



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, May 1, 2020
9:00 a.m.

MINUTES

- I. Procedural Items
 - Call to Order – Chair Romero called the meeting of the State Personnel Office Board to order at 9:04 a.m.
 - Pledge of Allegiance – offered by Director Coleman
 - Moment of Silence - Director Coleman asked for a moment of silence to honor those who have been lost to the Corona virus and honoring those who continue to serve the public during this time.
 - Roll Call - Director Coleman took roll of the board members; all members present and a quorum was established. Also attending – AAG Miguel Lozano and Denise Forlizzi, Board Administrator.
 - Call for Public Comment
Prakash Bhakta, CIO for State Personnel took a poll of attendees present to asking if anyone would be making a public comment. There were no requests for public comment
 - Approval of Agenda – Chair Romero stated she has reviewed the agenda of items for the meeting and asked for a motion to approve. Member Manzagol made the motion and Vice Chair Liswood seconded; Director Coleman polled all members individually; motion carried unanimously

- Approval of Minutes from March 6, 2020 Chair Romero stated she read the minutes from the March 6, 2020 meeting and asked for a motion to approve the minutes as written; Vice Chair Liswood made the motion; Member Chavez second. Director Coleman polled all members individually; motion carried unanimously.
- II. General Public Comment – No public comment requested
- III. Director’s Report
- Director Coleman thanked the Board for their continued support as well as for their flexibility in participating via our Zoom Board meeting. She also acknowledged the State Personnel staff and HR Professionals community, many of whom were attending via Zoom today.
 - Director Coleman welcomed David Archuleta, Director of Retiree Health Care Board, Loretta Lopez, Director of Workers Compensation Administration, Maggie Hart-Stebbins, Natural Resources Trustee and Belinda Garland of NM Livestock Board. Also mentioned were Nicole Macias, DFA, Cisco McSorley with the Adult Probation and Parole board; and Connor Jorgensen with LFC.
 - This is our first-ever Zoom meeting. Thank you to AAG Miguel Lozano, Denise Forlizzi, Prakash Bhakta, Jeff Young, Stuart Hamilton, and Drew Lovelace for helping to make this meeting happen.
 - Our last meeting of the Board was March 6 and on March 11, the Governor declared a Public Health Emergency related to COVID-19, the novel coronavirus.
 - Yesterday, April 30, the Governor extended the Stay at Home orders through May 15 and advised that State office buildings will remain closed through that date.
 - Our entire staff has been teleworking, completing all of our oversight responsibilities as well as providing support to HR professionals and State employees during this unprecedented and unsettling time.
 - With the passage of the Families First Coronavirus Response Act, State Personnel issued a General Memorandum, an Updated General Memorandum consistent with US Department of Labor guidance, and developed forms and a process for Agencies and State employees to use to apply for the leave provided.
 - We have worked with Department of Information Technology’s SHARE Team and the Comptroller to develop COVID specific Time and Labor Codes

- On April 21, the Governor's office announced a freeze on hiring and personnel actions except in limited circumstances. We issued a General Memorandum, developed forms and processes. We worked closely with SHARE and are working closely with DFA.
- SHARE, DFA and State Personnel are working closely on the next chapter of working in person. State Personnel has developed a Phased Re-Entry proposal as well as a policy and are working closely with the Governor's Office.
- Earlier this week, Secretary Padilla Jackson announced her resignation. She has also been Statewide Chair of the Complete Count Commission / Census 2020. Director Coleman will take on a greater role in that project moving forward.
- Union Negotiations are on pause as we navigate this time and we appreciate their efforts.
- Stand for Questions
 - Chair Romero – asked about furloughs and Teleworking/working from home employees. Director Coleman stated all state employees are being paid and clarified that those Teleworking are doing their specific job duties from home. Those working from home may be unable to do their specific job duties and are tasked with other duties, which may include tasks specific to COVID-19 efforts.
 - Chair Romero asked if state employees are accruing leave time? Yes, all are receiving accrued leave time.
 - Chair Romero stated that she applauds the Governor's efforts and position on social distancing.
 - Chair Romero also asked If there is a reduction in the workforce will that have to go through State Personnel? Director Coleman answered yes, it would.

IV. Operating Budget

Stuart Hamilton, State Personnel Office COO presented the FY2021 budget.

- ❖ Highlights: Budget is \$4,410.900 which represents an \$158K increase or 3.7% over FY2020
 - The General Fund increased by \$155.1 or 4.15%
 - Other Transfers decreased by \$6.6 or 2.38%
 - Personal Services increased \$207.9 or 5.72%
 - Contractual Services increased by \$5.2 or 7.26%
 - Other decreased by \$54.6 or 10%
 - \$2.5 M included to implement additional functionality in the human capital management module in the statewide human resource accounting and reporting system (SHARE)

Stand for Questions-

- Vice Chair Liswood asked if there is anything in the budget that should or would be useful for the variation. Mr. Hamilton replied that there is a reduction due to the ABQ office move plus 4% increase in pay. Otherwise, it is a pretty flat budget from 2020.
- Chair Romero commented about the huge decrease in Oil/Gas revenue for the State. Do you anticipate our budget will be adjusted in some way if special legislation is convened? Mr. Hamilton replied that our budget reflects a 9% vacancy rate which equates to 5 positions. There is not much room in our budget for adjustment.
- She also asked about State Personnel employees expecting an increase of 4% to which Director Coleman clarified that the increase is for all classified personnel, not specifically State Personnel employees. At this time, there are no changes in the FY21 budget pending a special session of the Legislature which has not yet been scheduled.

Chair Romero asked for a motion to approve the Budget as submitted.

Member Manzagol and Member Chavez second. Director Coleman polled all members individually; motion carried unanimously.

V. RHCA Board Appointment –

Director Coleman made a presentation for board appointment for the Retiree Health Care Authority (RHCA) according to RHCA statute 10-7C-6 which states State Personnel Board shall approve 1 member from the classified service to serve on the RHCA board. Director Coleman recommends Leane Madrid be the selection for the Classified State employee member for the RHCA. Ms. Madrid's resume is included in your Board documents. Ms. Madrid displays a sense of fairness, and advocates on behalf of State employees and makes things as clear as possible according to Board rules. I cannot recommend strongly enough that the Board approve Ms. Madrid as our nominee.

Member Chavez asked if each Division has their own board – Director Coleman stated the RHCA statute specifically includes a classified state employee as a member. In contrast, the State Personnel Board rules state that State Personnel Board cannot have a state employee on the board, RHCA board requires a classified employee.

Chair Romero stated she has not participated in this before – is this a new thing or something that has not been addressed in the past. Director Coleman explained that in 2003 RHCA statute changed to requiring a member be selected by State Personnel Board. The previous director of State Personnel was the member sitting on the board and with his departure, the vacancy was not filled. Director Coleman asked Mr. Archuleta for more information.

David Archuleta, Director of Retiree Health Care Board addressed the Board confirming Director Coleman description was correct. This position has been vacant for the past 8 years and they are excited to invite a new member to the board.

Chair Romero stated that she was surprised that the vacancy was not addressed sooner. What is the process? Mr. Archuleta stated that there had been multiple discussions about the appointment with the previous administration and were told this was not a priority, therefore it remained vacant for some time. Since the law changed from an elected position, the statute was amended in 2009 and became effective in 2013 the process then became State Personnel Board nomination. Director Coleman added that before the law was changed, this was some a cumbersome process – nominations, elections “lock box”. State Personnel Board would be given a recommendation from the Director. The Board selects the Director who is the head of the classified service who in turns recommends a representative from the classified service. Chair Romero stated that her questions were more about the process rather than the person and appreciates the clarification.

Chair Romero asked for a motion to approve Leane Madrid to the RHCA. Vice Chair Liswood moved the motion, Member Manzagol second. Director Coleman polled all members individually; motion carried unanimously.

Chair Romero stated she is very proud of Ms. Madrid.

VI. Executive Session

Administrative Appeals. See NMSA 1978, Section 10-15-1(H)(3)

1. *Padilla v. New Mexico Regulation and Licensing Department*,
Docket No. 19-041

Chair Romero asked for a motion for the Board to move in to Executive Session. Member Chavez moved that the Board enter in to closed session as authorized by the administrative adjudication exception of the Open Meetings Act, NMSA 10-15-1(H)(3). Vice Chair Liswood second. Unanimously approved. Director Coleman called roll.

The Board entered in to closed session 9:47 a.m. and were off the record

The Board is back in open session and on the record. The current time is 10:00 a.m. Let the record show that the matters discussed during the closed session were limited only to those specified in the motion for closure and that no votes or official action were taken. Chair Romero stated she will entertain a motion regarding the *Padilla* matter discussed during closed session.

Vice Chair Liswood stated after careful consideration of the Administrative Law Judge’s proposed findings of fact, analysis of the relevant law and/or policies in light of the proposed findings of fact, recommended decision, and the parties exceptions to the recommended decision, if any, in **Padilla v. New Mexico Regulations and Licensing Department, Docket No. 19-041**, I move to adopt the Administrative Law Judge’s Recommended Decision. Member Chavez second.

Director Coleman polled all members individually; motion to adopt carried unanimously.

- VII. Other Business – Next Meeting Date: June 5, 2020
Director Coleman stated that we may be online again by that date and will know more on May 15, 2020.
Chair Romero acknowledged hard work from the State Personnel team.
- VIII. Adjournment – Chair Romero called for a motion to adjourn. Member Manzagol made the motion to adjourn, Member Chavez second. Final roll call by Director Coleman; unanimous approval to adjourn at 10:05 a.m.

Approved by:



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

Attest:



Pamela D. Coleman, Director