



# New Mexico State Personnel Board

## State Personnel Office

Michelle Lujan Grisham  
Governor

Pamela D. Coleman  
Director

State Personnel Board  
Christine B. Romero, Chair  
Jerry Manzagol, Vice Chair  
Carmen V. Chavez, Member

State Personnel Board Meeting  
State Personnel Office  
Garrey Carruthers State Library Building  
1209 Camino Carlos Rey, Santa Fe, NM 87507  
October 18, 2019  
Minutes

### I. Procedural Items

#### Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at 10:05 a.m. on October 18, 2019, in the Pinon Room of the Garrey Carruthers State Library Building, 1209 Camino Carlos Rey, Santa Fe, New Mexico.

Pledge of Allegiance Devin Baldwin

#### Roll Call

Director Pamela D. Coleman 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

#### Approval of Agenda

Board Member Chavez moved to approve the October 18, 2019 State Personnel Board Agenda; seconded by Vice Chair Manzagol. Motion carried unanimously.

#### Approval of Minutes – August 23, 2019

Vice Chair Manzagol moved to approve the August 23, 2019 State Personnel Board minutes, seconded by Board Member Chavez. Motion carried unanimously.

## **II. Adoption of Market Adjustments for the Electrician and Plumber Classification Series**

Cliff R. McNary, State Classification and Testing Manager for the State Personnel Office presented the market adjustments for Electricians and Plumbers. The State Personnel Office Classification and Compensation Division recommends adoption of market adjustments for the Electrician and Plumber Classification Series. Nowhere are the salaries in trades and labor more competitive than for licensed Electricians and Plumbers. The State hasn't reviewed these occupational salaries in over twenty years, and they were market adjusted at that time. There are sixteen Electrician and five Plumber vacancies at five different agencies where management can't hire qualified licensed staff at the current pay bands. That equates to a 53% vacancy rate for Electricians and 58% for Plumbers. That's almost at 60% vacancy rate for each. The average compa-ratio for the nine Electricians in the State is at 120%; whereas the five Plumbers are averaging 124%. Employees who are at or over the maximum of their range have nowhere to go in these professions except to myriad higher paying opportunities outside of state government. So the purpose of the request for the alternative market adjustment pay band for the electrician and the plumbers really goes to the issue that we have a lot of incumbents who are at or above the maximum of their pay range. Almost nobody at the bottom end of that series. There are almost no apprentices in state government; there is only one person at EXPO. So, the purpose of the APB is to take care of the people that are already in state government now, and to hopefully make the apprentice level job more attractive to outside applicants. So, that if anybody was doing the cost benefit analysis, we're under no illusions that we're going to attract anybody from the commercial sector to be a plumber or an electrician in state government. But growing our own is an attractive prospect and that somebody wants to come in as, as an apprentice, they can do that benefit analysis. By doing the alternative pay band or market adjust up to pay bands on all levels of the plumbers and electricians, hopefully the apprentice would be a much more attractive prospect for somebody that would think that's a pretty attractive prospect even at the apprentice level.

Board Member Chavez asked how often will the alternative pay band need to be approved. Mr. McNary indicated that they must be renewed every year. That request will be presented to the board on December 6th. He added that when they first introduced the new consolidated format at electrician and plumber 23 years ago, they had to put a market adjustment of two pay bands on it and this is 23 years later and have done nothing to it. Director Coleman stated when it came to their attention, their partners at the Regulation and Licensing Department were thinking about how a state government can be a force for making change happen more quickly and not less quickly. Director Coleman had very good conversations with RLD talking about where these classifications stand, she really appreciates their partnership. And feels we don't hear that enough around state government of how we work together.

Chair Romero asked if any representatives from RLD are in the audience and if they were in support. Mr. McNary stated he did not invite them today as this was more of a SPO initiative and SPO is taking the first strike and trying to solve this issue. RLD is in support of the market adjustment, but it doesn't really affect them in terms of the people they employ. This would affect

five or six agencies—GSD, EXPO, Department of Health- primarily at DHI, Military Affairs and DCA.

Chair Romero wanted to reiterate and certainly confirm from the presentation is that you cannot imagine how many times she has heard from people how they wish they would have gotten into state government and how they wish they had the pension like the state government and that the benefit package has so much relevance to the overall picture.

**Board Member Chavez moved to approve the Market Adjustments for the Electrician and Plumber Classification; seconded by Vice Chair Manzagol. Motion carried unanimously.**

### **III. Adoption of Adult Protective Services Investigative Caseworker Senior Classification**

Cliff R. McNary, State Classification and Testing Manager for the State Personnel Office presented the Adult Protective Services (APS) Investigative Caseworker Senior Classification. The State Personnel Office Classification and Compensation Division recommends adoption of the APS Investigative Caseworker Senior. When the initial APS classification study was conducted in 2015, the senior level of the series wasn't identified as a quantifiable level of work. Since that time, Aging and Long Term Services Department has had to expand their scope of work and responsibilities of their Investigative Caseworkers due to the rise in caseloads. To support this request, the sister classification series to APS, the Child Protective Services (CPS) classification series at Children, Youth and Families Department, have the same Investigative Caseworker Senior classification, doing similar work. APS workers were going over to CYFD because their CPS and APS are basically sister jobs there. They do the same thing, different populations. But there is a senior level investigator at the CPS series. And so what was also happening is that APS was losing people to that senior level position over at CYFD. We have done the analysis, we've done the job creation and we've done the job evaluation and it comes out at the same level of knowhow and we'll be crosswalked to the same pay band as the CPS senior investigative worker.

Chair Romero asked what the pay band will be. Mr. McNary stated the pay band currently will be a 65 which is with the old salary structure. So it's going to be introduced and it's been assigned a pay band 65, and a supervisor as a result has been bumped up to a 70. So this is really about introducing the senior level investigative worker as a pay band 65. It'll be an elevated to a different salary structure using a different in pay band code. Which will be presented in the next agenda item, it is all tied together. Katrina Hotrum-Lopez, Cabinet Secretary for Aging and Long-Term Services and Samuel Ojinaga, Deputy Cabinet Secretary for Aging and Long-Term Services were both present. Secretary Hotrum-Lopez added that her and her staff appreciate the board for considering this request, especially since it has been a need in our community for a long time. She stated that they have to start staffing up because aging issues and abuse of the elderly it is prevalent in the state and can't even keep up with the caseload.

Chair Romero thanked her for attending and congratulated her on her position. Chair Romero stated when the agencies take the time to be present before the board, they appreciate them attending the meeting and it shows that this is important to them.

**Vice Chair Manzagol moved to approve the Adult Protective Services Investigative Caseworker Senior Classification; seconded by Board Member Chavez. Motion carried unanimously.**

#### **IV. Transfer of ALTSD Adult Protective Services Classification Series to the Social Services Salary Schedule**

Cliff McNary, State Classification and Testing Manager for the State Personnel Office presented the transfer of ALTSD Adult Protective Services to the Social Service Salary Schedule. In accordance with State Personnel Board Rule NMAC 1.7.4.11 (C), the State Personnel Office respectfully requests approval to transfer the Adult Protective Services (APS) Classification Series to the Social Services Salary Structure, currently occupied by the Child Protection Services (CPS) Classification Series. Due to the competitive nature of hiring qualified social services employees between the Aging and Long Term Services Department (ALTSD) and the Children, Youth and Families Department (CYFD), this transfer will bring fiscal parity to jobs engaged in very similar work. The APS class study was patterned after the CYFD Child Protective Services study not only because of the similar nature of work, but because the job sizes matched level for level. This is a sound solution that will enable both agencies to retain their Protective Services professionals. This action will affect 83 ALTSD employees, none of whom will fall below the minimum of their new pay band thereby avoiding any cost impact to the agency. So it is a substantial step up for APS to move to that salary structure. They have currently, or they've been undertaking appropriate placement and crosswalking the migration from the general salary structure to the social services salary structure. HR staff from ALTSD, were present, including Donna Vigil, HR Director for ALTSD and Mike Carrillo, Deputy Director for ALTSD. Desirae Vigil, Team Lead for the State Personnel Office, added they have been working with ALTSD, and the problem is they have been losing essential amount of people to CYFD because the salary schedule is higher and the job is almost identical. Ms. Donna Vigil and Ms. Desirae Vigil have worked together on creating a compa-ratio alignment and even to align the current staff with CPS where every first they'll call may slightly declined with the current salary schedule. Ms. Donna Vigil's approach was to blend them, marry them, the APS classification to CPS because the functionality is the same, it's just different populations. To appropriately pay staff to retain them and not lose them to private sector or to CYFD. And the goal would be to get some of their individuals back, the ones who know how to work with the adult population. The costs associated is going to cost the agency about \$800,000 and to do appropriate placement, which is the overall goal of the agency is going to cost a little over 1 million. The agency is working on acquiring funding to support this and with the approval to proceed with the marrying the adult protective services to the CPS, it will allow the agency to better retain their staff.

Chair Romero mentioned that ALTSD do not have legislative approval for the 1 million for appropriate placement and that can be a concern. Ms. Vigil stated no, not at this time, but the agency is working on getting the approval. Chair Romero stated that they don't want to get back into the whirlpool of TSI's, as it has been a problem in the past. She stated that she does not disagree that there should be appropriate placement, but how do we do that, without just creating

band-aids to create problems for the board. We want to make sure we're in compliance with our board rules.

Ms. Donna Vigil indicated in the 10 months since she has been at Aging and Long-Term Services Department, they have many appropriate placement packets that have gone to Director Coleman. And do have band-aids in place right now. So if this is approved, when we get the appraisal, the salaries approved, we would come back to the board to present and request an exception to the State Personnel Board rule. When she was creating the spreadsheet, some of the individuals to make them whole will receive a 47% increase in their salaries. That's the top, most of them won't see less than 10%. If they would use the compa to compa-ratio to make these employees whole, it could take 5 to 6 years to complete and that is not something that they would want to do.

Mr. McNary stated the reason that they started doing occupational pay structures, separate pay structures, was to be able to keep up with the individual markets. Director Coleman has pushed us to advance all of our salary structures by 4%. Normally it's about 2% the most. So the whole purpose of doing these occupational pay structures is that we move them with the market that should eliminate things like APB, TSI trends, all of that stuff should go away. There's going to be some pain to catch up to where that market is on individual occupational groups. But overall it's worth it because the one time expense will get us there and then it's very inexpensive relatively speaking to keep our individual occupations up with their respective.

Chair Romero asked if there was any resistance at all from CYFD. Cabinet Secretary Hotrum-Lopez stated there are a lot of similarities and they've actually aligned themselves with the CYFD and worked very closely with Secretary Brian Blalock.

Board Member Chavez asked how likely is it to receive the funding. Director Coleman stated it is highly likely to receive the funding and she added that staff from the Legislative Finance Committee were present including Budgeting Deputy Director Mr. Charles Sallee, LFC analysts, Mr. Connor Jorgensen, and ALTSD LFC analyst, Kelly Klundt were all present.

**Board Member Chavez moved to approve the Transfer of ALTSD Adult Protective Services Classification to the Social Services Salary; seconded by Vice Chair Manzagol. Motion carried unanimously.**

## **V. Adoption of Healthcare Occupational Salary Schedules**

Cliff McNary, State Classification and Testing Manager for the State Personnel Office presented the Healthcare Occupational Salary Schedules. The State Personnel Office Classification and Compensation Division recommends adoption of the Healthcare Occupational Salary Schedules. As one of the largest classification and compensation projects ever completed by the State Personnel Office, the effort produced 100 up-to-date classifications that capture the way in which work is organized and performed in our state healthcare system. As a result of the creation of those new classifications, two new salary schedules were developed using several national, regional and

local salary survey resources. The General Healthcare and Physician Salary Schedules capture the comparable labor market midpoint values that will make the State's new pay ranges competitive and attractive to qualified healthcare professionals and support staff. First agenda item, have to approve the new salary structures. Director Coleman is very well aware of the pains and ups and downs and machinations. They first introduced seven salary structures just for healthcare. Then through a fluke of data gymnastics, Max Cordova and Mr. McNary realized after un-structuring the seven structures and basically to build all the pay bands together, kind of like the game Jenga. They realized the salary values were so similar that they decided to do a single salary structure. But ran into an issue where physicians that need to be paid like physicians and to stay competitive in the market. They decided that those needed their own structure with a whole different salary, structure and value. So there really are two salary structures to be adopted. They have worked with both Miners Colfax, who had many representation and the Department of Health. They are going to experience the greatest impact of the study. Present from Miners Colfax Medical Center was Bo Beams, Chief Executive Officer and Administrator, Denise Davis, Director of Nursing and Patient Care, Barbara Duran, Human Resource Director. And four of the five board members were present, Mr. Ray Rodarte from Penasco, NM, Mr. William Cotton Jerrell from Grants, NM, Board Chair Kathy McQueary, and Vice Chair to the board, Mr. Scott Berry. Mr. Beams expressed his gratitude to Mr. McNary and to Director Coleman for all the work that has gone into this study. Department of Health HR Director in Comp & Class Division Teresa L. Padilla and Human Resources Administrator Loretta Urioste were present to support the request.

Chair Romero stated that Miners Colfax is no longer a division of DOH, as it was at one time, many years ago, about 20 years and now they are separate entities and have a separate budget. Ms. Davis stated that the MCMC receives no general funding and they generate their own funds. They are also the only acute care around hospital under the state. They are very, very different from the Department of Health. CEO Bo Beams talked about his experience and a background of the Miners Colfax, he has a long history in rural health care. MCMC is like any other general hospital in the state, located in Raton, New Mexico. They bill and collect for services, w/Medicaid, Medicare and private commercial insurance. They have the same revenue cycle, same revenue generation as any other hospital in New Mexico. They do get some additional funding w/ Miner's Hospital Trust as Minors Colfax was established as a hospital in the early 1900's just for miners. Fast forwarding to today, they are a general acute care hospital. They still provide services to miners but are more a regional provider. They are the only OB provider up in Northern New Mexico. They have two OB's, two general surgeons, internal medicine, family practice. They are the only government operated to the acute care facility in NM. They are not FQHC. They are a full service critical access hospital with emergency room. They have 26 residents currently, 16 miners and 10 non-miners. Minors receive care at no charge with the Miners trust fund. Two years ago they had 32-33 agency nurses and they came to the SPO board and they gave us an interim, a windfall. It was about \$5 hour for our nurses so they could we start recruiting. Since with the interim in place, they have been able to reduce agency vacancy from 32 to about 22, as low as even 18. So They are making headway, but still have four or five staff now that, especially in our radiology area that say if they could just get a little bit more in wages, they would love to work at MCMC. Chair Romero was highly impressed and would like to tour the facility and thanked Mr. Beams and staff for attending the meeting.

Assistant Attorney General Mr. Miguel Lozano asked for the affected classifications to be included in the minutes, The classifications are Behavioral Health Therapist, Clinical Lab Scientist Technologist, Clinical Psychologist, Dental Assistant, Dental Hygienists, Dentists, Dietician, Director of Therapy, Healthcare Management, Nurse Practitioner, Nursing, Nursing Aides, Nursing Support, Nutritionist, Occupational Therapist Aides, Occupational Therapist, Pharmacists, Pharmacy Technician, Phlebotomist, Physical Therapist, Physical Therapist Aides, Physician-Emergency Medicine, Physician-Internal Medicine Family, Physician-OB GYN, Physician-Surgery, Physician Assistant, Prescribing Psychologist, Programmatic Physician, Psychiatric Nurse Practitioner, Psychiatrist, Radiologic Technologist and Technician, Recreational Therapy, Respiratory Therapists, Speech Language Pathologist and Veterinarian.

**Vice Chair Manzagol moved to approve the Healthcare Occupational Salary Schedules; seconded by Board Member Chavez. Motion carried unanimously.**

## **VI. Adoption of the Healthcare Occupational Classification Series**

Cliff McNary, State Classification and Testing Manager for the State Personnel Office presented the Healthcare Occupational Classification Series and the State Personnel Office Classification and Compensation Division recommends adoption of the Healthcare Occupational Classification Series and assigned Pay Bands as presented. As one of the largest classification and compensation projects ever completed by the State Personnel Office, the effort produced 100 up-to-date classifications that capture the way in which work is organized and performed in our state healthcare system. The new classifications capture virtually every aspect of the healthcare delivery model from Recreational Therapists, Phlebotomists and Nursing Aides to Directors of Nursing, Prescribing Psychologists, Emergency Medicine Physicians and Obstetrician & Gynecologists. The full list of classifications are Behavioral Health Therapist, Clinical Lab Scientist Technologist, Clinical Psychologist, Dental Assistant, Dental Hygienists, Dentists, Dietician, Director of Therapy, Healthcare Management, Nurse Practitioner, Nursing, Nursing Aides, Nursing Support, Nutritionist, Occupational Therapist Aides, Occupational Therapist, Pharmacists, Pharmacy Technician, Phlebotomist, Physical Therapist, Physical Therapist Aides, Physician-Emergency Medicine, Physician-Internal Medicine Family, Physician-OB GYN, Physician-Surgery, Physician Assistant, Prescribing Psychologist, Programmatic Physician, Psychiatric Nurse Practitioner, Psychiatrist, Radiologic Technologist and Technician, Recreational Therapy, Respiratory Therapists, Speech Language Pathologist and Veterinarian. The State of New Mexico can now pride itself as having a state-of-the-art healthcare delivery system that can compete nationally for top qualified medical professionals.

Mr. McNary added that this was a tremendous undertaking and was embarked probably at not the most opportune time. They were well into the study, they found that they had about a hundred classifications that needed to be recognized, classified, created. Mr. McNary stated that one thing that made him feel good about this study is realizing the impact it's going to have on the state of NM. He stated with the new salary structures, it is really going to make the state very attractive,

possibly competitive to the private sector. He feels with this study, the state will be able to meet that need to deliver critical health care services in the state of New Mexico probably for the first time in decades.

Chair Romero indicated that she is an advocate for state government jobs and state government, and the state will continue to advocate for top quality people to fill these positions. Chair Romero congratulated Mr. McNary and his team on all their work and efforts with the study.

**Board Member Chavez moved to approve the Healthcare Occupational Classification Series; seconded by Vice Chair Manzagol. Motion carried unanimously.**

**Chair Romero called for 10 minutes break at 10:50 a.m.**

**Chair Romero called the meeting back in session at 11:00 a.m.**

**VII. Discussion about potential rule changes to the State Personnel Board Rule 1.7.1 NMAC and 1.7.7 NMAC**

Director Coleman opened up with a short discussion about potential rule changes to the State Personnel Board Rules. In the past years there has been attention paid to the fact that the rules are a little on the veteran side and the board might want to bring the rules in more into the current day. This is a big project because rules are quite voluminous, but Director Coleman proposed to take chunks at a time to update the rules. So not do all the rules at one time, but to do a chunk of them. Director Coleman request for the Board to concur with moving forward with the process with state records, which includes to post a notice about the rule changes, opening up the public comment, have public comments at the hearing at the next board meeting on December 6<sup>th</sup>. The board will have the opportunity to hear what people have to say about the rule changes. The board's packet that was provided to the board at the meeting included the notice of proposed rulemaking which contains a summary of the rules that Director Colman would like to present for public comment. The proposed rules that will be affected are 1.7.1 NMAC General Provisions and 1.7.7 NMAC Absent and Leave.

For example, in 1.7.7 in the current absence and leave, it will affect the sick leave, as for some time, the accrual rate has been 3.69 hours per pay period. Director Coleman would like to increase the accrual rate to 4.0 hours per pay period. She indicated they have the governor's blessing and the topic has come up with the bargaining that she is doing with both AFSCME and CWA in the new collective bargaining agreements. That will be more discussed in Director Coleman's report to follow. The rule changes will affect definitions as for example, adding domestic partner to absence and leave and a variety of other small changes. Director Coleman encouraged the board to look at the changes between now and when the board meets again as well as reviewing the public comments pursuant to the rulemaking, which will be posted on SPO's website as they are received. Public comments can also be made at the December 6th board meeting that will be held at the Willie Ortiz Auditorium at 9:00 AM.



Chair Romero stated that this is a big initiative for this administration because in the past, the rules have not been touched or changed.

Director Coleman thanked General Counsel, Jeff Young, who is spearheading this process and he can answer any questions that board members may have. Mr. Young and Director Coleman have really focused on clarifying the definitions and interpretations.

Board Member Chavez asked about the effect it will have on the remaining rules by only taking chunks of the rules at a time. What about other rules that it may impact, if those rules haven't been looked at? Mr. Young stated that SPO's plan is to take chunks at a time and periodically bring rules to the board and to the public for comment. Maybe two rules or three rules at a time, but eventually work through the rules. The rulemaking section itself needs to be updated and that'll be one to look at, but the rules won't have any retroactive effect, they will be going forward. There is a definition section that obviously will impact other sections, but they are trying not to make changes to that yet. Director Coleman also stated that the rule changes have been shared with the attorney general's office and in conjunction with Mr. Young, other staff have been involved in the changes. Administrative Law Judge Supervisor Jessica Cooper, Leanne Madrid, Quality Assurance Division Director, and Assistant Attorney General Miguel Lozano all have been involved. As mentioned by Mr. Young, some rules are so old that they have to be repealed and replaced while others just need to be updated. Assistant AG Mr. Lozano added that he trust SPO to make sure that there's no issues in terms of time of how these are limited, but as we pass the rules, they will be read in conjunction with the rules that are already in place that haven't been touched yet. While it is possible and hopefully SPO will catch all of those potentiality, but until we change those others, they will be read in conjunction. So if there is a conflict we can work that out. Member Chavez stated she just wanted to make sure that the rule changes wouldn't make it more difficult or unclear as to a rule because the definition was changed.

**Vice Chair Manzagol moved to commence rulemaking changes for State Personnel Board Rule 1.7.7 NMAC and 1.7.7. NMAC; seconded by Board Member Chavez. Motion carried unanimously.**

### **VIII. General Public Comment**

Chair Romero stated that at every board meeting the board gives people the opportunity to come forward for a couple of minutes and give advice to the board on any issue they'd like to discuss.  
**No individuals signed up for public comment.**

### **IX. Director's Report**

Director Coleman started her report by recognizing the terrific crowd that were present and to Cliff McNary and his team on the Healthcare study. The Willie Ortiz building is finished and staff are back in the building. They were moved back on the week of the 16th – 20<sup>th</sup> of September. SPO

staff are on the ground floor of the building as well as a piece of the basement floor, where Adjudication will have a hearing room in the basement and a training room will also be utilized for trainings in the basement floor. With the absence of real estate assets in Santa Fe, SPO was asked to share the basement level with the other agencies. The Curruthers building will be also shared with other agencies. Director Coleman is very pleased with the job that GSD and RMD did in the Willie Ortiz building. SPO looks forward to hosting the next meeting in December in the Willie Ortiz.

On October 6th, the internal rotation program was implemented as a PILOT for three months. Some of the SPO staff will rotate from one team to another team to enable SPO to get new eyes on old problems and old systems. It's not that SPO systems aren't getting the job done, but believe that if they look at it from a slightly different angle, they might see solutions that they have been missing or at least streamline processes. Director Coleman stated that SPO staff is a phenomenal staff that can withstand complexity and change and still approach their job every day with real excitement. Director Coleman has already seen some really great strides and is very optimistic with the internal rotation program.

Director Coleman stated that the Social Media Committee continues called I serve NM (#ISERVENM). The goal is to spread the recruitment of how great state government is to work in and spread it to their own networks. She appreciates the social media committee, some of whom were present at the meeting, for making it happen. The State Personnel Office have made some cosmetic and free changes to the SPO website. The new fantastic photos are courtesy of the Tourism Department.

Director Coleman discussed at the last meeting of the Innovation Lab pilot and it is now scheduled on November 19<sup>th</sup>, it's a partnership with the University of NM Innovation Academy and will be held in two sessions, one in the morning and one in the afternoon at the Higher Education Center in Santa Fe with 24-26 state employees of whom were selected by agencies cabinet secretaries. The hope to turn this into a longer term project, but going to try with a pilot program first to see how people respond.

Director Coleman indicated that DFA and State Personnel are still currently working together to additional streamline processes. Director Coleman indicated that she will be meeting with their state budget team in the next 10 days to best take in actions simultaneously so agencies don't have to wait for DFA's approval and then send it in for state personnel's approval, but for it to come in at the same time. This could cut off weeks, if not a full month.

Director Coleman informed the Board of C2 Requests, to activate more modules in SHARE HCM to make employees lives easy and to help the HR community make processes more streamlined and help them do their jobs more easily without so much paperwork. Director Coleman is very encouraged and she put in a very large request for \$15 million to updates to SHARE. So any money rather it is a little bit or a lot, it's all going towards to make the SHARE system better.

Director Coleman indicated the union relationships continue to improve and are negotiating the CBA with CWA and with AFSCME. Meetings with AFSME took place this week with the negotiation team which includes Sandy Martinez, Jeff Young, Director Coleman and Diego Erin Cohen. Director Coleman will be conducting a joint presentation with Connie Derr, AFSCME President for Council 18 next week at the NM Public Employee Labor Relations association conference.

Chair Romero asked what were the unions that state government work with. Director Coleman indicated that state government primary work with AFSCME and CWA.

Director Coleman indicated that the Governor's Cabinet in Your Community will be held in Roswell on Saturday November 2<sup>nd</sup>. It will be very similar to what happened in Albuquerque, where every cabinet secretary and every agency will be represented. Constituents can come in to have access to people and get their questions answered.

Director Coleman stated that the Governor received Board of Finance approval for Executive Detailing Program. It's a robust program where employees can move from one agency to another agency for a period of six months or up to a year to learn different skills, more skills, build relationships interagency. It's a pilot for a year and the Board of Finance will go back in six months to report on how it's going. It is a very big deal and never been done within state government.

Director Coleman is continuing to support both the New Mexico Corrections Department with the taking over the Clayton facility up in the Northeast and supporting them from an HR perspective to make sure they have everything that they need to get moved from a private facility into a state run facility. Similarly, for the Early Childhood Development & Care Department groups are meeting with them to make sure they have the HR support, they need to conceptualize and actualize.

Director Coleman gave a special thanks to Andrea Rivera-Smith, SPO Division Director. Ms. Rivera-Smith has built a relationship with the Santa Fe Community College intern program. SPO had two interns this semester. SPO is going to request three additional interns next semester. It's a great way for community college students to get into state government to see what state government is about.

Director Coleman stated that they continue to work with the statewide policies. The Fitness/Wellness policy was launched along with the alternative work schedules. Due to the alternative work schedule, state government received a platinum award for family friendly designation. Director Coleman thanked General Counsel Mr. Young and Melinda Salazar on working together on submitting the application for a family friendly designation. Family Friendly New Mexico is an organization that certifies and recognizes NM businesses. State government received the award on October 1<sup>st</sup>. This is the state's first ever platinum award by family friendly. It was awarded after the executive order for alternative work schedule was placed. The governor was very pleased about that the recognition from the Family Friendly New Mexico organization.

Member Chavez asked what qualifies for the platinum level. Director Coleman stated this was the first year that Family Friendly New Mexico awarded platinum. Gold was the highest category in the past but they added two additional categories to make a platinum level. A business must meet the seven categories to qualify for platinum. City of Albuquerque and City of Farmington has been designated as well as a variety of other municipalities, businesses across the state. More information can be found regarding the different categories and levels on the website [nmfamilyfriendlybusiness.org](http://nmfamilyfriendlybusiness.org).

Director Coleman stated that the HR Council Trainings continues, 4 trainings out of the 6 have been completed. The trainings are recorded, edited and uploaded on the State Personnel Office YouTube channel and also shared with the HR Community. Director Coleman thanked Marko Satarain for all his efforts on the recordings and uploading to the YouTube channel.

Chair Romero stated at her place of business they have a system that tracks all trainings for all employees. Director Coleman indicated that the state has Electronic Learning Management within the SHARE system. Part of the request is to bump up some additional SHARE functionality and with the help of Jamie Phillips, who is part of the State Personnel Office Training team, is to add to the ELM live trainings and state employees training history to travel with them as an employee. SPO is meeting with the DOT people next week who started the ELM and got the ELM up and running. DOT is very keen on having it across all over state government. Director Coleman is optimistic on the progress and should have more to report to the board in the very near future.

Director Coleman also reported the following updates regarding training:

- Strategies for Positive Management course was redesigned by Jamie Phillips and the training is receiving great reviews. Ms. Phillips will be presenting it live to the entire SPO team at the end of October.
- The Trainers Unite meetings entail bringing all the trainers in and communicating with them on a regular basis. Director Coleman reported on the customer service training called Train the Trainers that will likely be launched soon. The Department of Workforce Solutions (DWS) has been providing customized customer service training for the private sector. Now it has been turned inward to state government where it's a needs based customer service training methodology, where across the administration, the trainers will get trained up. It is a volunteer based training but Director Coleman indicated that half of the people that know about the training, have volunteered to be part of this Train the Trainer model. They are looking at training MVD first and the goal would be to take their experience and go to other agencies to have a force multiplier. The governor's office is very keen on customer service training in general, this is a wonderful training for state government.
- The Tribal Collaboration is where the state is required to do a cultural competency training, it is designed with the Indian Affairs Department and is up and running. The training is receiving great reviews. Secretary Trujillo and Director Colman spoke on Wednesday, and Secretary Trujillo has some ideas about how she'd like to maybe model what some other States are doing to add some additional trainings.
- The Cabinet Training took place in two sessions couple of weeks ago, where DFA, GSD and the State Personnel helped all the secretaries in one room to talk about what they

needed to know as a Secretary, it's has been nine months in as their role as Secretary. This was one place with everybody together to ask the same questions and to let them know, from our perspective, on how to hire somebody and how it really works. What progressive discipline is about and just a lot of the basics. And because now the Secretaries had enough time in state government, they were really able to absorb the information and ask really good questions.

Director Coleman reported that she met with Wayne Prost, Director for PERA and Clinton Nicely, Director of the Risk Management. They are working together on a plan to collaborate a "total package" to show health benefits, retirement benefits with salary to show the complete income benefits state government has to offer. In the meantime, with the partnership with DoIt-SHARE, they are putting together a pilot and it will be tested at State Personnel. It is going to be similar to an end of the year credit card statement where it shows how much money you spent over the year and it divides it per category on what you spent in each of those categories. What it will show is how much you received in salary, PERA, health benefits, annual leave and sick leave and a personnel day- there's a whole suite of benefits that add up to a package. And if employees could see it that way, they would be reminded how state government is a good job and how much it has to offer. The goal is to receive that type of statement once a year. Director Coleman believes that is would be a huge tool to help recruit people to state government. For potential candidates to see the whole, complete package the state has to offer. For example, when on the website, the candidate would see a job in the pay band of 60, in the midpoint range, they would also be able to see benefits including healthcare & retirement to show the total package, not just the salary or the hourly salary. That is in the works and hopefully be something to add to help with recruitment.

Director Coleman reported that the State Personnel offers mediation for anyone who comes up through the appeals process. SPO has had a couple of people who have been providing that service pro bono for the last couple of years. Unfortunately, they are no longer able to provide the service pro bono. SPO is developing the framework for a mediation program with the Adjudication Division. The state offers a full alternative dispute resolution program that the state runs for volunteers. Supervisor Administrative Law Judge Cooper and Administrative Law Judge Haught are working with mediators who have developed mediation training over the years. They will be going to work together to figure out a framework that could demystify the ALJ process. That way we could have volunteers from state government that won't be freaked out because it's a court setting. Director Coleman is very excited about it although it will take a little time to complete.

Director Coleman announced a few staff changes at SPO. She announced a new employee, Devin Baldwin, he was previously at YouthWorks where he was in charge of helping young people in Santa Fe and in greater Santa Fe to prepare and inspire them for a variety of jobs. State Personnel is happy to have him be part of the team. Also a fun fact, Mr. Baldwin is a published poet. Current State Personnel employee Max Rodriguez will be transferring to TRD and Director Coleman stated that Mr. Rodriguez will be missed and thanked him for his service at State Personnel. Director Coleman thanked Annette Lopez for her continued help with the board meetings. She also announced Denise Fotilzzi, who is going to be Director Coleman's new special assistant. Ms. Forlizzi will be starting with the Personnel Office on November 4, 2019.

Chair Romero requested Director Coleman's report to be at the start of the meeting. She stated her report is a good overall picture of what's happening within state government. Director Coleman agreed and indicated that her report will be at the top of the agenda for the next board meeting.

Board Member Chavez asked what agencies were going to be part of the detailing program. Director Coleman stated that it is going to be voluntary based, and asking and meeting with the agencies. She indicated that one of the reasons she thought this would be an opportune time for it is because she kept hearing that, for example, the State Land Office has a hard time finding inspectors, and then heard it was difficult to find environment inspectors and PRC inspectors. It's hard to find people in the Southeast and/or people keep jumping to private sector. Director Coleman thought what if we can keep people longer if they had different experience? What if they were with one agency for a year to learn and then go to another agency for six months to learn from there. General Counsel Young and Director Coleman are both previously with federal government. In federal government, it's a routine and robust program to detail. It doesn't happen all the time and it doesn't happen with every single job, but it does happen where agencies have relationships built to have people going from one agency to another. It's also a great opportunity when you don't have a clear promotional angle. So it can be a little bit of a ladder, to get a great experience and have a different level experience to come back to be eligible for a promotion in a different way.

Chair Romero asked if detailing was more like a mentoring program. Director Coleman explained that detailing would be for example, if you currently work at DOH and you're going to work with a different agency. You don't get a different pay and the sponsored agency pays you. And hopefully you have learning something different which is going to help DOH. This would be internal to state government because currently the only way to move people within the state government is for the governor to go before the Board of Finance each time and every single time. She indicated this will be a trial run for a year to see if this approach works.

Vice Chair Manzagol stated that the State Personnel Director years ago was part of a detail program with federal government, his name was Chuck Staff.

Director Coleman again thanked the staff at the State Personnel office and thanked the Board. Chair Romero thanked everyone who was before the Board and indicated that she really enjoys the report that Director Coleman gives at each meeting and looks forward to hearing her report at the next meeting.

## **X. 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; and to include NMSA 1978, Section 10-15-1(H)(7) for pending litigation; seconded by Board Member Chavez.**

Director Coleman called roll and all members voted in the affirmative.

**Motion carried unanimously.**

The Board met in Executive Session from approximately 11:41 a.m. to 11:50 a.m.

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

**1) Martinez v. New Mexico Public Education Department; Docket No. 18-045**

After careful consideration of the Administrative Law Judge's proposed findings of fact, analysis 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 Martinez v. New Mexico Public Education Department; Docket No. 18-045. **Board Member Chavez moved to adopt the Administrative Law Judge's Recommended Decision. Motion seconded by Vice Chair Manzagol. Motion carried unanimously.**

**2) Wilson v. New Mexico Human Services Department; Docket No. 19-004**

After careful consideration of the Administrative Law Judge's proposed findings of fact, analysis 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 Wilson v. New Mexico Human Services Department; Docket No. 19-004. **Vice Chair Manzagol moved to adopt the Administrative Law Judge's Recommended Decision. Motion seconded by Board Member Chavez. Motion carried unanimously.**

**XI. Adjudication Litigation Update**

Jessica Cooper, Administrative Law Judge for the Board, presented the Adjudication Litigation Update. In the 1<sup>st</sup> quarter in FY20, Adjudication received 13 new appeals and disposed of 14. There are currently 35 appeals pending. No updates to report on the six existing appeals of the Board decisions.

Vice Chair Manzagol asked for an update regarding the AG cases. Ms. Cooper indicated that NM Supreme Court denied the petition for writ of certiorari on August 6, 2019. The New Mexico Court of Appeals still stands. The Court of Appeals have remanded it to the District Court and are waiting for the District Court to remand it back down to the State Personnel Board. Ms. Cooper stated that Adjudication have not heard from any of the appellant involved in this matter. Chair Romero thanked Ms. Cooper for the update.

Assistant Attorney General Lozano provided an update regarding pending District Court cases that the State Personnel Board was named as a party. In the Luchetti matter, D-0101-CV-2019-01846, he is still trying to get the State Personnel Board to be removed as a named party. In the Ortega matter, D-0101-CV-2019-02209, the parties have agreed to remove the State Personnel Board and

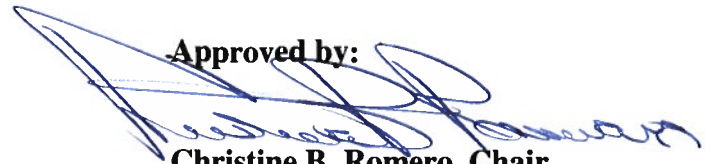
the State Personnel Office as parties in the District Court appeal. An order will be issued in the next few weeks.

**XII. Other Business – Next Meeting Date:** December 6, 2019 at 9:00 am in the auditorium in the Willie Ortiz building.

**XIII. Adjournment**

With no further business. **Board Member Chavez moved to adjourn the State Personnel Board meeting at approximately 11:55 a.m.; seconded by Vice Chair Manzagol. Motion carried unanimously.**

Approved by:



**Christine B. Romero, Chair  
State Personnel Board**

Attest:



**Pamela D. Coleman, Director**