



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

Justin Najaka
Director

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

Nivia L. Thames
Deputy Director

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
December 3, 2015
Minutes**

Megan Muirhead Jerry Manzagol

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at approximately 9:00 a.m. on December 3, 2015 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

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

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

Board Member Jerry Manzagol was absent.

Approval of Agenda

Director Najaka requested that the CYFD Lincoln Pines Reduction in Force be removed from Item IV because the agency has not arrived. Vice Chair Garcia moved to approve the change to the agenda. Seconded by Board Member Muirhead and motion carried.

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Approval of Minutes – October 23, 2015

Board Member Muirhead moved to approve the October 23, 2015 State Personnel Board meeting minutes; seconded by Vice Chair Garcia. Motion carried.

II. Director's Report

Director Najaka provided the following updates:

1) SPO Staff Update

There are currently four vacancies at SPO.

2) Statewide On Boarding Program

The Training Department is working with other agencies and companies to establish a Statewide On Boarding program that will be presented to the Board in the Spring of 2016.

3) HR University

HR University program is currently being developed and will also be implemented in the Spring of 2016. The HR University will be a certification and education program for HR professionals with State of New Mexico agencies. Chair Romero asked if all HR Managers have an HR background as well as the education that is required. Director Najaka stated that some managers have both or they may have the education or experience to qualify for these positions.

4) Employee Engagement Program

The Employee Engagement Program will measure areas of engagement with employees to determine how the State can make progress with state employees in various areas. The program will involve surveys as well as meetings with employees.

5) LFC Hearing

The State's Annual Compensation Report will be presented to the committee above at 4 PM on December 10, 2015. This report is provided by the State Personnel Board to the LFC and Governor's Office. Chair Romero asked Armida Zamora, Executive Assistant, send an invite to SPO Board Members.

III. General Public Comment

No one signed up for public comment.

Director Najaka asked CYFD RIF be moved to later on the agenda

IV. 2016 Paid Holiday Schedule

Armida Zamora, Executive Assistant, presented the 2016 State of New Mexico Paid Holiday Schedule and Director Najaka informed the Board that this 2016 Schedule follows State statutes.

Vice Chair Garcia moved to approve the 2016 Paid Holiday Schedule; seconded by Board Member Muirhead. Motion carried.

V. 2016 State Personnel Board Meeting Schedule

Armida Zamora, Executive Assistant, presented the request for approval of the 2016 State Personnel Board Meeting Schedule.

Board Member Muirhead moved to approve the 2016 State Personnel Board Meeting schedule; seconded by Vice Chair Garcia. Motion carried.

VI. Classification Study – Correctional Officer Specialist Classification Series and Pay Bands

Michael McEuen, Compensation, Benefits and Job Analysis Specialist, presented the request for approval of a Correctional Officer Specialist Classification Series and Pay Band approval. Mr. McEuen presented 15 classifications. He introduced Brenda Gueths, HR Bureau Chief, Al Martinez Director, Construction Industries and Melissa Ortiz, Deputy Director, all with the Department of Corrections. This is not a new study but is to formalize the working titles that are currently being utilized by the Department of Corrections to help in the recruiting process. There are three pay bands 55, 60 and 65 and the difference in the three pay bands are in the level of experience that each job requires. Some positions require certification as a correctional officer and/or specific licensure. Ms. Gueths informed the Board that the positions require correctional officer certification and the titles would be specific in order to recruit qualified applicants. Director Najaka stated that once an employee has been hired and goes through the Corrections Academy they can be trained in a specific field.

Vice Chair Garcia moved to approve the Classification Study – Correctional Officer Specialist Classification Series and Pay Bands; seconded by Board Member Muirhead. Motion carried.

VII. Respiratory Therapist Supervisor – Pay Band Correction

Cliff McNary, State Classification and Testing Manager presented the request for approval of a pay band correction for the Respiratory Therapist Supervisor Classification. The classification was brought to the Board and approved a year ago under the incorrect pay band. It was approved as a pay band 55 and should be a pay band 65. Mr. McNary accepted responsibility for the error.



Vice Chair Garcia moved to approve the Respiratory Therapist Supervisor – Pay Band Correction; seconded by Board Member Muirhead. Motion carried.

VIII. Chief Financial Officers I, II and III – Distinguishing Characteristics Adjustments

Stephanie Martinez de Berenger Compensation, Benefits and Job Analysis Specialist presented the request for Chief Financial Officers I, II and III Distinguishing Characteristics Adjustments. Ms. Martinez de Berenger introduced Mr. Ron Spilman, State Controller, Department of Finance and Administration. The Chief Financial Officer (CFO) classification was approved on 10/12/12. The distinguishing characteristics are necessary in order to ensure the CFO I, II and III classifications and used in adjusting and redefining the range of budget control and personnel. This will help to create a better distribution of the business units that are qualified to use the Chief Financial Officer I, II & III classifications. Director Najaka stated that the CFO I, II and III classifications were used in order to better capture the large, medium and small agencies. When Controller Spilman came on board he suggested that characteristics should be updated to divide the agencies based on budget amounts and complexity of the budget as opposed to solely on the number of employees. Vice Chair Garcia asked what the percentage of the agencies CFO's are at CFO I, II and III. Controller Spilman stated that 60% of state agencies qualify for CFO I, 25% qualify for CFO II and 15% qualify for CFO III. Board Member Muirhead asked how each agency would qualify for CFO I, II and III and who would make that decision. Controller Spilman advised it would depend on agency's accounting system and complexity of each respective budget. Director Najaka stated that agencies must have approval from the State Controller in order to have the CFO positions within each agency.

Vice Chair Garcia moved to approve the Chief Financial Officers I, II and III – Distinguishing Characteristics Adjustments; seconded by Board Member Muirhead. Motion carried.

IX. Construction Project Manager Alternative Pay Band (APB)

Amparo Juarez, Compensation, Benefits and Job Analysis Specialist, presented the request for alternative pay band 80 for Construction Project Manager. Ms. Juarez introduced George Morgan, Division Director, GSD/Facilities Management Division. Ms. Juarez stated the two agencies that currently utilize this classification are General Services Department (GSD) and Department of Military Affairs (DMA). GSD has 8 FTES and DMA has 2 FTES impacted by this APB. Due to difficulty in recruiting and retaining qualified candidates for this classification and because of the state compensation rates versus comparator markets, the agency is requesting approval of the alternative pay band. Market research from the surrounding state comparator groups indicate that assigning an APB will help to address the below market issues within this classification. GSD is currently developing plans to address the pay of existing employees by utilizing In Pay Bands and by also promoting employees from within when higher level positions become vacant. Vice Chair Garcia asked how many projects are currently in place and Division Director Morgan indicated there are currently 280 ongoing projects with 8 project managers and 3 contracted project managers. Director Morgan stated that these project managers work with state owned properties as well as agencies that occupy rental properties.



Board Member Muirhead moved to approve the Construction Project Manager Alternative Pay Band; seconded by Vice Chair Garcia. Motion carried.

X. Children Youth and Families Department (CYFD) Lincoln Pines Youth Facility - Reduction in Force

Melinda Brown, AHRS SPO Consultant, presented the request from CYFD for a Reduction in Force(RFI) at the Lincoln Pines Youth facility. Ms. Brown introduced Jennifer Saavedra, Deputy Director, Lisa Fitting, HR Director and Tamara Marcantel, Juvenile Justice Services Director, all from Children, Youth and Families Department. CYFD announced that effective October 29, 2015, Lincoln Pines Youth Facility located in Ft. Stanton NM would cease operations effective January 4, 2016. At the time of this announcement, eleven staff are employed at Lincoln Pines Facility and would be affected by the closure. Of the eleven, one employee resigned and nine employees have been placed in other positions within CYFD. The remaining position number #10108471 is occupied by Mr. Scott Yokley (Youth Care Spec.). CYFD has offered Mr. Yokley a position in Las Cruces at John Paul Taylor Center but Mr. Yokley declined the offer. In accordance with State Personnel Board Rule 1.7.10.9 NMAC, Reduction in Force (RIF), CYFD is requesting approval of a RIF for employee, Scott Yokley, effective January 4, 2016. Ms. Fitting stated there are several reasons for the closing of this facility. One reason is the assault of an inmate at the facility, its remote location and cost of continuing to run the facility. Board Member Muirhead asked if the facility has been closed for over a year, what tasks have the employees been and are they currently performing. Ms. Fitting said that they have been traveling to Albuquerque and Las Cruces on temporary assignments until the investigation and a study was completed.

Board Member Muirhead moved to approve the CYFD Lincoln Pines Reduction in Force seconded by Vice Chair Garcia. Motion carried.

XI. Continuation of Alternative Pay Bands

Cliff McNary, State Classification and Testing Manager, presented the request for the continuation of Alternative Pay Bands. The APB assignment is a mechanism that provides for the assignment of a temporary Pay Band adjustment to an appropriately evaluated classification that has been identified as possessing recruitment and/or retention difficulties related to the current assigned pay band.

Vice Chair Garcia moved to approve the Continuation of Alternative Pay Bands; seconded by Board Member Muirhead. Motion carried.

XII. Annual Compensation Report

Director Najaka presented the Annual Compensation Report. Director Najaka highlighted several areas of the report. The annual compensation report is required to be submitted by the State Personnel Board to the Governor and the Legislature to define the State of New

Mexico's compensation status. Page 6 outlines the State Personnel Act; Page 13 outlines the average base salary to include total benefits and salary to equal total compensation which has remained steady for the last year; Page 14 outlines total compensation percentages from civilian, private, state and local government which has remained steady for the last year as well; Page 20 shows New Mexico base salary in comparison to eight other states with New Mexico listed fifth within the eight state comparator markets; Page 21 shows that almost half of state employees earn between \$20,000 and \$40,000; Page 22 highlights the proposed occupationally based salary structures. SPO is currently in the process of creating a new classification structure with eleven new pay lines with each targeted toward a particular sector that takes into account the sizes of different jobs and the movement of the market in these sectors. The eleven pay lines are as follows: Corrections, Healthcare and Healthcare Support, Information Technology, Public Safety and Security, Social Services, Engineering and Engineering Support, General Administration, Legal, Management, Scientific and Trades, and Labor. Page 25, table 10 shows that the majority of employees within the State are within pay bands 55-75; Page 29 illustrates there are 577 employees over the maximum salary of their pay band. At the bottom of Page 29, the average new hire's compa ratio is at 96.2%; Page 30 illustrates that for the third year, in a row, the percentage of new hires is higher than separations for FY15; Page 35 lists the classified positions and average salary by County; Page 37 lists the FY16 work plan to restructure the classification and compensation system to better reflect the common occupation groupings and job families utilized in the classified service. This is to create separate occupationally based pay lines; And, Page 43 lists the overtime costs and usage for FY15. The effort to recruit and retain employees as well as implementing the new classified salary structure would help to reduce the overtime costs and usage.

Vice Chair Garcia moved to approve the 2015 Annual Compensation Report; seconded by Board Member Muirhead. Motion carried.

XIII. Annual Review of Safety Sensitive Positions

Alicia Lucero, Agency Human Resources Quality Assurance Auditor, presented the Annual Review of Safety Sensitive Omnibus Designation of State Government positions. In accordance with the Designation of Safety Sensitive Positions, Subsection D of 1.7.8.9 NMAC, the State Personnel Board must annually review and approve existing Safety Sensitive positions inclusive of any additions and removals of safety sensitive positions that have been adjusted by specific agencies for 2016. The State of New Mexico currently maintains a total of 4,359 Safety Sensitive Positions. Additionally, in accordance with the Omnibus Transportation Employee Testing Act of 1991 and Subsection D of 1.7.8.8 NMAC, the SPB shall be advised of the federally designated Omnibus Positions in use with state agencies. This also includes any removals or additions of positions to ensure the 2016 totals are precise and the accurate number of positions and employees are properly tested on an annual basis. The State of New Mexico currently maintains a total of 1,102 Omnibus positions. It is not necessary for SPB to approve these positions as Omnibus as each position is recognized by federal law and ensuring compliance with testing requirements that are regulated and assessed by federal entities.



A total of 8 Safety Sensitive and Omnibus positions will be removed at the request of the agencies because they are no longer deemed safety sensitive or Omnibus due to various reasons. A total of forty-five safety sensitive and Omnibus positions will be added at the request of the agencies. State Personnel Board approval is requested for all Safety Sensitive positions and review of Omnibus positions as follows: 4,359 Safety Sensitive positions, 1,102 Omnibus and 32 both Safety Sensitive and Omnibus positions for a combined total of 5,493 designated positions for all state agencies for 2016. Ms. Lucero recommends State Personnel Board approval of the 2016 Safety Sensitive and Omnibus designated positions in accordance with State Personnel Board Rule, Designation of Safety-Sensitive Positions, Subsection C of 1.7.8.9 New Mexico Administrative Code (NMAC) and the Omnibus Transportation Employee Testing Act of 1991, and Subsection D of 1.7.8.8 New Mexico Administrative Code (NMAC).

In addition to the State Personnel Board review and approval of the Safety Sensitive and Omnibus positions, the State of New Mexico is excited to provide state agencies with two (2) vendors who can provide Drug and Alcohol Testing services. The new vendors are Norton Medical and Phamatech.

Vice Chair Garcia moved to approve the Annual approval of Safety Sensitive positions and the review of Omnibus Positions; seconded by Board Member Muirhead. Motion carried.

XIV. Executive Session

Vice Chair Garcia moved that the State Personnel Board Meeting be closed. The authority to close the meeting is under Open Meetings Act NMSA 1978, Section 10-15-1 (H)(3), for deliberations in connection with an administrative adjudicatory proceeding for matters listed on the agenda; seconded by Board Member Muirhead. Director Najaka called roll and all members in attendance voted in the affirmative. Motion carried.

The Board met in Executive Session from approximately 11:05 a.m. to 11:12 a.m. For the record, the matters discussed in closed session were limited to these specified in the Motion to close.

1. *Ferran v. New Mexico Children Youth and Families Department Docket No, 15-030-S.*
 - **After careful consideration of the proceedings and the administrative law judges recommendations in *Ferran v. New Mexico Children Youth and Families Department Docket No, 15-030-S.* The Board moves to adopt the Administrative Law Judge's recommended decision. Vice-Chair Garcia moved to approve. Motion seconded by Board Member Muirhead. Motion carried.**



XV. Litigation Update – Administrative Law Judge Jessica Cooper, Adjudication Division

In October and November, Adjudication received 13 new appeals and disposed of 13. As of December 3, 2015 there are currently 35 appeals pending. Notice of two new appeals to District Court was received and Judge Cooper was made aware of an older appeal for a total of 12 appeals to District Court. The first of the new appeals stems from the DMA cases. Only one of the four Appellants, Robert Rojo, appealed the Board's decision. The second of the new appeals to District Court was filed by Appellant Maria Sanchez-Gagne and the older, outstanding appeal referenced is from the Board's decision in the matter of Mary Griego v. NMCD. This appeal was filed with the Board, in January 2011, almost 5 years ago.

XVI. Other Business – Next Meeting Date: ~~March 24, 2016~~

January 14 of

XVII. Adjournment

With no further business, **Vice Chair Garcia moved to adjourn the State Personnel Board meeting at approximately 11:20 a.m.; seconded by Board Member Muirhead. Motion carried.**

Approved by:



**Chair Christine Romero
State Personnel Board**

Attest:



Justin Najaka, Director

