



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

State Personnel Board
Christine B. Romero, Chair
Jerry Manzagol, Vice Chair

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
August 24, 2018
Minutes

Megan Muirhead Carmen V. Chavez

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 August 24, 2018, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Roll Call

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

Christine B. Romero, Chair
Jerry Manzagol, Vice Chair
Megan Muirhead, Board Member
Carmen V. Chavez, Board Member

Invocation David Berry

Pledge of Allegiance Stuart Hamilton

Approval of Agenda

Board Member Muirhead moved to approve the August 24, 2018, State Personnel Board Agenda; seconded by Board Member Chavez. Motion carried.

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Approval of Minutes – July 20, 2018

Board Member Muirhead moved to approve the July 20, 2018 State Personnel Board minutes, seconded by Vice Chair Manzagol. Motion carried.

Chair Romero welcomed Bernadette and Armida, two previous SPO employees who attended the meeting.

II. Director's Report

Director Najaka provided the following update:

Staff Update:

Since the last board meeting, only two changes to report. Ottis who was with the Employee Relations Division is no longer with the SPO. SPO has hired Cynthia Sandoval in the Talent Acquisition Section. SPO currently has a couple of job advertisements posted and will be filling those positions quickly.

Legislative Finance Committee:

Wednesday Director Najaka attended the New Mexico Legislative Finance Committee in Taos at their hearing. Conner Jorgensen, LFC Analyst also attended the hearing. A copy of the PowerPoint presentation that was presented by Director Najaka and Mr. Jorgensen at the LFC hearing, was provided to the Board Members. The report mainly covered four different areas-Update on the HR Consolidation, Update on the SHARE; switching to the Talent Acquisition module, Update on HR staffing and Update on Consolation; timelines. Director Najaka directed the Board Members to page 7, slide 14 which contained information on the facilities. Construction is underway in the Carruthers Buildings and the projected completion date is November 19, 2018. Also, the Leave Management Team, the Training Team and the Adjudication Team are located downstairs of the Willie Ortiz building. They will be moving across the parking lot to the Fleming building on Tuesday, August 28th. This will allow construction to start downstairs in the Willie Ortiz building. The Fleming building currently belongs to the Department of Public Safety, but was able to provide space for SPO employees. Adjudication will have Hearings in the Regulation and Licensing Department in the hearing rooms that they have. Overall the LFC meeting went well and had a great response from the Committee.

Chair Romero asked if we anticipate any legislation at the next legislative session related to the consolidation. Director Najaka indicated that is the plan---to re-introduce legislation this session to allow SPO to charge a service fee similar to DoIT. SPO is currently working on finding a sponsor and should be initiated in the next two months.

HR Consolidation:

Earlier in the week during the cabinet meeting Director Najaka announced to the Cabinet Secretaries that the next phase of the consolidation for the federal funded agencies will be moving forward. A seventh division will be created and SPO will have oversight for that division. A meeting will be held with the HR staff in the different areas within the next week or two.

Chair Romero asked how many vacancies are in state government. Director Najaka indicated that there is a total of 5,287 vacant positions in all the three branches of state government. The Board members asked

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why so many positions were vacant. Director Najaka directed the Board Members to the LFC Report, page 4, slide 7 to review current open job advertisements. Currently there are 557 active job advertisements, 955 jobs have been advertised in SHARE since 07/02/2018, 3,368 unique applicants, 8,739 applications submitted, 543,035 total website hits. That is a 55% increase in volume from 2016-2018.

III. General Public Comment

A public comment made by Sam Chavez, AFSCME Council 18 regarding the Department of Health Staffing. Currently the DOH hospital in Las Vegas, NM is short 140 medical techs, or more, possibly up to 300. Last year the legislative session money was appropriated for staffing for DOH. However, these positions have not been filled. Chair Romero asked if these positions are advertised. Mr. Chavez indicated that they just aren't hiring anyone, they are conducting mini hiring clinics however no new employees have been hired. Current staff are working overtime 2-3 times a week and it is creating a burnout on the employees. They are asking for SPO's help to get the vacant positions filled. Although the Veteran's hospital is no longer under DOH, Mr. Chavez wanted to advise that hospital is also understaffed. Chair Romero indicated that health care workers are very critical and understands the concern.

A public comment was made by Sky Tallman, Staff Development Specialist with HSD regarding the Communications Workers of America (CWA) letter and the hiring process. A few weeks ago a CWA letter was emailed to state employees from the DoIT Department. In the letter, it asks CWA employees to confirm or deny membership dues. Mr. Tallman would like the language to be changed in the letter as it is problematic and he feels it is untrue. The language that he would like to see changed is "I voluntarily and affirmatively waive my First Amendment Rights". He feels this language is misleading and discourages employees because it implies that they are forfeiting something that is very important. Mr. Tallman stated it would be more accurate to have the option for employees to voluntarily consent or not consent to the fair share dues as that would be more accordance to the Janus decision. Mr. Tallman also talked about the current SPO hiring process. Hiring managers have indicated that the hiring process seems to be very slow to hire employees. He has heard it can take up to six months for a person to be hired-from application to actually starting the job. He is asking for the hiring process to be expedited as it would benefit the State.

IV. IT Security and Compliance Job Family Update

Amparo Juarez, SPO Compensation and Classification Analyst presented the IT Security and Compliance Job Family Update. The State Personnel Office recommended that the State Personnel Board approve the addition of the IT Security and Compliance Supervisor level F to the existing IT Security and Compliance classification description. In June 2016, the State Personnel Board approved the implementation of the IT Classification and Compensation Study. At that time, the Supervisor level was not described in Security and Compliance because no agencies were using a position in that role. After two years of governance of the IT classification system and with growing attention to the challenges of IT Security in all sectors, the supervisor role is now needed for agencies where the job size does not rise to the level of an IT Security and Compliance Manager (IG) or Chief Information Security Officer. Implementation of this classification study, in line with State Personnel Board Rules, does not have a fiscal impact. Individual agency utilization of the classification after implementation may have a fiscal



impact. IT Security Department of Workforce Solutions, Sue Anne Athens, Chief Information Officer was present and in support of the request.

Vice Chair Manzagol moved to approve the IT Security and Compliance Supervisor Classification; seconded by Board Member Chavez. Motion carried.

V. 2 % Adjustment of FY19 Classification Service Salary Structure

Cliff McNary, State Classification and Testing Manager presented the 2% Adjustment for FY19 Classification Service Salary Structure. The State Personnel Office recommended that the State Personnel Board approve the proposed General Classified Salary Schedule Adjustment. House Bill 2, passed in the 2018 Legislative Session, lawmakers allowed for a 2% merit increase for all classified employees who earned a satisfactory performance rating and/or completed their probationary period. The opportunity to adjust the General Salary Schedule will advance minimum, mid and maximum pay rates closer to those of our comparable labor market. There will be no cost associated with the implementation of this adjusted salary schedule. As with the other salary schedules, SPO will continue to survey all salary sources to monitor where the State stand on employee pay.

Board Member Muirhead moved to approve the 2% Adjustment of FY19 Classification Service Salary Structure; seconded by Board Member Chavez. Motion carried.

VI. 2 % Adjustment of Corrections Salary Structure

Cliff McNary, State Classification and Testing Manager presented the 2% Adjustment for Corrections Salary Structure. The State Personnel Office recommended that the State Personnel Board approve the proposed Corrections Classified Salary Schedule Adjustment. House Bill 2, passed in the 2018 Legislative Session, lawmakers allowed for a 2% merit increase for all classified employees who earned a satisfactory performance rating and/or completed their probationary period. The Corrections Department was granted an additional 6.5% targeted increase. The opportunity to adjust the Corrections Salary Schedule will advance minimum, mid and maximum pay rates to bring Correctional Officer pay to parity with our comparable market. There will be no cost associated with the implementation of this schedule adjustment. As with the other salary schedules, SPO will continue to survey all salary sources to monitor where the State stands on employee pay.

Board Member Muirhead moved to approve the 2% Adjustment of Corrections Salary Structure; seconded by Board Member Chavez. Motion carried.



VII. Adoption of Attorney Salary Structure

Cliff McNary, State Classification and Testing Manager presented the Adoption of Attorney Salary Structure. The State Personnel Office recommended that the State Personnel Board approve the proposed Attorney Salary Structure. The ongoing effort to create occupationally based salary structures, the Attorney salary structure will enable the State to administer competitive market-based pay for this occupational group on an annual basis. The pay structure for mid-point will go up almost 50% from the current pay structure. Largely for the increase is due to the fact that a market adjustment has not been implemented since 2001. The first motion is to request the adoption of the attorney pay structures and the second motion is to approve the new pay codes and job codes, to marry the two entities together. Board Member Muirhead asked before approving the current motion, she would like to be filled in on the pay codes for the second motion. After reviewing the pay codes, Member Muirhead asked if the competitive market data was based from the public sector or from the private sector. Mr. McNary stated that it was the public sector data that was looked at, mainly administrative attorneys. Board Member Chavez wanted clarification on the statement regarding the 50% increase from the previous to the proposed range. Mr. McNary stated that the range for mid-point was advancing from 14%-49%. The cost to implement will be about 5,400 dollars over the next 10 months. Director Najaka stated that the reason why the impact is so low is because in the current ranges, they are having to pay at the maximum of the range just to bring on new people. Board Member Muirhead asked if positions are hard to fill with the current pay range. Director Najaka stated it is hard to fill the positions because applicants aren't even applying due to the low pay range.

Vice Chair Manzagol moved to approve the Adoption of Attorney Salary Structure; seconded by Board Member Chavez. Motion carried.

VIII. Adoption of Attorney Job and Pay Codes

Cliff McNary, State Classification and Testing Manager presented the Adoption of Attorney Salary Job and Pay Codes. The State Personnel Office recommended that the State Personnel Board approve the proposed Attorney Classification Descriptors that reflect new job classification codes and pay band codes that link the classifications to the new Attorney salary structure. The request is the follow-up for the above agenda item to merge the two entities together.

Board Member Chavez moved to approve the Adoption of Attorney Salary Structure; seconded by Vice Chair Manzagol. Motion carried.

IX. Adoption of the Social Services Salary Structure

Cliff McNary, State Classification and Testing Manager presented the Adoption of the Social Services Salary Structure. The State Personnel Office recommended that the State Personnel Board approve the attached proposed Social Services Salary Structure. In the ongoing effort to create occupationally based salary structures, the Social Services salary structure will enable the State to administer competitive market-based pay for this occupational group on an annual basis. This will impact only the Children,



Youth and Families Department. Three agency representatives from the Children, Youth and Families Department were present; Chair Romero thanked them for attending the Board meeting.

Board Member Muirhead moved to approve the Adoption of Social Services Salary Structure; seconded by Board Member Chavez. Motion carried.

X. Adoption of Social Services Job and Pay Codes

Cliff McNary, State Classification and Testing Manager presented the Adoption of the Social Services Salary Structure. The State Personnel Office recommended that the State Personnel Board approve the proposed Social Services Classification Descriptors that reflect new job classification codes and pay band codes that link the classifications to the new Social Services salary structure. The request is the follow-up to the above agenda item which will merge the two entities together. Chair Romero asked if this only applies to Children Protective Services and not to Adult Protective Services. Mr. McNary stated that this is only for Children Protective Services/Children, Youth and Families Department as Adult Protective Services is a different pay band-the general pay line.

Board Member Muirhead moved to approve the Adoption of Social Services Job and Pay Codes; seconded by Board Member Chavez. Motion carried.

XI. FY20 Appropriation Request

Stuart Hamilton, Chief Financial Officer with the State Personnel Office presented the FY20 Appropriation Request. The FY20 Appropriation Request consist of a modest increase, with changes from FY19 associated with published DoIT rates and the continued rent on the Albuquerque office. In total we are looking at 4.2 million, which is about 277,000 more. Director Najaka wanted to expand on the increase DoIT rates. He stated that with phase 2 of the consolidation, 37 agencies' data and the digitization project is being stored on the SPO server now. The SPO servers are located at DoIT and that is the reason for the increase for the usage rates.

Board Member Muirhead moved to approve the FY20 Appropriation Request; seconded by Board Member Chavez. Motion carried.

XII. Discussion regarding a proposal to repeal a State Personnel Rule in response to concerns regarding workplace operations and employee resignation

Director Najaka discussed with the board members State Personnel Rule 1.7.6.12-Rescission of Resignation. He stated that under the New Mexico Statutes in Section 10-9-12 E-The director shall recommend to the board rules he considers necessary or desirable to effectuate the Personnel Act; and under Section 10-9-10 A; under board duties-The board shall promulgate regulations to effectuate the Personnel Act. Under this authority Director Najaka recommended that the board initiate action to repeal 1.7.6.12 NMAC with the rescission of resignation in its entirety and re-number 1.7.6.13 NMAC as 1.7.6.12 NMAC. This would repeal rule 1.7.6.12 Rescission of Resignation which states: An employee



may rescind a letter of resignation within three workdays of its submission and the agency must honor the rescission if it is submitted within the prescribed time limit. Director Najaka stated that the rule has been problematic for agencies for a number of reasons. Since the agency has to wait three work days, the agency can't advertise that position, unsure to reassign work to other staff, basically the agency is on hold for those three work days. This can cause negative impact on co-workers and the citizens of New Mexico can also be delayed on receiving State services. Director Najaka stated that he is unaware of any other organization to allow for this waiting period that requires for the employee to automatically reinstate that employee. The key note is that by removing this rule there is nothing that prohibits an employee and their supervisor from mutually agreeing to allow the employee to rescind the resignation. Director Najaka recommends that the board initiate action to repeal 1.7.6.12 NMAC.

Board Member Muirhead moved to approve that a public hearing be held on the proposed amendment to 1.7.6.12 NMAC pursuant to the State Personnel Act 10-9-13 Rule Make and Authority; and 1-7-13 NMAC rule making procedures for State Personnel Administration amending the rules and the procedures for the rescission of resignation and for publication of notice and request that the board chair appoints State Personnel Director Justin Najaka as a hearing officer to accept written statements and hear oral presentations on the repeal of this rule and to prepare a report and make a recommendation at the next State Personnel board meeting on October 19, 2018; Seconded by Vice Chair Manzagol. Motion carried.

XIII. Litigation Update

Jessica Cooper, Administrative Law Judge for the Board, presented the Litigation Update. So far in August, Adjudication had received 3 new appeals and currently 24 appeals pending. Also a brief update was provided on appeals of the Board decisions: As previously mentioned in the June litigation update, Judge Ortiz re-affirmed the Board's decision in Arellano v. NM Department of Health. This was a matter that came before the Board in 2012, and in which the Board upheld Ms. Arellano's dismissal. On June 18, Ms. Arellano filed a Notice of Appeal to the Court of Appeals/Supreme Court. So this case, which has been circulating through state and federal court for the last six years, continues. And will continue to be monitored. No new appeals of Board decisions have been filed, and there is no dispositive action to report in the eight other Board decisions currently on appeal.

XIV. Other Business – Next Meeting Date: Friday, October 19, 2018

XV. Adjournment

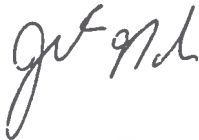
With no further business, **Board Member Muirhead** moved to adjourn the State Personnel Board meeting at approximately 10:09 a.m.; seconded by **Board Member Chavez**.
Motion carried.

Approved by:



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

Attest:



Justin Najaka, Director

