



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Eugene J. Moser
Director

Nivia L. Thames
Deputy Director

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

Devon Day Chris Sanchez
Rebecca Long

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
March 8, 2013
9:00 AM

Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board was called to order by Chairman Yarbrough at approximately 9:10 a.m. on March 8, 2013, at the State Personnel Office, Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Scott Summerfield

Roll Call

Eugene Moser, Director, State Personnel Office (SPO), called roll and a quorum was established with the following members present:

Paul Yarbrough, Chairman
Christine Romero, Vice Chairman
Rebecca Long

Board Members Devon Day and Chris Sanchez were absent.

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Approval of Agenda

Board Member Long moved to approve the agenda, seconded by Vice Chairman Romero. Motion carried.

Approval of Minutes – January 11, 2013

Vice Chairman Romero moved to approve the January 11, 2013 State Personnel Board meeting minutes, seconded by Board Member Long. Motion carried.

II. Director's Report

Director Moser advised that it is the last week of the 2013 Legislation session; there has been minimal activity for the State Personnel Office (SPO). Major legislation that is of interest is those that affect the retirement plans; there may be significant modifications.

Director Moser introduced new staff.

The SPO is engaged in working with key agencies to finalize archiving data for the SHARE (PeopleSoft) system. Changes and modifications require reconfiguration. Prior to the current administration; there were few, if any, upgrades to the system.

Collective bargaining has slowed down due to the Legislative session. It is anticipated that negotiations will resume once the session is over.

In response to Vice Chairman Romero, Director Moser said the SHARE executive team is comprised of IT professionals as well as key staff from the Department of Finance and Administration (DFA) and human resources (HR).

Vice Chairman Romero asked how far out is the state without a collective bargaining contract. Director Moser said it is going on two years. Provisions from the latest contract remain in place until a new contract comes into effect.

Director Moser noted that the SPO is working on a management training program based upon the Baldrige concept. The program will be phased in for supervisor and managerial employees and will eventually be built into classifications as a requirement within a period of time. Vice Chairman Romero asked if other agencies are required to use the Baldrige concept. Director Moser said it varies from agency to agency depending on which agencies have training staff. The SPO is establishing a system that will be consistent for all agencies.

III. General Public Comment

Tony Garcia, president of local 3199, AFSCME and Public Defender Department (PDD) employee, provided comment regarding pay matters with entry level positions. Veteran employees are not being compensated to the same level as new hires sending a signal that veteran employee's time is not valued.



Joel Villareal, AFSCME staff representative, provided comment regarding pay disparity for new hires and career employee retention adjustments. The unions felt that the pay disparity could be addressed outside negotiations and that it was in the purview of the SPB to address as a solution. Mr. Villareal requested a meeting between the union and the SPO.

Sammy Atencio, AFSCME staff representative, provided comment on behalf of the Department of Transportation (DOT) employees. Employees are very unhappy with the pay disparity between career employees and new hires.

Miles Conway, AFSCME communications, provided comment on behalf of Children, Youth and Families Department (CYFD) employees and other state employees represented by AFSCME, regarding the pay disparity between career employees and new hires and requested a meeting between the union and the SPO.

Eric Simon, AFSCME representative and CYFD employee, provided comment regarding pay discrepancies between career employees and new hires. Equal pay will boost morale and offer greater stability.

Director Moser responded to comments and said it is difficult to address issues that need to take place in a negotiation session. A lot of the progress in addressing issues has to do with pay structure set by the prior administration. The concept was that employees would be promoted on a lateral basis and move across the board. The pay plan is currently designed with an 80 percent spread from entry level to the maximum level of the pay band. A year after the pay plan was put in place, it was decided that employees would be promoted on a vertical process. Adjustments were not made to the pay bands (the maximum pay was out of market) causing a significant impact over the last decade. SPO and other agencies are working with the Hay Group on a process to properly align classifications. A plan will then be presented to the Legislature. If the process continues with the way it is currently implemented, the pay bands need to be restricted from an 80 percent spread to a 50 percent spread. The classifications were poorly designed and did not include minimum qualifications creating significant issues. The state does not have funding to make a massive adjustment; however, entry levels are moving where there is financial ability.

Chairman Yarbrough advised that before the current administration and SPB, there was not an opportunity for public comment to the SPB. The SPB is concerned about pay and lack of morale. However, the SPB also exists on behalf of the taxpayers in the state and has limited resources. There is a mechanism in place for collective bargaining and there has been a lot of frustration regarding the lack of progress.

IV. Annual Review of Safety Sensitive Positions

Vince Velarde, HR Consultant, Agency HR Services, SPO requested approval of the 2013 Safety Sensitive positions.

In accordance with the Designation of Safety Sensitive Positions, Subsection C of 1.7.8.9 NMAC, the Board shall review annually those positions designated as safety sensitive.



In addition, the Board shall be advised annually, of those positions covered by the Omnibus Transportation Employee Testing Act of 1991, Subsection D of 1.7.8.8 NMAC. It is not required for the Board to approve these positions as safety sensitive as they are already designated as status by Federal Law based upon requirements such as Commercial Driver's License (CDL) or certification by the Federal Aviation Administration (FAA).

Pursuant to Subsection C of 1.7.8.9 NMAC, SPO requests the Board's approval of 3,205 existing Safety Sensitive positions and the addition of 1,662 Safety Sensitive positions. The total Safety Sensitive positions requiring Board approval is 4,867. The Board is advised of 1,116 Omnibus positions. The total number of Safety Sensitive positions and Omnibus positions is 5,983.

Mr. Velarde clarified that he is requesting approval for the continuation of the existing Safety Sensitive positions and the additional Safety Sensitive positions which falls outside the Omnibus Transportation Employee Testing Act of 1991.

Board Member Long moved to approve the 2013 Safety Sensitive positions totaling 4,867, seconded by Vice Chairman Romero. Motion carried.

V. Classification Studies

Cliff McNary, State Classification Manager, SPO requested that item C, DPS Emergency Communications Manager be addressed as the first item due to agency time constraints.

A. DPS Emergency Communications Manager

Michael McEuen, Compensation & Classification Analyst, SPO presented the Department of Public Safety (DPS) Emergency Communications Manager classification and pay bands and noted it is a new classification. The DPS has ten (10) dispatch centers around the state and has anywhere from four (4) to ten (10) dispatchers and a supervisor. The classification was established to have central management over all dispatch centers. The classification was evaluated at a pay band 80 and an alternate pay band of 90 due to market conditions. Mr. McEuen recommended approval of the DPS Emergency Communications Manager and pay bands as presented.

Robert Shilling, Chief, New Mexico State Police added that having ten (10) dispatch centers spread out over the fifth largest state has resulted in dysfunction. Liability is of critical importance as well as standardizing operating procedures for emergency medical dispatch and a computer aided dispatch (CAD) and records management system that is on the horizon. Chief Shilling also requested the approval of pay band 90 in order for the department to compete in hiring a qualified individual to oversee the complex operation.

Gorden Eden, Cabinet Secretary, DPS added that smaller communities in New Mexico do not have the resources to dispatch their own police officers. DPS has taken on that leadership role by provided services to them adding increasing needs for a certain matter of expertise in technical areas. Secretary Eden also requested approval of pay band 90 for this classification.



Board Member Long moved to approve the DPS Emergency Communications Manager classification and proposed pay bands, seconded by Vice Chairman Romero. Motion carried.

B. Construction Inspectors

- 1. Construction Inspector Single Certification**
- 2. Construction Inspector Multiple Certifications**
- 3. Construction Inspector Area Chief**

Cliff McNary, State Classification Manager, SPO presented the Construction and Building Inspector classification series and pay bands. The classification is an adjustment and enhancement to comply with the Construction Industries Division's (CID) statutory requirements including the minimum qualification standards. In addition, CID wanted to refrain from the level and supervisor concept in support of a new alignment initiative and proposed legislation to become more efficient and get approval processes done for construction and related approvals. Mr. McNary recommended adoption of the new classification titles and new minimum qualifications that are statutorily outlined. Mr. McNary noted that the pay bands do not change.

In response to Board Member Long, Katherine Martinez, CID Director, said the redesign of the proposed classifications helps to move projects along faster because inspectors will be able to acquire an additional certification on top of their prime certification. Ms. Martinez noted that local municipalities and counties have their own building departments. A program has been aligned so that local municipalities and counties can participate to become multiple certified within their building department. Currently, CID covers inspections for 120,000 plus square miles of the state. The CID currently has proposed legislation to clarify the multiple certification process. Board Member Long expressed that there is an overabundance of oversight in day-to-day operations. Ms. Martinez said the building code is in place for life safety. Inspectors are qualified and certified to follow the building code. Ms. Martinez noted the permitting process has been streamlined and a new type of permit was created for the oil fields.

Board Member Long moved to approve the Construction Inspectors series to include Construction Inspector Single Certification, Construction Inspector Multiple Certifications, Construction Inspector Area Chief and minimum qualifications as presented, seconded by Vice Chairman Romero. Motion carried.

C. New Supervisors

Cliff McNary, State Classification Manager, SPO presented the New Supervisors classification descriptions for the Set and Exhibit Designer Supervisor, Personal Financial Advisor Supervisor, Financial Examiner Supervisor and pay bands. Minimum qualifications were slightly modified to include experience or recommended experience in supervision. Classifications are a pay band higher than the advanced role. There is no financial impact to the agencies. Mr. McNary noted that the change in classification descriptions affects four agencies.

Board Member Long moved to approve the New Supervisors classification descriptions for the Set and Exhibit Designer Supervisor, Personal Financial Advisor Supervisor, Financial Examiner Supervisor and pay bands as presented, seconded by Vice Chairman Romero. Motion carried.



D. Blindness Skills Instructor

Cliff McNary, State Classification Manager, SPO presented the Blindness Skills Instructor classification description and noted it is a new classification. This position will assess blind consumer's specific needs with respect to abilities to travel independently, manage personal and home affairs using non-visual and low-visual techniques addressing their needs and abilities to access computers using screen readings, screen magnification and text as speech or text magnification software programs, as well as refer consumers to appropriate blindness related or community resources to promote independent living. The agency currently has four positions that are critical to providing services as an agency and are currently misclassified in the Health Educator classification.

Board Member Long moved to approve the Blindness Skills Instructor classification, seconded by Vice Chairman Romero. Motion carried.

E. GSD IT Procurement Specialist

Stuart Hamilton, Compensation & Classification Senior Analyst, SPO presented the General Services Department (GSD) Information Technology (IT) Procurement Specialist classification and pay bands. The GSD IT Procurement Specialist classification will replace the IT Business Analyst classification. The IT Business Analyst classification does not fit the job duties currently being performed by incumbents. GSD currently has four (4) IT Business Analyst positions within the State Purchasing Division (SPD), two (2) of which are vacant. There is no budgetary impact to current incumbents.

Larry Maxwell, State Purchasing Division Director, GSD, added that the classification is a lateral conversion to a classification appropriately titled and appropriately reflects the duties currently being performed. Mr. Hamilton noted minimum qualifications were added to the new classification.

Board Member Long moved to approve the GSD IT Procurement Specialist classification and pay bands, seconded by Chairman Romero. Motion carried.

F. Conservationist

Stuart Hamilton, Compensation & Classification Senior Analyst, SPO presented the Conservationist classification and said it will supersede the Conservation Scientist classification currently utilized by the New Mexico Commissioner of Public Lands. The Conservationist classification more accurately reflects the knowledge, skills and abilities which will be required of future incumbents. The job was measured on February 14, 2013 and was assigned a pay band 70. Mr. Hamilton noted the classification is one job replacing three levels of Conservation Scientists meeting the minimum qualifications of recruitment.

Dr. John Romero, Assistant Commissioner, Field Operations, New Mexico Commissioner of Public Lands, added that the State Land Office (SLO) generates \$650 million for the citizens of the state of New Mexico and offsets taxes to an appreciable degree. There have been several challenges met recently in terms of generating income and the agency does not have the expertise that meets the needs of the agency.



Vice Chairman Romero moved to approve the Conservationist classification and pay band, seconded by Board Member Long. Motion carried.

G. School Bus Transportation Specialist - School Bus Transportation Manager

Stuart Hamilton, Compensation & Classification Senior Analyst, SPO presented the School Bus Transportation Specialist classification and the School Bus Transportation Manager classification and pay bands, respectively. These classifications will replace Educational Administrator – Basic and Line Manager II classifications currently being utilized by the Public Education Department (PED) – Student Transportation Bureau, respectively. The current classifications do not fit the job duties being performed by the incumbents. PED currently has two Educational Administrator – Basic positions within the Bureau, one of which is vacant, and one filled Line Manager II position. There will be no budgetary impact to current incumbents as their salaries fall within the proposed pay bands.

Antonio Ortiz, Student Transportation Division Director, PED added that the new classifications fit the type of job the department is recruiting for. Under the current classification, only two applicants were qualified for the position.

Board Member Long moved to approve the School Bus Transportation Specialist and School bus Transportation Manager and pay bands, respectively, seconded by Vice Chairman Romero. Motion carried.

H. Classification and Testing Manager

Justin Najaka, State Compensation Director, SPO presented the Classification and Testing Manager classification and pay bands. The classification is new to describe the functions that are currently being performed by one incumbent. The study was created to capture specific duties and responsibilities related to classification and testing administration. The minimum qualifications were modified to capture the education and experience, the additional test administration program and the duties and responsibilities as well as the level of work performed by this position. This position will only be used by the SPO and is a stand-alone position. There is no budgetary impact to the current incumbent.

Vice Chairman Romero asked if there has been any resistance from agencies on minimum qualifications. Mr. Najaka said there has been questions regarding specific language; however the majority of response from agencies is that they are pleased with minimum qualifications to screen applicants to determine whether they have the minimum threshold of education and experience.

Board Member Long moved to approve the Classification and Testing Manager classification and pay band, seconded by Vice Chairman Romero. Motion carried.

I. HR Process Analyst Senior – HR Process Analyst

Cliff McNary, State Classification Manager, SPO presented the HR Process Analyst Senior and HR Process Analyst classification and pay bands, respectively. Two incumbents at the SPO

currently perform the duties as outlined in the classification within the Compensation and Classification Bureau and are currently classified as Compensation and Benefit Analysts. This job leads query and data management projects at the request of the director, executive management, middle management, agencies, the governor's office, and the legislature and requires expertise and technical knowledge to gather specific data from dissimilar and somewhat related data bases. In addition, this position creates, maintains and keeps clean a database warehouse. This position is also responsible for articulating why and how information is pulled and is able to present what the data represents in terms of interpolation of that solution. There is no budgetary impact to the current incumbents.

Vice Chairman Romero moved to adopt the HR Process Analyst Senior and HR Process Analyst classifications and pay bands, seconded by Board Member Long. Motion carried.

VI. Executive Session

Board Member Long 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; seconded by Vice Chairman Romero:

1. *James v. New Mexico Children, Youth and Families Department*; Docket No. 11-036;
2. *Trillo v. New Mexico Children, Youth and Families Department*; Docket No. 12-018; and
3. *Salazar v. New Mexico Department of Health*; Docket No. 12-001-S

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

The Board met in Executive Session from approximately 11:32 a.m. to 12:09 p.m. For the record, the matters discussed in closed session were limited to those specified in the Motion to close.

- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *James v. New Mexico Children, Youth and Families Department*; Docket No. 11-036, **Vice Chairman Romero moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Long. Motion carried.**
- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Trillo v. New Mexico Children, Youth and Families Department*; Docket No. 12-018, **Board Member Long moved to adopt the Administrative Law Judge's recommended decision. Furthermore, the Motions for Directed Decision is denied, seconded by Vice Chairman Romero. Motion carried.**

- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Salazar v. New Mexico Department of Health*; Docket No. 12-001-S, Vice Chairman Romero moved to table the Administrative Law Judge's recommended decision, and that this matter be placed on the agenda of the next meeting of the New Mexico State Personnel Board, seconded by Board Member Long. Motion carried.

VII. Litigation Update

Report submitted in writing.

VIII. Other Business - Next Meeting Date: April 29, 2013

IX. Adjournment

With no further business, Board Member Long moved to adjourn the State Personnel Board meeting at approximately 12:13 p.m., seconded by Vice Chairman Romero. Motion carried.

Approved by:


Chairman Yarbrough
State Personnel Board

Attest:


Eugene Moser, Director

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