



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

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

Justin Najaka
Interim Director

Nivia L. Thames
Deputy Director

Megan Muirhead Ted H. Hazard

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
April 30, 2015**

Minutes

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 April 30, 2015 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

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

Christine Romero, Chair
Dennis L. Garcia, Vice Chair
Ted H. Hazard, Board Member

Board Member Megan Muirhead was absent.

Approval of Agenda

Interim Director Najaka notified the Board that Item VI (A) on the agenda would be tabled and presented at the next Board meeting. Vice Chair Garcia moved to approve the agenda, seconded by Board Member Hazard. Motion carried.

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



NEW MEXICO
CENTENNIAL
1912-2012

AGENCY PARTNER
NEW MEXICO STATE PERSONNEL BOARD

Approval of Minutes – March 26, 2015

Vice Chair Garcia moved to approve the March 26, 2015 State Personnel Board meeting minutes and seconded by Chair Romero. Motion carried. Board Member Hazard abstained from voting since he did attend the March 26, 2015 Board meeting.

II. Introduction of Board Member Ted Hazard

Chair Romero introduced new Board Member Ted Hazard. Board Member Hazard's work history involves public administration and management. He was previously employed with the Legislature as well as Executive branch in New Mexico State government for ten years. He is currently self-employed assisting developing governments overseas by providing assistance in public administration, management, HR, training and strategic planning. Board Member Hazard stated he is looking forward to working with the Board and the staff of the State Personnel Office.

III. Director's Report Interim Director Justin Najaka

Staff Updates: Benito Garcia has been hired as an HR Consultant in Shared Services and comes to SPO from Department of Workforce Solutions.

Voting Leave: Four years ago an audit was conducted to address possible misuse of voting leave. SPO has recently conducted another audit for the 2014 elections and is working with the Secretary of State's Office to compare voting leave taken and entered in PeopleSoft to voting records within the Secretary of State's Office. Two hundred forty-three (243) employees took voting leave, however, two hundred one (201) employees were registered to vote but there are no records to substantiate they had voted and forty-two (42) were not registered but took voting leave. SPO is working with individual agencies to verify this information. In the audit four years ago, there were seven hundred twenty-one (721) employees who appeared on the audit report showing that they had taken voting leave but did not vote. Chair Romero asked what level of discipline was given to the employees who had taken leave but had not voted. Interim Director Najaka stated guidance has been given to respective agencies and that would depend whether the employees were registered to vote or not. Board Member Hazard asked when the audit was been conducted in the past what was the result. Interim Director Najaka stated that he did not have the results of the previous audit.

IV. General Public Comment

None

V. FY 2016 Operating Budget

Stuart Hamilton, Chief Financial Officer

SPO's Operating Budget for FY16 is \$4.5. Two expansions were requested with an appropriation allocated for one FTE which will be a Quality Assurance position located in the Agency HR Services Bureau. This position will be responsible for monitoring all administrative



and technical personnel activities of the State in order to reinforce compliance. An \$800.0 special appropriation has been appropriated to continue with the digitization project for all current state personnel records. Mr. Hamilton stated the information can be found in Section 7 of House Bill 2. A certification is required by Department of Information Technology (DoIT) before monies are transferred to SPO's operating budget. The \$800.0 is in addition to the \$225.00 that was originally allocated. Board Member Hazard asked if the \$800.0 will complete the project and Mr. Hamilton responded that this is a four year project. Interim Director Najaka added the total estimated cost of the project is \$8.1 million. A Request for Proposal (RFP) to hire a vendor to assist with the project will be issued. SPO is working with a contractor to develop the RFP as well as to assist in a developing the flow of process of documentation that will be digitized. A Request for Information (RFI) from vendors has been issued to locate a vendor who can assist with the process. Board Member Hazard would like a detailed briefing on the breakdown of the project. Interim Director Najaka stated this information will be available at the FY17 budget request review at the end of August 2015 for submission with September 1 request. Chair Romero asked if there will be any out of state travel and Mr. Hamilton stated the budget for out of state travel is \$3500.00. Interim Director Najaka provided a breakdown of the out of state travel advising as follows: National Association of State Personnel Executives (NASPE), National Compensation Association of State Governments and National Public Employer Labor Relations Association Conference. Board Member Hazard asked if personnel services includes vacancy savings factor. Mr. Hamilton said there is a slight vacancy factor.

Vice Chair Garcia moved to approve the FY16 State Personnel Office Operating Budget and seconded by Board Member Hazard. Motion carried.

VI. Classification Studies

A. Signed Language Interpreter Classifications and Pay Bands

Tabled until June Board Meeting

B. Division of Vocational Rehabilitation (DVR) Disability Adjudicator Classifications and Pay Bands

Cliff McNary, State Classification and Testing Manager, presented the request to approve the Division of Vocational Rehabilitation (DVR) Disability Adjudicator Classifications and Pay Bands. DVR Disability Adjudicator Classifications were previously cross walked into the Administrative Law Judge classifications. There are four levels of the classification that DVR utilizes; DVR Disability Adjudicator I, DVR Disability Adjudicator II, DVR Disability Adjudicator III and the DVR Adjudicator Supervisor. Mr. McNary introduced Ms. Dora Anaya, DVR Human Resources Director, Rebeca Calvert, DVR Operations Director, Daniel Roper, DVR Administrator and Clinton Newman, DVR Quality Assurance and Hearing Officer. Board Member Garcia asked if moving them into the new classification would create any issues concerning current pay. Mr. McNary stated the proposed classification pay bands are lower and would not have an effect on current pay. Ms. Calvert provided the Board with information concerning the technical skills needed for these classifications which includes medical and locational knowledge along with classroom training.

Vice Chair Garcia moved to approve the Division of Vocational Rehabilitation (DVR) Disability Adjudicator Classifications and Pay Bands and seconded by Chair Romero. Board Member Hazard abstained from the vote. Motion carried.

C. Scientific Laboratory Director Department of Health (DOH) Classifications and Pay Bands

Michael McEuen, Compensation and Classification Analyst, presented the request to approve the Scientific Laboratory Director Department of Health (DOH) Classifications and Pay Bands. The State of New Mexico Scientific Laboratory is one of five in the nation that is considered a complex laboratory. The position was originally classified under a General II Forensic Science classification, however, because of the complexity of the position it involves more than forensic experience. Further, the current director will be retiring soon so there is an urgent need to classify the position in order to recruit the best qualified applicants. Mr. McEuen introduced Teresa Padilla, DOH Human Resource Manager. Ms. Padilla stated this position requires a more specific job description because the position requires federal guidelines be followed and, as such, it is important the position is classified correctly. Dr. David Mills, Director, will be attending national conferences and will recruit for this position while at the conferences. The laboratory is a public health, environmental and drug laboratory for the State of New Mexico. The laboratory supports the Department of Health, Medical Examiners Board, Law Enforcement agencies, Livestock Board and the Environment Department.

Vice Chair Garcia moved to approve the Scientific Laboratory Director Department of Health (DOH) Classifications and Pay Bands and seconded by Chair Romero. Board Member Hazard abstained from the vote. Motion carried

VII. 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 and seconded by Board Member Hazard.

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

The Board met in Executive Session from approximately 9:45 a.m. to 10:56 a.m. For the record the matters discussed in closed session were limited to these specified in the Motion to close.

1. *Thomas v. New Mexico Department of Health*. Docket No.14-019
 - **After careful consideration of the proceedings and the administrative law judges recommendations in Thomas v. Department of Health Docket No.14-019. Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Motion seconded by Chair Romero. Board Member Hazard voted no. Motion Carried**
2. *Torres v. New Mexico Department of Health*; Docket No. 14-024
 - **This case is on appeal to the District court**

VIII. Litigation Update - Administrative Law Judge (ALJ) Richard Levine

ALJ Levine informed the Board that parties in the Thomas v. Department of Health and Torres v. Department of Health were notified by email.

ALJ Levine provided the following update: In the month of April the Adjudication Division has received 10 new cases filed and 6 have been disposed. There are a total of 55 appeals pending with 19 in a single group. The 19 are a jurisdictional matter not a substantiated matter and will be heard June 23, 2015, through briefing and oral arguments before, Judge Levine. There are several decisions that are pending after hearing. All cases are up to date. Chair Romero asked if all the back log of cases have been cleared and Judge Levine confirmed there are only cases from 2014. Board Member Hazard requested a periodic list of cases and current status report. ALJ Levine advised a status report could be provided by Adjudication. Board Member Hazard asked ALJ Levine if State Personnel Board decisions are upheld by the District Courts and ALJ Levine stated they are upheld 90% of the time.

IX. Other Business – Next Meeting Date: June 19, 2015

Board Member Hazard asked several questions concerning the building, IT security firewalls, and performance appraisals. Chair Romero stated that security issue concerns are delegated to Interim Director Najaka, IT security firewalls are handled by DoIT and an update on performance appraisals be addressed at a later date. Board Member Hazard also asked if State Personnel Board also hears cases under Workers Compensation. ALJ Levine stated the Rules allow Adjudication Judges to hear complaints against Workers Compensation judges.

X. Adjournment

With no further business, Vice Chair Garcia moved to adjourn the State Personnel Board meeting at approximately 11:32 a.m. and seconded by Board Member Hazard. Motion carried.

Approved by: 
Chair Romero
State Personnel Board

Attest: 
Justin Najaka, Interim Director



