



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Interim Director

Nivia L. Thames
Deputy Director

State Personnel Board
Paul T. Yarbrough, Chairman
Christine Romero, Vice Chairman

Dennis Garcia Rebecca Long
Megan Muirhead

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
October 24, 2014

Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chairman Yarbrough at approximately 9:05 a.m. on October 24, 2014 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation Stuart Hamilton

Pledge of Allegiance Michael McEuen

Roll Call

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

Paul Yarbrough, Chairman
Christine Romero, Vice Chairman
Rebecca Long
Megan Muirhead
Board member Dennis Garcia- absent

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



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Approval of Agenda

Chairman Yarbrough made a motion to table item number V. until the December 5, 2014 board meeting to allow Board Member Garcia the opportunity to view the presentation.

Board Member Long moved to table Item V., seconded by Board Member Muirhead. Motion carried.

Approval of Minutes – August 29, 2014

Board Member Long moved to approve the August 29, 2014 State Personnel Board meeting minutes, seconded by Board Member Muirhead. Motion carried.

II. Director's Report

Interim Director Najaka reported as follows:

Status of FY09 Arbitration award: The State is diligently working to complete the process. Approximately, 4200 checks have been processed and issued. The remaining calculations are more complex and the State wants to ensure the amount of each check is correct. The State is currently working with the contractor to get a schedule for additional payroll runs based on the contractor's ability to complete the remaining calculations. The State is hoping to receive a special payroll schedule by next week and that information will be listed on the website, and provide specific dates when future special payrolls will take place. Information regarding the checks for specific individuals is not available. Vice Chair Romero commented that it was unfortunate specific timelines were given to recipients and those timelines were not met. Interim Director Najaka stated although timelines were given, the State has worked hard to process the checks and the State Personnel Website is the best source of information for updates. Interim Director Najaka stated there are approximately 5800 payments that need to be calculated and mailed out to employees.

The State Personnel Office is currently reviewing Information Technology positions. SPO has hired contractor, Kenning Consulting, to do a classification study and implementation review. The study is currently in its early stages and we are hopeful it will be complete in December 2014.

Overview of the Compensation and Classification Plan was presented to the Legislative Finance Committee (LFC) on September 26, 2014 and the presentation was well received by LFC.

On Thursday October 30, 2014, the State Personnel Office will have its FY2016 operating budget request hearing before the of LFC subcommittee. Interim Director Najaka extended an invitation to the board members to attend the hearing.

State Personnel Office staff update: There are currently three vacant positions and offers have been extended for two positons. The Compensation and Classification Director Position remains vacant.

Interim Director Najaka introduced three new staff members: Casey Stone-Romero, Training Division; Roberta Arguello, Labor Relations Division; Desirae Vigil, Agency HR Services Division.



III. General Public Comment

Connie Derr, Miles Conway, Patrick Gutierrez and Cathy Townes from AFSME signed up for General Public comment. These individuals represented employees and former employees who have not received their FY09 Arbitration checks and expressed their frustration, on behalf of employees, current and former, that they represent. Chairman Yarbrough stated that the State Personnel Office is doing everything possible to expedite this unprecedented and extremely complex process, that SPO was working closely with the affected state agencies, that good progress was being made, and that a reasonable timeframe was being honored.

IV. Human Services Department request for Exemption to SPO Rule 1.7.7.8 Maggie Samuel

Ms. Samuel, SPO Consultant, Agency HR Services Division, Johnna Padilla, HR Director, Chuck Mondragon, HR Supervisor, Carmella Trujillo, Accounts Payable and Yvonne Martinez-Denko, Payroll Bureau Chief, ASD Payroll Supervisor and Celina Sandoval-Aragon, Payroll, all from Human Services Department. The Department is requesting an exception to Subsection E and G of 1.7.7.8 NMAC. The request is based on the following - Elton Suazo retired from the State in October 2002. In May 2008, Mr. Suazo was rehired and his annual leave accrual was set up at 3.08 hours per pay period. In December 2013, upon Mr. Suazo's second retirement, it was discovered that Mr. Suazo's accrual rate was entered incorrectly and he should have been accruing leave at a rate of 6.15 hours per pay period. Because of this administrative error Mr. Suazo is entitled to an additional 174.58 hours of annual leave. Subsection E of 1.7.7.8 allows employees to carry over a maximum of 240 hours of annual leave and subsection G of 1.7.7.8 allows employees leaving employment to be paid for accrued annual leave up to a maximum of 240 hours. As a result of this error, HSD is requesting SPB approval for an exception to Subsection E, of 1.7.7.8 NMAC Annual Leave to allow the department to exceed the maximum of 240 hours, as allowed by the Rule, and SPB approval for an exception request to Subsection G, 1.7.7.8, NMAC, a payout in the amount of \$414.58, 174.58 hours more than the 240 hours allowed by Rule. Vice Chair Romero asked if the employee was making the request or if the agency found the error. Ms. Samuel stated the agency discovered the error and was making the request. Board member Long was concerned this would set a precedent for employees' to request an exception to the Rule. Ms. Padilla stated she thought this was an isolated situation. Interim Director Najaka stated this would not set a precedent for other similar situations. The board advised the agency to go back and fix the administrative error however they did not approve the request.

Board Member Muirhead moved to disapprove the exception to Subsection E and G of 1.7.7.8 NMAC, seconded by Vice Chair Romero. Motion carried.

V. Overview Compensation and Classification Plan

Item Tabled

VI. Executive Session

Board Member Muirhead 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 Long.

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

The board met in Executive Session from approximately 9:46 am to 10:12 pm.

1. Sandman v. NM Department of Veterans' Services; Docket No.13-041

- After careful consideration of the proceeding, and the Administrative Law Judge's recommendations, **Board Member Long moved to adopt the Administrative Law Judge's decision with the following modifications: 1. The last line of page 7 shall be made to read "Exhibit" rather than "Exhibits" and to strike "and W". The amended sentence shall read as follows "The medical records contained in Appellants Exhibits C-E, G-H, and M, as well as Exhibit U in its entirety shall be disregarded accordingly".**

VII. Litigation Update

Jessica Cooper, Administrative Law Judge, reported that at the end of the first quarter of FY 15 fifteen (15) new appeals were received and twenty-one (21) were disposed of. In October 2014, five (5) new appeals were received and Adjudication has thirty six (36) appeals pending. The department heard the last appeal of 2013.

Richard Levine, Administrative Law Judge, reported there are no new appeals. There has been progress in the following cases: James v. CYFD affirming decision of the State Personnel Board in September; Trujillo v. CYFD there was a dismissal for lack of prosecution in February, however, a motion to reinstate the case was entered in March. Fernandez v. Corrections - on September 23, 2014 a memorandum of opinion was issued by Judge Herrera in the First District affirming the board's decision that upheld the ALJ's recommendation.

VIII. Other Business – Next Meeting Date: December 5, 2014

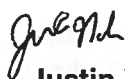
IX. Adjournment

With no further business, **Board Member Long moved to adjourn the State Personnel Board meeting at approximately 10:20, seconded by Board Member Morhead. Motion carried.**

Approved by


Chairman Yarbrough
State Personnel Board

Attest:



Justin Najaka, Interim Director

