



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
August 29, 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 August 29, 2014 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation Michael McEuen

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
Dennis Garcia
Rebecca Long
Megan Muirhead

Approval of Agenda

Board Member Garcia moved to approve the agenda, seconded by Board Member Long. Motion carried.

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



NEW MEXICO
CENTENNIAL
1912-2012

AGENCY PARTNER
NM-CENTENNIAL.ORG

Approval of Minutes – July 25, 2014

Board Member Long moved to approve the July 25, 2014 State Personnel Board meeting minutes, seconded by Board Member Muirhead. Motion carried.

II. Director's Report

Interim Director Najaka reported on the following items:

At the July 25, 2014 SPB meeting, Interim Director Najaka reported that the FY09 Arbitration Award Phase I, to bring current employees' salaries into compliance with court order and effective June 8, 2014, was successful. Phase II of the FY09 Arbitration Award, which the Task Force is currently working on, has begun and is targeted to be completed by September 30, 2014.

A Legislative Finance Committee (LFC) hearing regarding the direction of the Compensation and Revitalization Project is scheduled for October 30, 2014 at 12:30 PM. At the July 25, 2014 board meeting, Board Member Garcia asked if an overview of the Compensation Revitalization Project could be given at this meeting. Interim Director Najaka asked if the overview could be given at the October board meeting, as SPO is still redesigning and working with the agencies, the Department of Finance and Administration (DFA) and the Governor's Office.

The SPO budget will be heard by a subcommittee of LFC on October 30, 2014 at 1:30 PM.

On December 11, 2014 at 3:00 pm the Executive Compensation Report will be presented to the LFC; it includes all salary plans. Interim Director Najaka extended an invitation to Board members to attend any or all of the hearings.

In recent weeks, the Office of the Director has issued four memorandums, two in regards to current processes and two that affect employees within the State. The first General Memorandum was signed by the Governor's Office concerning parent teacher conferences and allows employees to take Administrative Leave to attend parent teacher conferences. The guidelines are as follows: up to 8 hours of leave per employee, four in the spring and four in the fall depending on the number of children an employee has. The second General Memorandum concerned the New Mexico Rail Runner and the 90 day safety review that is currently being done. This safety review has resulted in delaying employees on getting to work on time. The memorandum was issued to provide guidance to agencies and to allow employees to flex the time that they are delayed during their lunch hour. If the train is late 30 minutes or more, employees must utilize annual leave to offset the time that they are delayed. There are currently over 500 employees who utilize the New Mexico Rail Runner to get to work. The two remaining memos detail how current personnel transactions are processed and the process for viewing personnel files.

Interim Director Najaka detailed items in SPO's FY14 Fourth Quarter Workforce Report, including filling vacant positions and the percentage of employee performance appraisals on record at the close of FY14. Over 99% of employees who were eligible for their yearly performance review for FY14 had their reviews completed and entered into the PeopleSoft system as required. Interim Director Najaka then stated that 68% of new employees successfully completed their probationary period for FY14; an increase of 10% from FY13. SPO's target is 85%. This increase is attributed to better hiring and selection practices within the agencies. Interim Director Najaka stated that the reasons for separation of probationary

employees are not currently available. The report does contain general separation statistics and the information on probationary employee separation can be provided for the board at the next board meeting.

Interim Director Najaka confirmed that metrics in the “Classified Separations by Reason” chart are preset codes in PeopleSoft and does not differentiate between probationary and career employees. Interim Director Najaka stated that SPO would like to know the specific reason for the separation; however, many times the agency may not know the specific reason. Interim Director Najaka stated that SPO is interested in assisting agencies with the onboarding process so that it expands to more than just filling out forms. Each agency has a different way of handling the onboarding process and that a systemic overhaul may be necessary.

Interim Director Najaka specified that at this time the State does not have standard onboarding procedures however, General Services Department (GSD) is establishing a process and SPO would like to expand it to all agencies. Board Member Garcia stated that having standard onboarding procedures would help with retention rates and would improve the data. Board Member Garcia asked what the responsibility is of supervisors to retain staff. Interim Director Najaka responded that it varies by agency. SPO currently has a supervisor/manager training program and some retention aspects may be worked into the program. Vice Chair Romero stated that employees perform their jobs to the best of their ability and that data should be collected to verify their performance; however, it isn't up to supervisors to be accountable for retention issues.

Chairman Yarbrough stated that the state goes through a great deal of time and effort to recruit and hire the best qualified individuals and if there is a way to track why employees are leaving Interim Director Najaka stated that it is in the early stages of development; working with GSD is the first step to establishing the standardized onboarding process.

Interim Director Najaka asked the Board members to turn to page 11 of the report and refer to the recruitment process and to view the graph on how the number of applications has increased from FY11 to FY14. In FY14, SPO received almost 250,000 applications. Interim Director Najaka stated that Ms. Rivera-Smith and her Career Services team have worked hard to attain these figures. On page 12, the total hits on posted applications for FY14 was 4,079,561. Interim Director Najaka also stated that SPO has participated in numerous job fairs and plans to continue its presence at upcoming fairs. Interim Director Najaka stated that he attended the Tribal Leadership Summit and many individuals mentioned wanting to hold job fairs in specific areas around the state.

Interim Director Najaka stated that the total days to fill a position dropped to 64.4 from 76.7. The days to refer a list to an agency dropped from 11 to 9.1, the average days from list referral to job offer acceptance dropped from 52 to 41 days. The goal of average days to fill, set by the Legislative Finance Committee (LFC), is 40 days; however, and because of the way the recruitment cycle is set up 40 days is not attainable. SPO has asked to change their performance measure goal to 60 days.

Interim Director Najaka stated that some agencies utilize other venues of posting positions to supplement NEOGOV; however, all agencies must post positions through NEOGOV. Board Member Garcia then asked what standards other states are using in filling jobs. Interim Director



Najaka stated that each state has a different hiring process. The State of New Mexico participates in monthly meetings with other states to see how each state is currently filling positions. Ms. Rivera-Smith participates in these meetings.

Interim Director Najaka stated that it was SPO who originally requested the 40 day benchmark and while LFC would like to keep it at 40 days, SPO has requested to increase it to 60 days. Interim Director Najaka stated that the 40 day metric is in the General Appropriations Act and subsequently in statute; SPO will request the 60 day metric in FY16. Interim Director Najaka stated the FY14 Quarterly Report is available on line. Vice Chair Romero thanked SPO and staff for their work on the Quarterly Report.

III. General Public Comment

Joel Villarreal of AFSCME Council 18 discussed the current disciplinary process. Mr. Villarreal feels that the rules do not always apply for the employees as they do for the employers. He feels that the employers are not following the same rules that are expected of the employees when it comes to the disciplinary process. Mr. Villarreal stated that in his experience, some agencies are not providing all the information to the union that is pertinent to cases they are involved in. One example would be the Children, Youth and Families Department (CYFD) and its use of cameras to record employee activities in certain facilities. The video is used in allegations against employees. However, AFSCME has not been allowed to view this material until the agency has further clarification internally. This makes it difficult for AFSCME to represent union members. Mr. Villarreal referred to 1.7.12.9 NMAC that allows either party to withdraw their discipline against someone without prejudice. The rules make it difficult to represent employees. Mr. Villarreal requested that the board review the rules and requested that a mechanism be created to hold the agencies accountable if they do not provide the union with information pertinent to the case. Chairman Yarbrough asked if Mr. Villarreal is advocating that a change be entered in the Personnel Rules or if current procedures are askew. Mr. Villarreal stated that changes in the rules need to be made and that there are no statements that refer to the employer violating the rules. Chairman Yarbrough requested that Mr. Villarreal submit a letter stating his concerns and give examples of agencies not abiding by the rules. Chairman Yarbrough stated that there have been numerous cases where the ruling has been against agencies for not following the Rules.

Mona Valicenti, General Counsel, did specify to Mr. Villarreal that he not mention specific cases in his correspondence and to refer to cases in a general sense.

IV. Classification Studies

A. Juvenile Probation Parole Officer Series

Mr. Cliff McNary presented the Classification Studies, appearing before the Board with Mr. McNary was Lisa Fitting, CYFD HR Manager and Terese Vigil CYFD Staff Manager. Mr. McNary stated that the histories of these classifications are tied back to NMHR 2001 and that the new classifications are very succinct. Items A and B are specific to CYFD, specifically the Juvenile Justice Division job descriptors. The Juvenile Probation Parole Officer I, II and Supervisor are the same size of job and the Probation and Parole Officers, but are more aligned with the Children's Code. Mr. McNary asked the board to approve the new titles along with the new minimum qualifications. Ms. Fitting stated that this new title, with the new minimum qualifications, would assist in the recruitment process.



Board Member Garcia asked why the years of experience for the Juvenile Probation and Parole Officer I, II and the Supervisor are the same. Mr. McNary stated it is because CYFD wants to allow for more in-house promotional opportunities. Board Member Garcia stated that it may be helpful to give more detail on the job classification descriptions regarding experience. Mr. McNary stated a preferential statement can be added to the NEOGOV posting.

Board Member Garcia moved to approve the Juvenile Probation and Parole Officer series, seconded by Board member Long. Motion carried.

B. Youth Care Specialist

Mr. McNary presented a request to reintroduce the Youth Care Specialist Classification that was previously a Juvenile Correctional Officer pre-NMHR 2001 and consolidated in the adult Corrections and Probation Officer and Correctional Treatment Specialist Classifications. The Juvenile Correctional Officer was very specific to the CYFD Juvenile Justice Correctional facilities. These positions are in facilities where clients are housed and supervised.

Mr. McNary requested that the Youth Care Specialist I, II and Supervisor and the recommended pay bands be approved. Mr. McNary stated that the Youth Care Specialist title gears the position more towards the rehabilitative concept practiced by CYFD and would in the recruiting process, especially in more remote facilities. Currently CYFD is having a difficult time recruiting candidates; the agency is expanding relative experience in the hope of attracting candidates.

Board Member Garcia brought up that the years of experience are the same across all levels in the Youth Care Specialist I, II and Supervisor series and asked that this classification be given the same consideration as the Juvenile Probation Parole Officer Series addressed beforehand. Mr. McNary stated that consideration will be given. Vice Chair Romero asked if the positions work within the facilities and Ms. Fitting stated that they do...

Board Member Garcia moved to approve the Youth Care Specialist series, seconded by Board Member Muirhead. Board Members Garcia, Muirhead, Long and Chairman Yarbrough voted yes in favor for the motion. Vice Chair Romero was opposed. Motion carried.

C. Wildfire Prevention and Conservation Coordinator

Mr. McNary presented the request to approve the Wildfire Prevention and Conservation Coordinator; the requested classification will augment the generic title of Public Relations Coordinator within the Energy Mineral and Natural Resources Department (EMNRD). The title and classification are new and do not replace the Public Relations Coordinator classification within EMNRD. The position provides the state with wildfire prevention and conservation education and outreach programs. Mr. McNary requests that the board adopt the new classification and related pay band. The incumbent that is currently in the existing PR Coordinator position will be reclassified to the Wildfire Prevention and Conservation Coordinator position.

Board Member Long moved to approve the Wildfire Prevention and Conservation Coordinator, seconded by Board Member Garcia.

D. Respiratory Therapist Supervisor Classification

Mr. McNary presented the request to approve the Respiratory Therapist Supervisor classification description within the Miners Colfax Medical Center. Board Member Garcia referenced the minimum qualifications and questioned if the minimum experience level was strong enough to reflect the duties of a supervisor. Mr. McNary stated that within the Respiratory Therapist series there are ascending minimum qualifications and the minimum qualifications are commensurate with a pay band 55 and that the statutory requirements for the position state the candidate must be licensed in Respiratory Care. Mr. McNary informed the board that it may be used by other agencies and divisions.

Board Member Long moved to approve the new classification Respiratory Therapist, seconded by Vice Chair Romero. Motion carried.

V. Approval of FY16 Appropriation Request

Ms. Eve Banner, Chief Financial Officer of SPO, presented the FY16 Appropriation Request of \$4,645,400.00. The request is 1.5% more than the FY15 Operating Budget, an increase of \$69,400.00. The amount requested includes two FTE expansions along with a \$9,800.00 increase for rates in services that are provided by the Department of Information Technology (DoIT) and GSD.

Chairman Yarbrough since some of the board members are new, if Ms. Banner could reference the pages being referring to. Ms. Banner referred the board members to the S-8 form that provides an overall summary of the budget request along with the previous fiscal year information. SPO is requesting two FTEs. One is a Paralegal to assist the SPO General Counsel and the other is to provide Audit Compliance for Agency Human Resource Services. The column titled "Uses" is broken down by three categories: Personnel Services and Employee Benefits, Contractual Services and Other. Ms. Banner stated that salaries and benefits are 92% of total budget.

Ms. Banner stated that the 200 category of the S-8 form includes a vacancy savings rate of 3.5%. Currently SPO has four funded vacant positions: one will be filled effective September 13, 2014, two positions are currently being recruited for and one position is the Compensation and Classification Director.

SPO is also requesting a special appropriation from the Computer Enhancement Fund of approximately \$2,000,000.00 to digitize personnel records. For FY15 and FY16, \$450,000.00 was appropriated to hire a consultant to help map out the processes to prepare a proper RFP.

Ms. Banner referred the board to the C-2 form located on page 36 of the IT Plan for specific information.

Ms. Banner stated that out of state travel is listed on page 4 of the S-9 form. \$1500.00 is for travel and \$2000.00 is for meals and lodging for out of state travel.

Interim Director Najaka stated this is a very conservative budget for FY16. Interim Director Najaka gave specific information on the two positions that are being requested which is the paralegal position is to support the General Counsel with the pay range of the Paralegal Advanced: \$13.83 - \$24.06 an hour or \$28,000.00 to \$56,000.00 annually and the Quality Assurance position which relates to SPO's quality assurance performance measures. The need



for quality assurance is imperative in order to ensure that all actions being approved are reviewed for accuracy by a third party.

Ms. Banner referenced the breakdown of the “Other” category which is on the S-9 form and the justification is found under the E-4 Form, which includes general operating expenses to include phones, leased vehicles, computers, email usage, internet access, dues and subscriptions and supplies.

Ms. Banner stated that the anticipated revenue amount from Shared Services is expected to be \$235,000.00 in FY16.

Chairman Yarbrough requested in the future to have the packets provided to the board at least 24 hours in advance since it is difficult for the board to receive the packet on the day of the meeting and review the information and make a decision. Board Member Garcia also added that it would be helpful if there is an overview of what each schedule does and how it is all tied together.

Board Member Garcia requested information on the items the S-13 detail page refers to. Ms. Banner stated the items are the rates determined by GSD and DoIT schedules for SPO. Interim Director Najaka informed the board that these numbers are set rates determined beforehand and that the agencies do not have any input in regards to the amount.

Chairman Yarbrough suggested a one page summary would be useful in reviewing the information.

Board Member Long moved to approve the FY16 Appropriation Request, seconded by Vice Chair Romero. Motion carried.

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 Garcia.

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

The board met in Executive Session from approximately 11:26 am to 12:56 pm.

1. Rodriguez v. New Mexico Department of Vocational Rehabilitation; Docket No. 13-056 (Tabled-July 25, 2014)
 - After careful consideration of the proceeding and the Administrative Law Judge's recommendations **Board Member Garcia moved to adopt the Administrative Law Judge's decision with the following recommendations:**
 1. **State Personnel Board has the discretion in this matter to accept or reject the appeal.**
 2. **Based on the totality of the circumstances the State Personnel Board elects to accept this appeal and make the determination at this time based upon the merits. Seconded by Vice Chair Romero.**



2. Allison v. New Mexico Corrections Department; Docket No. 13-002-S
 - 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 recommendations and modifications. At the end of the first sentence, Section VII "Recommended Decision" adds the following language "with the accommodations previously provided." Seconded by Board Member Garcia.**
3. Arevalo v. New Mexico Department of Game and Fish; Docket No. 13-046
 - After careful consideration of the proceeding and the Administrative Law Judge's recommendations. **Board Member Long moved to adopt Administrative Law Judge's decision. Seconded by Board Member Garcia.**
4. Romero v. Public Employee Retirement Association of NM; Docket No. 14-008
 - After careful consideration of the proceeding and the Administrative Law Judge's recommendations **Vice Chair Romero moved to adopt Administrative Law Judge's decision. Seconded by Board Member Garcia.**

VI. Litigation Update

Jessica Cooper, Administrative Law Judge, reported that since last board meeting the Adjudication Department has received two new appeals and nine cases have been disposed.

So far in FY15, Adjudication has received 10 appeals and disposed of 16. Judge Cooper stated that one of the appeals disposed was an outstanding case from FY12; 34 appeals are still pending.

Richard Levine, Administrative Law Judge, reported that there are five District Court appeals. Judge Levine reported that in the case of Rivera vs. DOH Notice of Hearing is scheduled for October 7, 2014 and in the case of James vs. CYFD Notice of Hearing was scheduled for August 26, 2014 however there is no information recorded of the judge's decision. Interim Director Najaka confirmed with the board that the detailed information provided to the Board was sufficient.

VII. Other Business – Next Meeting Date: October 24, 2014

Interim Director Najaka notified the Board that the Respiratory Therapist Supervisor minimum qualification information that Board Member Garcia questioned was in error. Interim Director Najaka recommended two options: the Board can make an amended decision on approving the job description with modified minimum qualifications or Interim Director Najaka has the authority under the rules to change minimum qualifications to what they should be. **Chairman Yarbrough entertained a motion to modify the previous motion and amend the Respiratory Therapist Supervisory Classification description. Board Member Garcia moved to approve the amended classification and seconded by Board Member Long.**

VIII. Adjournment

With no further business, **Board Member Long moved to adjourn the State Personnel Board meeting at approximately 1:09, seconded by Board Member Garcia. Motion carried.**

Approved by:


Chairman Yarbrough
State Personnel Board

Attest:



Justin Najaka, Interim Director



