

# New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ  
GOVERNOR**

**Justin Najaka**  
Director

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

**Nivia L. Thames**  
Deputy Director

**State Personnel Board Meeting  
State Personnel Office  
2600 Cerrillos Road  
Santa Fe, NM 87505  
August 6, 2015**

Megan Muirhead Ted H. Hazard

## 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 August 6, 2015 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

Board Member Ted H. Hazard was absent.

#### Approval of Agenda

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

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



**Approval of Minutes** – June 19, 2015

**Board Member Muirhead moved to approve the April 30, 2015 State Personnel Board meeting minutes; seconded by Vice Chair Garcia. Motion carried.**

**II. Director's Report**

Director Najaka gave an update on each Bureau:

- 1) **Shared Services:** There are fourteen agencies being provided all HR Services via Memorandums of Understanding (MOU'S) by this Bureau.
- 2) **Agency HR Services (AHRIS):** There was a 25% increase in the number of actions that were processed requiring Director or Deputy Director's approval. In FY 2015, there were 6,380 actions processed by Agency HR Services staff. At this time, this Bureau is fully staffed.
- 3) **Labor Relations:** This Bureau conducted 22 trainings in FY2015 with a total of 810 individuals attending the training sessions.
- 4) **Training:** This Bureau conducted 115 trainings in 2015 with a total of 2,800 individuals attending the training sessions and the Bureau is working on several new initiatives that should be finalized within the year (FY2016).

A current SPO organizational chart was given to the Board Members. There are currently 4 vacancies within SPO. The Training Director as well as Compensation and Classification Director's positions are still vacant and will remain as such for a while. Labor Relations Administrator position is vacant, position has been posted and interviews will be done to fill the position. A Quality Assurance position was created in FY16 and is located in the Agency HR Services Bureau. Interviews have been conducted and a selection will be made soon.

Director Najaka asked the Division Directors to introduce new staff:

Andrea Rivera-Smith, Career Services Bureau Chief, introduced Trevor Edwards, Recruitment Specialist. Mr. Edwards has a degree in Anthropology and experience in recruitment and placement.

Leane Madrid, Shared Services Bureau Chief, introduced Mario Lechuga, HR Consultant. Mr. Lechuga is retired from the United States Air Force and was employed at the Department of Health in their HR Division,

Bernadette Quintana, Acting Compensation and Classification Manager, introduced Stephanie Martinez de Berenger, Compensation and Classification Analyst. Ms. Martinez de Berenger has been a state employee for 21 years and has BA in Sociology and MBA in Public Management. She was employed at the Department of Health. Ms. Quintana introduced Amparo Juarez, Compensation and Classification Analyst, Ms. Juarez has a Bachelor's degree in English. She has 22 years in state government experience with 14 of those years in Human Resources. She has worked in both public and private sector as a generalist, supervisor, manager and compensation and classification analyst. Amparo was employed with the Department of Game and Fish in their HR Division. Ms. Juarez has worked for SPO in the past and served as Co-Chair of State Human Resource Council from 2008-2010.

Stuart Hamilton, Chief Financial Officer, introduced Clara Avina, Records Clerk, Office Support Bureau. Ms. Avina was an employee of the Guadalupe Credit Union.

Director Najaka welcomed all the new employees to the State Personnel Office.

Director Najaka advised the Board about completed renovations done in the State Personnel Office to include the Reception area as well Applicant Stations outside of Career Services area. The Auditorium also had some upgrades to its audio and visual systems. Live stream capability is being looked into for Board meetings as well as other meetings to be held in the Auditorium this fiscal year. New chairs were also provided for each Board member. SPO is in discussions with the General Services Department about renovating the room across from the Auditorium so it can be used as a break room.

Director Najaka notified the Board that on August 20, 2015, he will be appearing before the Legislative Finance Committee in Taos to present the Compensation Plan

Board Member Muirhead asked if the number of days it takes to hire a new employee has decreased. Career Services Bureau Chief Andrea Rivera-Smith stated the time frame has decreased from 71 to 67 days. Director Najaka advised the goal is to get new employees hired within 45 days from the day the position is posted. Bureau Chief Rivera-Smith advised agencies are working hard to decrease the number of days to hire.

### III. General Public Comment

Ken Long, AFSME Local 1211, spoke regarding 5 positions that were reclassified at the New Mexico Department of Workforce Solutions. These positions were reclassified by DWS to Quality Assurance Representatives. A Prohibited Practice Complaint (PPC) was recently filed by the union because the five employees that are currently in these positions were asked by the agency to submit their resumes. The employees were told in March that they would start receiving pay increases as Quality Assurance Representatives. The new DWS Human Resource Director informed the employees that the positions would be advertised and they would need to apply in order to be considered. Of the three individuals who applied for the positions, the individual with the least experience has been called for a second interview.

Mr. Long informed the Board that a unit was created and employees were asked to volunteer for this new unit and other employees were told that they would be placed in the unit. The positions in this unit now require more duties than the employees were performing in the previous positions they held. These employees are now requesting they be placed back in their previous unit, however, the agency has told them they will not be able to return to their previous unit. Mr. Long is requesting the State Personnel Board give the DWS direction. Vice Chair Garcia asked for clarification because it appears two separate issues within the same agency are being discussed. Mr. Long clarified that these are separate issues involving two different agencies. Vice Chair Garcia requested the union address these issues with the State Personnel Director before coming before the Board.

Chair Romero stated that General Counsel Mona Valicenti has recused herself from item #3 *Landau, et al. v. New Mexico Attorney General's Office*; Docket Nos. 15-004-AG to 15-011-AG; 15-013-AG to 15-021-AG; 15-023-AG; 15-029-AG



#### IV. Executive Session

Board Member Muirhead 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; seconded by Vice Chair Garcia. Director Najaka called roll and all members in attendance voted in the affirmative. Motion carried.

The Board met in Executive Session from approximately 9:25 a.m. to 10:33 a.m. For the record, the matters discussed in closed session were limited to these specified in the Motion to close.

1. *Bond v. New Mexico Children, Youth and Families Dept.*; Docket No. 14-011 (Tabled-06/19/2015)
  - After careful consideration of the proceedings and the administrative law judges recommendations in *Bond v. New Mexico Children, Youth and Families Dept.*; Docket #14-011. The Board finds there is just cause for the demotion and move to uphold the decision of New Mexico Children, Youth and Families Department and we direct the ALJ to make the necessary changes to the recommended decision. Board Member Muirhead moved to uphold. Motion seconded by Vice Chair Garcia. Motion carried.
2. *Chavez v. New Mexico Children, Youth and Families Dept.*; Docket No. 14-021
  - After careful consideration of the proceedings and the administrative law judge's recommendation in *Chavez v. New Mexico Children, Youth and Families Dept.*; Docket No. 14-021. Vice Chair Garcia moved to adopt the Administrative Law Judge's recommended decision. Seconded by Board member Muirhead. Motion carried.
3. *Landau, et al. v. New Mexico Attorney General's Office*; Docket Nos. 15-004-AG to 15-011-AG; 15-013-AG to 15-021-AG; 15-023-AG; 15-029-AG
  - After careful consideration of the proceedings and the administrative law judge's recommendations in *Landau, et al. v. New Mexico Attorney General's Office*; Docket Nos. 15-004-AG to 15-011-AG; 15-013-AG to 15-021-AG; 15-023-AG; 15-029-AG. Board Member Muirhead moved to adopt the administrative law Judge's recommended decision. Seconded by Vice Chair Garcia. Motion carried.
4. *Mackillop v. New Mexico Children, Youth and Families Dept.*; Docket No. 14-038
  - After careful consideration of the proceedings and the administrative law judge's recommendations in *Mackillop v. New Mexico Children, Youth and Families Dept.*; Docket No. 14-038. Vice Chair Garcia moved to adopt the Administrative law Judges recommend decision. Seconded by Board Member Muirhead. Motion carried.

5. *Palacios v. New Mexico Department of Health*; Docket No. 15-031
  - **After careful consideration of the proceedings and the administrative law judge's recommendations in *Palacios v. New Mexico Department of Health*; Docket No. 15-031. Board Member Muirhead moved to adopt the Administrative law Judges recommend decision. Seconded by Vice Chair Garcia. Motion carried.**
  
6. *Rojo, Jeantete, Apodaca and Rodriguez v. NM Department of Military Affairs*; Docket Nos. 13-057, 13-058, 13-059 and 13-060
  - **After careful consideration of the proceedings and the administrative law judge's recommendations in *Rojo, Jeantete, Apodaca and Rodriguez v. NM Department of Military Affairs*; Docket Nos. 13-057, 13-058, 13-059 and 13-060. Vice Chair Garcia moved to table the this matter until the August 27, 2015. Seconded by Board Member Muirhead. Motion carried.**

#### V. **Litigation Update - Administrative Law Judge (ALJ) Jessica Cooper**

ALJ Cooper provided the following updates:

FY2015 final numbers for Adjudication received 92 new appeals and disposed of 67. At the end of June, there were 63 appeals currently pending. The DMA cases are the final 2013 pending cases with four appeals remaining from 2014. There are six cases on appeal before District Court. No dispositive action in any of the remaining cases.

Board Member Muirhead asked if there will be any decisions for the Board to consider at the August 27, 2015 State Personnel Board meeting. Judge Cooper stated there may be a recommended decision on a jurisdictional dismissal.


General Counsel Mona Valicenti asked if Executive Session could be listed first on the agenda at the August 27, 2015 meeting since she will have to leave early on that day.

#### VI. **Other Business – Next Meeting Date: August 27, 2015**

#### VII. **Adjournment**

With no further business, **Vice Chair Garcia moved to adjourn the State Personnel Board meeting at approximately 10:40 a.m.; seconded by Board Member Muirhead. Motion carried.**

Approved by:  
  
Chair Christine Romero  
State Personnel Board

Attest:   
Justin Najaka, Director