



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
March 24, 2016
Minutes

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

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 9:01 a.m. on March 24, 2016 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
Jerry Manzagol, Board Member

Approval of Agenda

Vice Chair Garcia moved to approve the March 24, 2016 agenda; seconded by Board Member Manzagol. Motion carried.

Approval of Minutes – January 14, 2016

Board Member Muirhead moved to approve the January 14, 2016 State Personnel Board meeting minutes; seconded by Vice Chair Garcia. Motion carried.

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II. Director's Report

Director Najaka provided the following updates:

1) Legislative Session

This legislative session was a 30 day session. One of the main topics of the session was the budget for FY16 and FY17. Oil and gas revenues are down this year and the State relies heavily on these revenues in order to accommodate agencies budget needs. SPO's budget was decreased by \$26,000 for FY16 and \$176,000 for FY17.

Since this year's session focused primarily on the budget, legislative bills introduced did not directly impact our Office. House Bill 2, General Appropriations bill, was introduced and included a compensation package for all agencies, however, only the Corrections compensation package was approved with a cost of \$4.5 million to implement. The affected classifications and pay lines will be presented to Board at the April 2016 meeting.

2) Hiring Freeze

Director Najaka informed the Board that although the budget has certain restrictions there is, however, no hiring freeze. DFA and SPO are assisting in filling critical positions by closely reviewing actions submitted to ensure agencies are appropriately covered.

3) SPO Staff Update:

There are currently three new staff members

Director Najaka introduced Max Cordova, HR Process Analyst. Mr. Cordova has a Bachelor's Degree and was previously employed with Children, Youth and Families Department.

Andrea Rivera-Smith, Career Services Bureau Chief, introduced Bernadette Maki, Training and Development Specialist. Ms. Maki has a Bachelor's Degree and was previously employed with the Department of Health and JP Morgan.

Richard Blumenfeld, Administrative Law Judge, was hired in the Adjudication Bureau. Judge Blumenfeld was unable to attend the March 24, SPB meeting.

Chair Romero asked how many vacant positions SPO has and Director Najaka advised SPO has nine vacancies with one position in the process of being filled.

4) Office Closure on March 28, 2016

The State Personnel Office will close at noon on March 28, 2016 for Spring seasonal observance.



III. General Public Comment

Joel Villarreal, AFSCME, spoke to the Board about a memo that was issued to employees regarding voting. DOH and CYFD notified their employees that they would have to take annual leave or other types of leave in order to vote in municipal elections. Mr. Villarreal referred to Interpretive Memo 2011-008 issued on September 30, 2011 and references Statute §1-1-19 subsection A of the NM State Election Code. The Statute outlines the following five elections: General, Primary, Statewide special elections, the office of Representative in Congress and school district elections. The memo included subsection B that refers to municipal officer or municipal bond elections; and special district office or special district bond or other special elections. The Interpretive Memo 2014-003 **(REVISED)** issued October 15, 2014 did not include subsection B. Mr. Villarreal asked the Board to review the memo to determine if employees should be granted paid time off in order to vote in municipal bond elections. Board Chair Romero informed Mr. Villarreal that SPO will look into the matter.

IV. Residential Coordinator Classification and Pay Band, Department of Health

Stephanie Martinez de Berenger, Compensation and Classification Analyst, presented the request for Residential Coordinator Classification and related pay band. Ms. Martinez de Berenger introduced Teresa Padilla, HR Manager and Jill Marshall from the Department of Health (DOH). Ms. Martinez de Berenger provided the Board with history on the DOH Facilities Management Los Lunas Community Program (LLCP). This program supports individuals with disabilities who qualify and receive Medicaid waivers as part of the New Mexico Developmental Disabilities Waiver Program. There are currently 60 individuals who reside in Supported Living Homes within the Los Lunas Community Program. The program provides services to individuals with Developmental Disabilities throughout Valencia and surrounding counties. The Residential Coordinator positions are currently classified as Business Operations Specialists. The Residential Coordinators are responsible for overseeing the House Managers in the homes and will directly supervise 8-9 supervisors and indirectly supervise approximately 71 positions. The salary structure of Residential Coordinators, in the private sector, is about the same as the State's or slightly higher. Reclassifying these positions will not have a fiscal impact on DOH because the positions are currently misclassified. The minimum qualifications for this position will be an Associate's Degree in any field of study from an accredited college or university and two (2) years of experience working directly with individuals with developmental disabilities. No other agency utilizes this classification. There are currently 3 FTE and one is vacant. Ms. Padilla advised that when these positions become vacant it is very difficult to recruit for the current classification. Ms. Martinez de Berenger added there is a high standard for these positions and applicants must first go through an extensive background check to include criminal background checks and extensive core training. Many of the individuals who apply for these positions have extensive experience in this field. Vice Chair Garcia was concerned that the current minimum qualifications are too broad, should be more specific and suggested adding verbiage requiring applicants pass a background check and this would assist in getting more qualified applicants. Ms. Marshall also added that many of the applicants are direct care providers who have extensive experience in private provider programs. Board



Member Manzagol is familiar with this classification and advised these positions require a certain skill set, and he supports the request to reclassify.

Board Member Muirhead moved to approve the Residential Coordinator Classification and Pay Band; seconded by Board Member Manzagol. Motion carried.

V. Deputy Forensic Toxicology Bureau Chief and Forensic Toxicology Bureau Chief Classifications and Pay Bands, Department of Health

Cliff McNary, State Classification and Testing Manager, presented the request for approval of Deputy Forensic Toxicology Bureau Chief and Forensic Toxicology Bureau Chief Classifications and Pay Bands. Mr. McNary introduced Dr. Rong Hwang, Toxicology Bureau Chief, Twila Kunde, Deputy Director and Maria Stein, HR Manager from the DOH Scientific Lab Division. The current classification for the Toxicology Bureau Chief is a General Manager I, Environmental Science and the Deputy Toxicology Bureau Chief is classified as a General Manager I. Since the current classification job descriptors are very generic this poses a recruitment issue. Ms. Kunde clarified that one of the reasons the Toxicology Division is under the DOH is because of its neutrality. This Bureau also has close ties with various law enforcement entities around the State. Bureau Chief Dr. Hwang is on call 24 hours a day to testify for law enforcement agencies around the State to try and avoid delays in the daily operations, the Deputy position must be reclassified to a Deputy Forensic Toxicology Bureau Chief. The Scientific Lab Division is one of three labs in the nation that's responsible for handling bio terrorism. Mr. McNary clarified that the Deputy position currently exists as a General Manager I.

Vice Chair Garcia moved to approve the Deputy Forensic Toxicology Bureau Chief and Forensic Toxicology Bureau Chief Classifications and Pay Bands; seconded by Board Member Manzagol. Motion carried.

VI. 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 Board Member Garcia. Director Najaka called roll and all members voted in the affirmative. Motion carried.

The Board met in Executive Session from approximately 9:55 a.m. to 10:24 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. *Gomez v. NM Corrections Department*; Docket No. 15-045
 - **After careful consideration of the proceedings and the administrative law judges recommendations in *Gomez v. NM Corrections Department*; Docket No. 15-045. The Board moves to adopt the Administrative Law Judges' recommended decision in *Gomez v. New Mexico Corrections***



Department; Board Member Muirhead moved to approve. Motion seconded by Vice Chair Garcia. Motion carried.

2. *Parra v. NM Department of Health*; Docket No. 15-026

- **After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Parra v. NM Department of Health*; Docket No. 15-026. The Board moves to adopt the Administrative Law Judges' recommended decision in *Parra v. NM Department of Health*; Docket No. 15-026; Vice Chair Garcia moved to approve. Motion seconded by Board Member Manzagol. Motion carried.**

VII. Litigation Update - Jessica Cooper, Administrative Law Judge, Adjudication Bureau

In February and the remainder of March, the Adjudication Division received 5 new appeals and disposed of 4. There are currently 38 appeals pending.

There has been some movement in the district court appeals:

In *Torres v. DOH*, District Court Judge Mathew reversed the Board's decision.

In *Martinez v. CYFD*, the Board upheld the dismissal of Mr. Martinez on allegations of outside employment, among other things. There has been no dispositive action yet, but a merits hearing is scheduled for next Wednesday, March 31, 2016.

There has been no other dispositive action in the remaining 10 district court appeals.

VIII. Other Business – Next Meeting Date: April 27, 2016

IX. Adjournment

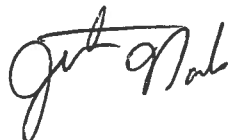
With no further business, **Board Member Manzagol moved to adjourn the State Personnel Board meeting at approximately 10:30 a.m.; seconded by Vice Chair Garcia. Motion carried.**

Approved by:



**Christine Romero, Chair
State Personnel Board**

Attest:



Justin Najaka, Director

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