



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

State Personnel Board
Christine B. Romero, Chair
Jerry Manzagol, Vice Chair

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
January 19, 2018
Minutes

Megan Muirhead Carmen V. Chavez

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 January 19, 2018, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Roll Call

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

Christine B. Romero, Chair
Jerry Manzagol, Vice Chair
Megan Muirhead, Board Member
Carmen V. Chavez, Board Member

Invocation David Berry

Pledge of Allegiance Michael McEuen

Approval of Agenda

Board Member Muirhead moved to approve the January 19, 2018, State Personnel Board Agenda; seconded by Vice Chair Manzagol. Motion carried.

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



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Approval of Minutes – December 1, 2017

Board Member Muirhead moved to approve the December 1, 2017 State Personnel Board minutes, seconded by Board member Chavez. Motion carried.

II. Director's Report

Director Najaka provided the following updates:

1. Legislative Finance Committee Hearing

The Legislative Finance Committee (LFC) Hearing was held on Thursday, December 7, 2017. The State Personnel Office (SPO) presented the Annual Compensation Report to the Governor and to the Legislature. The Hearing went as planned and went extremely well.

2. House Appropriations & Finance Committee Hearing

The House Appropriations & Finance Committee (HAFC) Hearing was held on January 11, 2018. Department of Finance and Administrative (DFA) & the Legislative Finance Committee (LFC) presented the executive budget and the legislative budget, along with each agency head to adopt one of the two budgets, or a version of it. The executive budget was approved by the Board in August 2017, for 4,082,000. LFC presented a budget of 3,949,100. The LFC budget came in about 3.3% lower than the executive budget. HAFC ultimately adopted LFC recommendations of 3.9 million. Performance measures was also presented at the HAFC Hearing. Performance measures were previously taken out or made explanatory, due to many performance measures beyond SPO's control. Instead of receiving a red, yellow, or green report card, a explanatory measure is more adequate. SPO, DFA and LFC worked together to establish updated performance measures.

3. 2018 New Mexico Legislature

General Counsel Moses Winston is the legislative coordinator for the 30 day session. The Board will be updated with information that pertains to human resources. The executive recommended a 1% salary increase for State employees and the legislature recommended 1.5% salary increase.

4. HR Consolidation

SPO implemented the first phase of the HR consolidation on Wednesday, January 17, 2018. The consolidation included 36 generally funded and non-restricted agencies. Phase I has 6,600 FTE's, which is about 2/3 of the agencies and 1/3 of employees. A total of 46 employees from agencies & 17 vacant positions are currently consolidated. Many of those 46 employees were present at the meeting. Chair Romero welcomed them. Agencies that are federally funded are expected for the consolidation after July 1, 2018. Some minor issues have been encountered as expected with a large reorganization which encompasses 65 executive agencies but overall it's been going well. The Call Center is up and running and the "Infolink" page is now available. State employees can



now use the link to find information regarding human resources. The Albuquerque Office is almost complete. Phone lines, internet and furniture have been installed. Computers will be set up within a week. Employees will be able to utilize the office very soon.

Chair Romero asked the name of the IT employee for SPO. Director Najaka indicated that it was Prakash Bhakta.

Chair Romero indicated that General Counsel, Moses Winston was going to be the legislative liaison for the Board. Chair Romero asked Mr. Winston for an update. Mr. Winston indicated that he isn't sure what is germane yet but he will be keeping track of anything that may be relevant. The Governor has a lot on her agenda and is expecting lots of bills including the minimum wage bill. Mr. Winston will apprise the Board in March.

III. General Public Comment

No individuals signed up for General Public Comment.

IV. 2018 State Personnel Board Election of Officers

Director Najaka presented the request for State Personnel Board Election of Officers for 2018.

Board Member Muirhead nominated Jerry Manzagol as Vice Chair for 2018; seconded by Board Member Chavez. Motion carried.

Board Member Muirhead nominated Christine Romero as Chair for 2018; seconded by Board Member Chavez. Motion carried.

V. 2018 State Personnel Board Annual Open Meetings Resolution

Director Najaka presented the request for approval of the State Personnel Board Annual Open Meetings Resolution. The only change made was to reflect the current year.

Board Member Manzagol moved to approve the 2018 State Personnel Board Open Meetings Resolution; seconded by Board Member Muirhead. Motion carried.

VI. 2018 State Personnel Board Operating Procedures

Director Najaka presented the request for the approval of the 2018 State Personnel Board Operating Procedures. Pursuant to the provisions of the State Personnel Act section 10-9-1 to 10-9-25 NMSA 1978. The only change made was to reflect the current year.

Board Member Chavez moved to approve the 2018 State Personnel Board Operating Procedures; seconded by Vice Chair Manzagol. Motion carried.



VII. Market Adjustment for Nursing Aides and Orderlies Classification Series

Cliff McNary, SPO State Classification and Testing Manager presented the request for the Market Adjustment for Nursing Aides and Orderlies. The State Personnel Office (SPO) recently conducted a salary review of all Nursing positions. After meeting with the agencies that utilize these classifications, SPO determined that an additional market adjustment to the pay bands is necessary to compete with the salaries of New Mexico's surrounding state, local and regional hospitals. (In the December Board meeting, the Board adopted the Market Adjustment for the Nursing Series that became essential to support Senate Bill 1 [mistakenly referenced as House Bill 1 at meeting]. The bill was signed into law on January 18, 2018. New Mexico is 1 of 26 States in a Nursing Compact. Nurses are now able to get one universal license to practice in 26 States. With the Market Adjustment in place for Nurses, we have attractive pay range opportunities in New Mexico. However, you also need to have nurse support for those nurses. Nursing Aides now become necessary.) We have to make sure that these jobs are equally attractive to outside and internal prospects. The Market Adjustment for Nursing Aides is also beneficial because it lessens the impact of the implementation of the pending Health Care Study. Mr. McNary introduced employees in support of the Market Adjustment to answer questions from the Board. The Director of Nursing from Miner's Colfax, Secretary Fox from the Department of Veterans of Services, and HR Director Theresa Padilla from the Department of Health were present among numerous employees from those Departments. Chair Romero welcomed them and expressed how it positively impacts her when employees come to the board meetings to support the Market Adjustments. Chair Romero also welcomed General Nava from the Office of Military Affairs, Gabby Sanchez-Sandoval from the Department of Health, and Theresa from the Department of Health. Chair Romero asked how many FTE are affected by this. The actual impact is 63 employees and the total cost of implementation to bring employees to the minimum is \$54,500. Chair Romero asked the Director of Nursing from Miners Colfax if there still a nursing shortage in New Mexico. The Director indicated that there is still a shortage. Chair Romero mentioned that adjusting the pay bands with the benefits the State offers, including the retirement package, is wonderful.

Board Member Muirhead moved to approve the Market Adjustment for Nursing Aides; seconded by Board Member Chavez. Motion carried.

VIII. 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 Vice Chair Manzagol.

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

The Board met in Executive Session from approximately 9:28 a.m. to 10:56 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. Rojo v. New Mexico Department of Military Affairs; Docket No. 13-057

After careful consideration of the proceedings and the 1st Judicial District Court January 10, 2017 Decision and Order on Appeal in the matter of *Rojo v. State of New Mexico Department of Military Affairs; D-0101-CV-2015-02326*, **Board Member Muirhead moved to impose disciplinary action as follows, a 30-day suspension without pay and awarded back pay beginning August 17, 2017, the date of the 1st Judicial District Court's Order denying the Appellee's Motion for Rehearing. Motion seconded by Vice Chair Manzagol. Motion carried.**

2. Ortega v. New Mexico Corrections Department; Docket No. 16-039

After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Ortega v. New Mexico Corrections Department; Docket No. 16-039* **Board Member Muirhead moved to reverse the Administrative Law Judges' recommendations and for the following modifications to the Administrative Law Judges' recommended Conclusions of Law, modifying Conclusion of Law 7 to read Mr. Ortega's dismissal is the appropriate sanction pursuant to NMCD's DWI policy and rejecting Conclusions of Law 8-19 for the reasons set forth of the alternative argument on page 32 of the recommended decision. Motion seconded by Board Member Chavez. Motion carried.**

3. Sutton v. New Mexico Corrections Department; Docket No. 17-008

After careful consideration of the Administrative Law Judges' proposed Findings of Fact analyzes of the relevant law and/or policies in light of the proposed Findings of Fact of the Recommended Decision and the Parties Exceptions, if any, to the Recommended Decision in *Sutton v. New Mexico Corrections Department, Docket No. 17-008* **Vice Chair Manzagol moved to adopt the Administrative Law Judges' Recommended Decision. Motion seconded by Board Member Chavez. Motion carried.**

IX. Litigation Update

Jessica Cooper, Administrative Law Judge, presented the Litigation Update. In the second quarter of FY 18, Adjudication received 11 new appeals and disposed of 16 appeals. There are currently 27 appeals pending. One update on the District Court appeals: In the last Board meeting, the Board's decision in *Luchetti v. New Mexico Corrections Department* had been appealed to District Court. But the Department has withdrawn its appeal, we will no longer be following that matter. Again, in that case, the Board reversed Mr. Luchetti's dismissal and

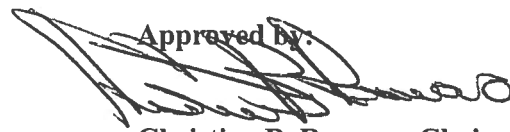


reinstated him, finding that the Department could not discipline him for multiple AWOLs when it had failed to notify him he was being considered AWOL. There is no dispositive action to report in the seven other Board decisions currently on appeal.

X. Other Business – Next Meeting Date: March 23, 2018

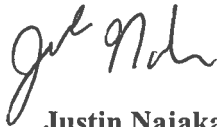
XI. Adjournment

With no further business, **Board Member Chavez moved to adjourn the State Personnel Board meeting at approximately 11:03 a.m.; seconded by Board Member Muirhead. Motion carried.**

Approved by:


**Christine B. Romero, Chair
State Personnel Board**

Attest:



Justin Najaka, Director

