirhead. Motion Carried**

VI. Litigation Update - Administrative Law Judges (ALJ) Jessica Cooper and Richard Levine

ALJ Cooper provided the following update: Since the last board meeting the adjudication division has received 30 new appeals, 23 are terminations by one employer, disposed of 9 and 55 appeals are pending.

ALJ Levine provided an update of SPO cases on appeal. Two new appeals recently filed Landau v. NM Attorney General's Office and Maldonado vs. NM Attorney General's Office. The basis for the appeal is lack of jurisdiction although the Board has not issued a final decision. That will come after the hearing. There are two pending cases with no movement to date are still Kneale vs. CYFD and Trillo v. CYFD. ALJ Cooper added that is also one additional appeal Martinez v. CYFD.

VII. Other Business – Next Meeting Date: April 30, 2015

VIII. Adjournment

With no further business, **Vice Chair Garcia moved to adjourn the State Personnel Board meeting at approximately 11:25 a.m., seconded by Board Member Muirhead. Motion carried.**

Approved by:



**Chair Romero
State Personnel Board**

Attest:



Justin Najaka, Interim Director

