



NEW MEXICO
STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

L. Teresa Padilla
Director

State Personnel Board Meeting
Willie Ortiz Building
2600 Cerrillos Road, Santa Fe, NM
Friday, February 10, 2023

State Personnel Board

Laura A. Liswood
Chair

David F. Cunningham
Vice Chair

Cristin M. Heyns-Bousliman
Member

Carol A. Parker
Member

Fred Radosevich
Member

MINUTES

Procedural Items:

- Chair Liswood called the meeting to order at 9:00 a.m.
- Director Padilla led the Pledge of Allegiance
- Director Padilla took Roll Call – Chair Liswood, Members Parker, Radosevich and Heyns-Bousliman present in person. Vice Chair Cunningham attending telephonically.
- Chair Liswood asked Ms. Tolle if she had a list of those wanting to make Public Comment. Ms. Tolle stated that there were no in-person requests and advised Chair Liswood that Ms. Forlizzi had received 4 email requests for public comment.
- Approval of Agenda – Chair Liswood moved to approve the agenda as presented, Member Parker second. Roll call, agenda adopted unanimously.
- Approval of December 9, 2022, Minutes – Chair Liswood moved to approve the minutes as written, Member Parker second. Roll call, minutes from the December 9, 2022, meeting adopted unanimously.
- Approval of December 20, 2022, Special Meeting Minutes – Chair Liswood moved to approve the minutes as written, Member Radosevich second. Roll call, special meeting minutes from December 20, 2022, adopted unanimously.
- 2023 State Personnel Board Election of Officers – Member Parker nominated Chair Liswood for another term, Member Radosevich second - Liswood accepted the nomination. Roll call, election of Chair Liswood adopted unanimously. Chair Liswood nominated Vice Chair Cunningham for another term, Member Heyns-Bousliman second – Cunningham accepted the nomination. Roll call, election of Vice Chair adopted unanimously.

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505-476-7759

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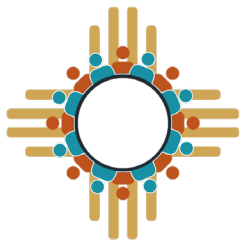
505-476-7949

Website:

www.spo.state.nm.us

General Public Comment

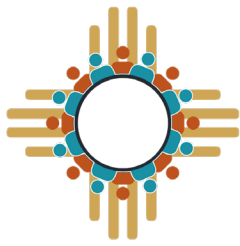
Assistant General Counsel, Jessica Tolle, read all 4 public comments received by email by 5:00 p.m. February 9, 2022.



Director's Report

Director Padilla reported the following highlights since the last meeting:

- The State's return to the office was February 2, 2022. There are a few agencies working through issues. Mostly around employees who are returning to a temporary or different work locations than their original assigned work location. Connectivity issues have been identified. Agency IT staff is aware and working on resolving these issues. As a point of reference, for the pay period ending December 23, 2022:
 - Of 16,936 classified employees, 11,109 (66%) were already working in the office full-time.
 - The remaining 5,827 employees (34%) were engaged in some form of hybrid or partial telework schedule.
 - 1,335 (8%) were teleworking full-time.
- The Compensation and Classification team along with the Workforce Planning team are working with agency management and HR to implement the HR Class study. This is going very well.
- At our last meeting, Chair requested that we create a plan for public comment. While we were developing this plan, we realize this plan should be included in our operating procedures. Rather than add them as an amendment to the operating procedures, we are set to discuss later in the agenda, I am presenting this for review and suggest we table the motion until next meeting to give you an opportunity to review the plan.
- Our training unit continues to provide training for agencies and is developing new curriculum.
- We are currently working with New Mexico Edge Program at New Mexico State University to develop a curriculum where students take these courses and become certified in the state's HR management system as well as state government rules, procedures, and processes around HR. These certifications may be used to substitute for education or experience to meet the minimum qualifications for the HR classifications.
- Staff joining SPO since our last meeting:
 - Chantal Martinez – HR Services Team, at the front desk
 - Melissa Gutierrez – Compensation and Classification Team



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- Staff leaving SPO since our last meeting:
 - Cynthia Anaya, member of the Quality Assurance Team, will be going to NMED as an HR Manager.
 - Jessica Cooper, General Counsel, has accepted an opportunity at DOT as the Deputy Cabinet Secretary.

Stand for questions. No questions from members.

Members offered their congratulations to the employees that are leaving SPO, wishing them the best of luck.

2023 Open Meetings Resolution

Director Padilla requests the adoption of the 2023 Open Meetings Resolution (OMR). There have been no substantive changes to the annual resolution. No questions. Chair Liswood moved to approve the Open Meetings Resolution as presented, Member Radosevich second. Roll call, OMR adopted unanimously.

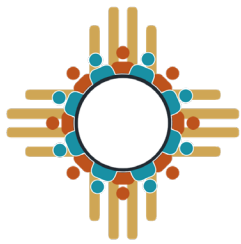
2023 State Personnel Board Operating Procedures

This action item was tabled by Chair Liswood until the next meeting to give the board members an opportunity to review the proposed procedure for public comment.

Approval Request for Language Interpreter Class Study

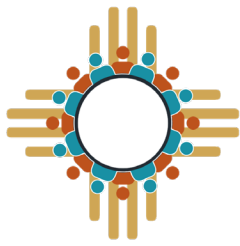
Melanie Morgan requested approval of the new language interpreter classification. To summarize CYFD does not have the capacity to handle the amount of interpretation and translation required at the agency. CYFD utilizes phone interpreters and other CYFD staff for the role of the interpreter. When a current staff member is utilized, they are pulled from their normal work and phone interpreters do not always effectively interpret appropriate terminology and common procedures at CYFD. Having a dedicated language interpreter will solve these challenges. CYFD representative, HR Operations Bureau Chief, Angelina Quintana is here as the subject matter expert and can answer any questions you may have.

Ms. Quintana introduced herself and explained that the certification process and continuing education for interpreters would be conducted by a contract worker. Contract workers will provide the language interpreter proficiency assessment for certification. Each position would need to be specific in the language being tested. They are requesting two positions, one to be designated Spanish and the other Navajo Dine. The agency would not hire any



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candidate that did not pass the exam during the interview process and the employee would need have an annual certification. Interpreters will be evaluated on the quality of their interpretation and translations which will be determined by surveys by staff and clients. Quintana stands for questions. Liswood asked what specifically the contract worker would do. Quintana responded that they would administer the assessment for the new interpreter. Max Cordova then gave more details about the contract work and the new classifications. The contractor adds to the commitment that CYFD has in ensuring that they can hire the level of interpreter they need. The contractor will only provide the assessment and continuing education for the interpreter to remain certified. Chair Liswood asked if there would be any fiscal impact. Max responded that the interpretation is currently being conducted by a contract worker which is very costly. The ongoing cost associated with this, on an annual basis, will be reduced by having a permanent employee in house. Contract services will only be needed for the administration of the assessment and continuing education. Quintana added, in 2020, CYFD did a survey among staff that identified that 65% percent of staff needed Spanish interpretation and 12% identified the need for Navajo Dine interpretation. CYFD would start with these two languages and understands there may be a need for additional languages. Chair Liswood then asked members for questions. Member Parker mentioned the need for Asian languages especially in Albuquerque. Quintana responded that CYFD will start with two interpreters and if the need arises, more language interpreters would be added. Max added that Spanish and Navajo Dine languages are the core proficiencies for the immediate need at CYFD. Contract services can be used for other languages, since the need is much smaller. Liswood asked if the agency will be able to hire qualified interpreters. Quintana responded that she knows that the talent is out there and is hopeful that they will receive qualified candidates and added, in 2022, HB2 was passed and included the requirement that CYFD to have a language access plan in place. Vice Chair Cunningham then added that this could be a very complicated issue and that you do need the expertise of a qualified interpreter. Cordova added that this is valid concern and the need for accurate interpretation is needed. Member Heyns-Bousliman moved to approve the request for Language Interpreter Class Study, Member Parker second. Roll call, motion adopted unanimously.



Adjudication Litigation Update

Judge Haught stated that for the first two quarters of this fiscal year the adjudication division received 19 new appeals and disposed of 30. We currently have 29 appeals open and 13 are scheduled for hearing through June of this year. Judge Baca and Judge Haught are currently working on 5 recommended decisions. We have mediation scheduled for 4 cases, 2 cases we are pending settlement agreements, 2 cases are pending in district court pursuant to procedural issues, and 1 case that is pending pursuant to a workers compensation case. Today they will be presenting 2 cases. Judge Haught stands for questions.

Chair Liswood asked if employee training is queried in the analysis of cases. Judge Haught responded that they do capture trends and that data is given to Director Padilla and General Counsel Jessica Cooper, to see if additional training is needed for staff. Both Judges Haught and Baca take care not to try the cases for the agencies and ask as few questions as possible. Through testimony, they have found that, "training" is simply documents being handed to the employee and many agencies ask employees to sign receipt of training as a condition of employment. Chair Liswood asked Director Padilla about this gap. Utilizing the team of Adjudication, General Counsel and Training is how we develop curriculum. Training is not individual specific.

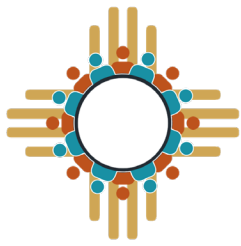
Because of these trends the training department created curriculum regarding how to prepare a Notice of Final Action (NFA). Judge Haught stated if NFA is not proper, that is the first place to begin. Jessica Cooper added she feels that Judge Haught made the appropriate points. Counsel at the agency level is very good at what they do, however their expertise is not to defend the agency in discipline matters. No further questions.

Other Business

Chair Liswood asked if anyone had other business, no members had other business for discussion. Chair Liswood asked, when possible, if SME's are coming forward, please provide the names of individuals along with their titles.

Executive Session

Chair Liswood moved for the board to enter Executive Session for purpose of discussing the pending administrative appeals listed on the agenda, Member Heyns-Bousliman second; roll call; motion carried. Entering executive session and off the record at 10:00 a.m.



Motions on Administrative Appeals

Chair Liswood stated the board is back in open session and on the record at 10:40.

Hernandez, Matthew v. New Mexico Children, Youth and Families Department; Docket No. 22-006

Member Parker moved to adopt the ALJ recommended decision to affirm the demotion of appellant Hernandez. Member Heyns-Bousliman second; roll call; approved unanimously.

Lozada, Hector v. New Mexico Children, Youth, and Families Department, Docket No. 21-029

Member Radosevich moved to adopt the ALJ recommended decision to affirm the 10-day suspension of Hector Lozada. Member Heyns-Bousliman second; roll call; motion approved unanimously.

Valerie Joe stated for the record that pending litigation was discussed on the Madrid case during executive session, no action needed.

Adjournment

Member Heyns-Bousliman requested to briefly reopen Other Business item. Since we tabled Operating Procedures, she requests we consider members responsibility to appear in person as state employees have been asked to do and the exception to telephonic or video participation be made only when it is required to establish a quorum or when a vote requires participation by all board members.

Chair Liswood asked all board member to review the proposed Operating Procedures and provide input, comments to her and Director Padilla for discussion at the next meeting.

Next meeting to be held in person on March 17, 2023 at 9:00 a.m. Member Parker moved to adjourn; Member Radosevich second; roll call; motion carried meeting adjourned at 10:45 a.m.

Forlizzi, Denise M, SPO

From: Allie Alaimo <allie.sf@icloud.com>
Sent: Thursday, December 8, 2022 4:51 PM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] General Public Comment for December 9, 2022 SPO Board Meeting

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Denise,

I am submitting public comment regarding *Agenda Item II. General Public Comment* for the December 9, 2022, SPO Board Meeting, per the instructions provided. I have provided my public comment in letter format below. My contact information is:

Allie Alaimo
[505-417-1623](tel:505-417-1623)
allie.sf@icloud.com

[Public comment on agenda items can be made in person or by emailing your comment to DeniseM.Forlizzi@spo.nm.gov by 5:00 p.m. December 8, 2022. Email comments must include the commenter's name and contact information, the agenda item being commented on, and take no longer than 2 minutes to read, as they will be spoken into the record by the board administrator during the public comment portion of the meeting.]

Thank you.

My name is Allie Alaimo and I'm an Advanced Environmental Scientist. I'm writing this letter in response to the State Personnel Office's (SPO) decision to rescind telework. Many of my colleagues have made calls to the office of Governor Michelle Lujan-Grisham and SPO to inform them they will not be returning to in office operations. These hard-working colleagues not considered in this decision will be impacted ultimately affecting the entire state.

Our department secretary stated in a department-wide meeting that we simply cannot afford to NOT embrace telework in order to remain competitive in this job market. The November 4, 2022 US Jobs Report showed 1.9 jobs for every job seeker proving there is no shortage of available career opportunities for some of New Mexico's best assets. Rescinding telework means losing many hardworking employees to the private sector and to institutions out of state.

The decision made to rescind telework diminished my confidence that we're all in this to better New Mexico. There was no collaboration or communication involved in this decision and it seems there was little thought to the consequences. Many employees have made serious life decisions with the support of the Environment Department continuing telework: purchasing a home and moving nearly two hours away from our physical office, expanding their family, and turning down other job offers. Telework proved that employees with positions that don't require in person duties can be more productive and more successful than ever. Furthermore, telework increases employee satisfaction (therefore employee retention) whilst reducing our carbon footprint. Of the 11 people I work closest with, 8 of them are now actively searching for other opportunities.

In addition to being an Environmental Scientist, I became a first-time mom during the pandemic. In my case, rescinding the option to work from home would mean a drastic change to my baby's life and weaning on a strict deadline, both of

which is not healthy per the American Academy of Pediatrics. Further, I would have less than 30 days to find full time childcare in a city where parents have been on reputable childcare waitlists for nearly two years (signing up before the birth of their child) and have yet to receive a spot. I have called nearly 10 daycares in the last week and was unable to find a reputable spot for my daughter, under 2.

Hiring a friend as a mother's helper rather than sending my daughter to daycare allowed me to never feel as though I had to choose between raising my daughter and retaining a career I worked so hard for. I am so proud to be working to protect New Mexico for future generations while raising one of them. I didn't miss important milestones and was a role model careerwoman for my daughter. I have maintained exemplary status in ALL categories of my annual evaluations prior to and throughout teleworking. I love New Mexico: it is the place I was born, raised, educated, have chosen to raise my own kids. I WANT to serve the people of New Mexico. The SPO email notification made it clear that I am expendable and current leadership above my department does not value hardworking state employees.

Forlizzi, Denise M, SPO

From: Adam Bland <adambland85@gmail.com>
Sent: Wednesday, February 8, 2023 4:57 PM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] Support for telework

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Good afternoon,

I'm writing to express my disappointment and frustration with the lack of transparency, planning and communication involved with rescinding the telework policy. After doing excellent work and clearly demonstrating the ability to excel at my job I am now being used as a pawn in a political game far removed from any objective measure.

I've been moved about across multiple buildings unable to bring equipment because I'm likely to be moved again at any moment without any information or rationale. As a dedicated employee who takes pride on their work, this is a devastating blow to my morale and confidence in state government which has until recently been strong.

I hope you will reconsider and allow managers and bureaus to make their own decisions about whether to allow telework in some form rather than applying a one-size fits all solution with unsurprisingly disastrous effects.

-Adam

Forlizzi, Denise M, SPO

From: Hengst, Clayton, ENV
Sent: Thursday, February 9, 2023 4:01 PM
To: Forlizzi, Denise M, SPO
Subject: SPO Meeting Public Comment

Good afternoon Denise,

I am submitting a public comment regarding agenda item *General Public Comment* for the February 10th, 2023, SPO Board Meeting, per the instructions provided. My public comment is below.

My name is Clayton Hengst and I'm an Environmental Scientist for the Air Quality Bureau. I am writing this letter because, like many others who work for the State, I am immensely disappointed in SPO's decision to rescind the option for telework.

I love my job and work hard for the State, not only because we are understaffed, but because I truly believe the work I do makes a difference. I was always proud to work for the State of New Mexico.

When the telework option was taken away, a vital piece of work-life balance was ripped away from us. You left us not only discouraged, but you gave us very little time to reorganize our situations. The best part of our jobs is now gone. The option to work from home means less time and less money goes to commuting. It means more of our paychecks in our pockets. Employees perform better when they are happy and less stressed. We used to have all of this.

Truly, rescinding telework was shocking because New Mexico is progressive in so many ways! The legalization of recreational cannabis and our ozone precursor pollutants rule are just two examples of how forward-thinking our state has become. Allowing State employees to work from home was another pioneering move that pushed New Mexico into the leading edge. Making us go to the office, just for the sake of going to the office, is the antithesis of innovation.

In my opinion, New Mexico needs to be aiming for a younger, technology-focused workforce that can serve the People to an exceptional degree. The younger Boomers are retiring and we need to be able to replace them. My generation and the generations after me are coming from a hybrid schooling environment where much of the coursework was done online and, frankly, we expect telework to be an option. Having to go to the office five days a week will stifle our ability to hire quality candidates. New Mexico will suffer.

I'll close this letter with a little insight into what many State employees are thinking now that we can't work from home: "If I have to go into the office anyway, why not take my expertise to the private sector where I can make a lot more money?" We absolutely will lose valuable workers because of this decision.

My contact information is
Clayton Hengst
(832) 518-7899
claytonhengst@yahoo.com / clayton.hengst@env.nm.gov

Thanks,

Clayton Hengst

Environmental Scientist & Specialist

Technical Services

New Mexico Environment Department

Air Quality Bureau

525 Camino de los Marquez, Suite #1, Santa Fe, NM 87505

Cell: (505) 629-7684

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If guidance or a determination is included in this email, it is intended to serve as general guidance and is in no way a formal statement of Department policy. New information or changes to regulations may result in a different determination or guidance.

Forlizzi, Denise M, SPO

From: Kimbrell, Leslee, ENV
Sent: Wednesday, February 8, 2023 1:06 PM
To: Forlizzi, Denise M, SPO
Subject: General Public Comment for the February 10th 2023, SPO Board Meeting

Denise,

I am submitting public comment regarding *Agenda Item II. General Public Comment* for the February 10, 2023 SPO Board Meeting, per the instructions provided. I have provided my public comment in letter format below. My contact information is:

Leslee Kimbrell
505-270-6735
leslee.kimbrell@env.nm.gov

[Public comment on agenda items can be made in person or by emailing your comment to DeniseM.Forlizzi@spo.nm.gov by 5:00 p.m. February 9, 2023. Email comments must include the commenter's name and contact information, the agenda item being commented on, and take no longer than 2 minutes to read, as they will be spoken into the record by the board administrator during the public comment portion of the meeting.]

My name is Leslee Kimbrell, I'm an Environmental Scientist for NMED. I'm writing this letter in response to SPO's decision to rescind the telework policy. SPO has been cited in the media saying this hasn't affected vacancy rates, which is blatantly false. Since the decision was announced my bureau has lost 5 employees, 3 of which had worked for the bureau for over 10 years. Because we cannot offer telework as a benefit, applicants have turned down positions and interviews, requiring us to post vacant positions multiple times. New and existing staff accepted positions and made major life changes based on the availability of telework, putting us at a higher risk of losing even more staff.

Since being forced to go back into the office, conditions have been poor and the ability to do our jobs has been severely hindered. Many staff still don't have key cards to the buildings they are stationed at, preventing them from starting work on time and burdening other staff. Offices don't have reliable WiFi for cell phones or VPN if at all. Though we've been allowed to work at chosen duty stations, we still have to use Teams for meetings which creates loud environments for our coworkers. The morale and productivity in the office is at an all-time low for no apparent benefit. If SPO's goal was to provide better service to New Mexican's, rescinding the telework policy has already proven to do the exact opposite.

We have consistently been doing the work of two or three people for years without fair compensation. The pay cut from having to commute and the attack on work life balance along with the operational frustrations from going back to offices that were not prepared for us, comes across as disrespectful and shows that our government doesn't care about its workers or the people they serve.