



New Mexico State Personnel Board

State Personnel Office

Michelle Lujan Grisham
Governor

Pamela D. Coleman
Director

State Personnel Board
Christine B. Romero, Chair
Laura A. Liswood, Vice Chair
Carmen V. Chavez, Member
Jerry Manzagol, Member

State Personnel Board Meeting
State Personnel Office
Electronic/Telephonic Meeting via ZOOM
Friday, August 28, 2020
9:00 a.m.

AGENDA

- I. **Procedural Items**
 - Call to Order – Chair Romero called the meeting to order at 9:01 a.m.
 - Pledge of Allegiance – Director Coleman offered the Pledge of Allegiance and called for a Moment of Silence
 - Roll Call - Director Coleman called roll of members present: Chair Romero, Vice Chair Liswood, member Chavez and member Manzagol each responded present.
 - Rules of the meeting read by Chair Romero
 - Call for Public Comment – Chair Romero called for public comment; a poll was taken of those present on Zoom with video and individuals on a phone line were polled one at a time. No requests for public comment made.
 - Approval of Agenda – Member Manzagol made a motion to accept the agenda as presented; Vice Chair Liswood second. Unanimously passed.
 - Approval of Minutes from July 17, 2020 – member Chavez moved for the minutes to be approved as written, member Manzagol second. Motion carried unanimously.
- II. **General Public Comment – There were no requests for public comment.**
- III. **Director's Report – Director Coleman**
 - Thanked the Board, State Personnel staff, and to the Community of HR Professionals
 - This is now our FOURTH Zoom meeting. A continued thank you to Prakash Bhakta, Drew Lovelace and Denise Forlizzi, for helping to orchestrate this electronic meeting and Sandy Martinez as backup.
 - Joining us on Zoom today are Nicole Macias, DFA, and Connor Jorgensen, LFC

- COVID update. Virtually all State office buildings remain closed and most State employees continue to telework or work from home.
- The Governor issued a limited re-opening which goes into effect tomorrow regarding indoor dining, houses of worship, museums with static exhibits. Mass gatherings of more than 10 are prohibited. The Governor and PED Secretary Ryan Stewart also discussed the schools. Limited in-person learning for K-5 age groups will begin after Labor Day as detailed here.

PED has set requirements for re-entry to a “hybrid” model of in-person and remote learning – meaning rotating cohorts of students could potentially attend in-person classes in small groups after Labor Day upon approval from the PED.

Those requirements include that the state meet its gating criteria; that the school’s county meet gating criteria for the rate of new daily COVID-19 cases and test positivity; and that the Public Education Department approve the district or charter school’s individual re-entry plan, which must include COVID-Safe Practices for students and educators as well as provisions of personal protective equipment, cleaning procedures and rapid response procedures in the event of a positive COVID-19 case.

PED has been receiving and reviewing re-entry proposals from districts across the state in anticipation of a possible shift to permissible limited in-person learning after Labor Day.

At least 24 school districts and charter schools statewide including Albuquerque Public Schools, have notified the Public Education Department that they plan to continue in an exclusively remote learning environment for at least the near-term future.

Before Labor Day, in addition to outreach to local leaders and superintendents, the Public Education Department will continue to review re-entry proposals before formally approving districts seeking to begin classes for the K-5 age groups in a hybrid model (middle school and high school age groups would follow in a similar fashion as health conditions warrant).

The agency will provide additional training for districts to ensure all schools are fully prepared to engage in any prospective rapid responses; and will finalize cleaning and sanitation protocols for districts and establish and refine enforcement and inspection protocols with the New Mexico Department of Health and other state agencies. PED will launch an anonymous portal where violations of COVID-Safe Practices can be reported.

- Our entire State Personnel staff continues to telework
- The economic implications of the coronavirus continue in full force.
- All State agencies were instructed when submitting their FY22 budget to reduce their FY21 budget approved after the Special Session, by an additional 5%. We have done so, as you will hear from our CFO Stuart Hamilton shortly, he will be requesting board approval.
- We continue to manage the process for Paid COVID Leave and Emergency FML consistent with the Families First Coronavirus Response Act which begins at the agency level.
- The freeze on hiring and personnel actions except in limited circumstances, announced on April 21, continues. Our Workforce Planning Team continues to manage that process working closely with our partners at DFA.

- Our Training Team continues to develop an anti-institutional racism course for all State employees.
- August 27, the team hosted a TRAINERS UNITE Zoom meeting with Training professionals from across the Administration. The goal is to build partnerships that cross-pollinate good and great ideas across the Administration and to maximize resources, we began this last year.
- Union Negotiations have remained on pause, but dialogue has begun to explore restarting those negotiations
- In the meantime, our Labor Relations Team is conducting trainings on a weekly basis via Zoom including large-scale trainings for CYFD and TRD staff
- Department of Labor has released new guidance on FMLA processes and forms. We are reviewing and will provide guidance to all State agencies
- As you know, I am the Chair of the Statewide Complete Count Commission for the 2020 Census. The US Census accelerated the final day to collect responses to Sept 30 from Oct. 31. Census efforts continue at a breakneck speed until the deadline.
- It has been 5+ months since our entire Team began teleworking. Every pillar of SPO business and oversight function remains operating at levels consistent with or even busier than before the public health emergency was announced. The State Personnel Team is a testament to what government and public service can accomplish. 60 members on the meeting today via Zoom.
- Miguel Lozano, AAG has done a fantastic job and announced he will be moving to PED. We wish him the best. Valerie Joe who is present on Zoom will be our AAG going forward.
- Stand for Questions
Chair Romero asked about the new FMLA guidelines – she would like a copy when that is finalized ahead of next meeting.
She then asked about the budget and if the 5% reduction to the budget was needed by every state agency. Director Coleman stated all budgets are due on September 1 and each agency has been asked and required to tighten their spending belts. No part of the personnel budget was touched in this reduction. We went through other line items but did not touch personnel. Mindful that so much success for teleworking, Director Coleman stated that all set up requires epic use of will among other things to figure things out. Yet our team and other teams are doing it. Many do not have the same type of connectivity, yet people still get work done in the face of it all. The epic effort was recognized.
Chair Romero stated that in addition to all that state employees and members of the cabinet are doing, she received a handwritten note from the Governor who acknowledged and recognized how much work everyone does every day at every level.

IV. FY22 Appropriation Request

Stuart Hamilton, CFO gave the following report:

The State Personnel Office is requesting your approval of our FY22 Appropriation Request, which represents a five percent (5%) General Fund reduction as well as a more than a fifty percent (50%) decrease in our interagency transfers revenue generated by our HR Services function.

The HR Services revenue reduction is a direct result of State Personnel's effort to focus our resources on our core functions to provide Executive branch agencies with HR oversight, training, support, and guidance as well as guidance and advice related to the two (2) Collective Bargaining Agreements. We are also requesting the ability to increase our interagency transfers up to \$50.0 to provide HR Services to those agencies without HR due to transitioning personnel or other factors.

I recommend approval for FY22 request.

Stand for questions.

Vice Chair Liswood asked for a clarification about the 5% reduction and where we are taking it, is there a sense of concern in the shift of priorities? What is your sense of it? Under direction of Director Coleman and General Counsel Cooper, we went line item by line item and chose the reduction on items that would not impact our core function. Mr. Hamilton has no concern about where we took our reduction.

Chair Romero asked if there were some areas where the budget for that area won't be used and other areas where it is. Mr. Hamilton stated that the 5% was taken in key areas that did not impact our core function. Such areas as furniture expenditures, IT reduction, but nothing that would adversely affect our core function. Did not touch personnel side. Director Coleman explained that the hiring freeze did not automatically stop hiring for core functions. Examples of Jessica Cooper's promotion to General Counsel created a vacancy that required a Janelle job exception request and Janelle Haught was hired as ALJ Supervisor. DFA determines if it rises to the level of exception. Chair thanked Director Coleman for the clarification

Member Manzagol moved to accept the Appropriation Request as amended. Member Chavez second.

Director Coleman conducted a roll call - unanimously approved.

V. Executive Session

Chair Romero moved to enter into exec session; Member Chavez second; roll call conducted. General session adjourned at 9:26 a.m. Board returned back and was on the record at 9:45 a.m.

Rodriguez v. New Mexico Corrections Department - Vice Chair Liswood moved to ADOPT decision of ALJ. Member Chavez second. Roll call taken by Director Coleman. Unanimous adoption of motion in Rodriguez matter.

Sweet v. New Mexico Board of Nursing - Vice Chair Liswood moved to ADOPT decision of ALJ. Member Manzagol second. Roll call taken by Director Coleman. Unanimous adoption of motion in Sweet matter.

VI. Adjudication Litigation Update

Janelle Haught, Adjudication Litigation Supervisor presented the update:

In July and thus far in August, Adjudication received six new appeals and disposed of three. There are currently 45 appeals pending.

On August 27th, Judge Maria Sanchez-Gange closed the case of *Marquez vs. the New Mexico Department of Health* (17-002) due to lack of activity. On June 15, 2018, the Board upheld Ms. Marquez' termination for insubordinate and receiving payment for times she failed to work.

A copy of Judge Sanchez-Gange's Order will be emailed to each of you.

On August 14th, the Board's decision in the matter of *Richard Martinez vs. the New Mexico Public Education Department* (18-045) was reversed by Judge Francis Mathew. In October of last year, the

Board upheld Mr. Martinez' dismissal on grounds that Mr. Martinez violated the Governor's Code of Conduct and New Mexico Division of Vocational Rehabilitation Policy by engaging in serious, intentional misconduct, which included misrepresenting his work history by omitting relevant, material information on his job application and résumé. Judge Mathew found that the decision was arbitrary, capricious and not supported by law as DVR was aware of the representations that Mr. Martinez made on his application and résumé when they offered him the position with the Department.

A copy of Judge Matthew's Order will be emailed to each of you. I stand for questions. There were no questions for Ms. Haught.

VII. Other Business –

Chair Romero gave a big thank you to AAG Lozano and to welcomed Valerie Joe as our new AAG. Next Meeting Date: October 16, 2020

Before the motion to adjourn, Chair Romero asked if there was any other business and Vice Chair Liswood asked for a moment of time to acknowledge members of the training team for their work on creating anti-racism trainings. Director Coleman mentioned that John Nguyen and Jamie Phillips have been working together on anti-racism training development. Director Coleman also mentioned that John was leaving SPO and returning to the east coast to work for Burlington Coat Factory on their diversity team. Both Jaime and John have done a fantastic job. The anti – institutional racism bill will be reintroduced in January. We will work with Sen. Lopez and Rep. Martinez and collaborate on training with council. John gave a big lift on a very important topic and is coming along nicely, and we wish John the best.

AAG Lozano then asked for a moment and said he represents several boards and wanted to acknowledge that State Personnel Office is the most professional and hard-working board from the top down and is a pleasure to work with. It is what you would expect from a State Personnel office and it has been a great pleasure to work with this board. Chair Romero stated that it takes team effort that is put into many difficult issues. Director Coleman stated at first she was in denial about AAG Lozano leaving and told PED how lucky they were to welcome him to their agency. Director Coleman welcomes AAG Joe to State government and to our team.

Member Manzagol moved to adjourn and member Chavez second. Roll call taken by Director Coleman; unanimously approved. Meeting adjourned at 9:57 a.m.

Approved by:



Christine B. Romero, Chair
State Personnel Board

Attest:



Pamela D. Coleman, Director