



New Mexico State Personnel Board

State Personnel Office

Michelle Lujan Grisham
Governor

Pamela D. Coleman
Director

State Personnel Board
Christine B. Romero, Chair
Jerry Manzagol, Vice Chair
Carmen V. Chavez, Member

State Personnel Board Meeting
State Personnel Office
Garrey Carruthers State Library Building
1209 Camino Carlos Rey, Santa Fe, NM 87507
August 23, 2019
Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at 10:00 a.m. on August 23, 2019, in the Pinon Room of the Garrey Carruthers State Library Building, 1209 Camino Carlos Rey, Santa Fe, New Mexico.

Pledge of Allegiance David Berry

Roll Call

Director Pamela D. Coleman called roll and a quorum was established with the following members present:

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

Approval of Agenda

Board Member Chavez moved to approve the August 23, 2019 State Personnel Board Agenda; seconded by Vice Chair Manzagol. Motion carried unanimously.

Approval of Minutes – July 19, 2019

Board Member Chavez moved to approve the July 19, 2019 State Personnel Board minutes, seconded by Vice Chair Manzagol. Motion carried unanimously.

II. Climate Change Task Force

Sandy Martinez with the State Personnel Office and Mark Satarain both representatives for State Personnel of the Governors for Climate Change Task Force. Ms. Martinez presented the Climate Change Task Force update. Ms. Martinez thanked the Board for the opportunity to present the update and she is very passionate about the Climate Task Force. On Jan 29, 2019, Governor Michelle Lujan Grisham formally signed an executive order 2019-003, directing our state to join the U.S. Climate Alliance, fully embracing the goals set by the 2015 Paris Agreement. This agreement aligns New Mexico with other participating states to focus on achieving a climate-conscious future that protects people, natural resources and cultural heritage. The governor ordered the creation of a New Mexico Climate Change Task Force, calling on all state agencies to contribute to a statewide climate strategy and incorporate climate mitigation and adaptation practices into their programs and operations. The task force is co-chaired by Secretaries' of Energy, Minerals and Natural Resources and the Environment Department. Each state agency has representation from their secretary or designee. Marko Satarain and Ms. Martinez are the designee's for the State Personnel Office.

The task force is charged with contributing to a state-wide strategic plan for achieving objectives specified in the Paris Agreement, including, reducing greenhouse gas emissions- (commonly known as exhaust released into the air we breathe by vehicles driven). In addition, recommendations to improving the air quality, and other measures to protect our precious state's natural resources. We are examining ways we can partner with other agencies to preserve our environment as well as take proactive measures needed to adapt and respond to the climate changes already seen, i.e. (Increased seasonal temperatures, erratic precipitation fluctuations, and other volatile weather changes).

The committee will provide a comprehensive recommendation to the governor next month. Here is an overview of how the State Personnel Office has offered to contribute: In our capacity as oversight and cross-pollinating HUB professionals, State Personnel will collaborate with agencies to advance actions NM can take to reduce greenhouse emissions. State Personnel will leverage already-existing venues where cross agency participation currently exists, to communicate and gather input, these include: HR Council, Trainers Unite and LEAD meetings. State Personnel is prompting agencies to examine and review the COOP within each agency; continuity planning, State Personnel is already in early discussions with Enterprise Rental to pursue innovative ways of renting vehicles at a sharp discount for employees who carpool between Albuquerque and Santa Fe. State Personnel is also modeling and encouraging skype/zoom video-conference technology to conduct meetings, when practical vs traveling to a location for a meetings. Organizational design support through studies review recommendations, State Personnel would like to have the ability to create positions directly related to climate change study and mitigation, if necessary.

Many of the agencies on the task force suggested alternative work schedules and carpooling as an option to reduce greenhouse emissions with a little over 50% of the agencies recommended this. Other Ideas/Recommendations- Embracing AWS, hoteling and allowing flex schedules, a

mapping program to see if state agencies can share building structures statewide, initiating lower emission vehicles such as electric and hybrid vehicles, reviewing charging stations statewide and located at Rail Runner stations, incentives/discounts for utilization of the Rail Runner or carpooling. Establishing short-term parking to utilize state vehicles at Rail Runner stations; to/from work, establishing bike stations at Rail Runner stations, revisiting recycling program in state buildings, establishing energy efficient buildings. Landscaping project, utilize green street policy to capture rain run-off from roofs and electronic signature and Email storage utilizing the "cloud".

Ms. Martinez indicated that a representative from UNM made a presentation and indicated to the task force that the state of New Mexico will in 2045 have the same heat as El Paso, Texas and the Sandia Mountains will be solid rock. We will lose all the trees if we do not address our climate change problem in not only New Mexico, but globally. There was one great recommendation when discussing this with the State Personnel staff that someone brought to Sandy Martinez's attention. They recommended the hotels in Santa Fe and Albuquerque, to stop offering the two complimentary bottles of water in the rooms and change it to a more, green kind reusable container. The hotel can put their hotel emblem on it and then allow guests to fill those up with water in the lobby instead of contributing to the plastic bottles.

Mark Satarain added to the report by saying that Ms. Martinez did an excellent job presenting the information to them. He had a 30-year career in the private sector and it's a great privilege now to be a public servant of the great state of New Mexico under the current leadership under Governor Michelle Lujan-Grisham. She has gone beyond, what our own, federal leadership is doing and basically aligned with the core of the Paris Agreement. To mitigate and to adapt to what we are seeing as climate change, as you walked into the building today, you may have seen the sign that under the leadership of Secretary Ortiz with GSD is already taking steps to mitigate against, the various items that they have controllers so that are replacing LED lighting. We're looking at different ways of climate change within our own buildings to minimize our carbon footprint. He is really proud to be working in this agency under Director Coleman's leadership who has assembled an HR Council Meeting. Sandy Martinez is the one in charge to bring the LEAD meetings together and Andrea Rivera-Smith assembles groups of people here with the Trainers Unite meetings. Those three venues has the State Personnel Office in an ideal position to disseminate information for the purposes of information, communication and training. What a great place that is ensuring that we have a meaningful place for our future generations. He extended his gratitude to Director Coleman and to Ms. Martinez.

Vice Chair Manzagol stated that years ago, the state highway department purchased vans with federal grants. Those vans were assigned to a state employee to pick up other state employees to commute from Santa Fe to Albuquerque. He asked if that program still going on or did that go by the wayside? Ms. Martinez indicated that she believes she has seen the vans on I-25, so she believes that it's still occurring.

Chair Romero indicated that she works at the Santa Fe Community College. They don't allow any plastic on the site of the Santa Fe Community College. They have to buy water in a paper

containers that goes for any Gatorade, anything in a plastic container is not allowed on the premises of the Santa Fe Community College. It works. College students are buying water in a paper container. She indicated that she didn't even know that they sold water outside of a plastic container, but, they've been doing this for a long time. She would like to offer that idea for the Task Force's consideration and it is nice to see the people making such wonderful effort. She also stated that she has been watching a lot of the documentaries about climate change and they have been very interesting. She thanked Sandy Martinez and Mark Satarain for bringing the issue to the forefront and is looking forward to the progress and asked if they will continue to come back to the board and give us updates? Sandy Martinez indicated that they will continue to update the Board and she is looking forward to providing the information to the Governor.

III. State Personnel Office FY 2021 Appropriation Request

Stuart Hamilton, the CFO at the State Personnel Office presented the State Personnel FY 2021 Appropriation Request. Mr. Hamilton indicated they had about a week to work on the budget. The budget review system came out from DFA about a week ago. The budget is substantially completed but there are some documents that aren't quite finalized yet, including the strategic plan. When those are finalized, Mr. Hamilton indicated he will send the final documentation to the Board. Mr. Hamilton indicated the complete budget is due on September 3rd. The FY2021 request will provide the State Personal Office with a forced vacancy rate of 5% based on current staffing level at 46 FT's. With a more robust budget, State Personnel anticipate shorter response times to the sister agencies and more dynamic presence within our HR services agencies. The increase will also give us capacity to provide more and better learning, training and professional development opportunities for state employees, while providing the highest quality customer service in our oversight capacity. The State Personnel Office is in the process of finalizing of performance measures which supports the performance section. Director Coleman is prepared to address any questions you have within the Performance arena. Our proposed FY21 budget total is about \$4.6 million dollars-an increase of \$418,000. In the 200 category-Professional Services, which gets us to get to that 5%. Currently, the State Personnel Office has a 15% force vacancy rate. A modest increase in the 300 category-Contractual Services. That is completely because the interns, we have some money for intern program and \$30,000 of that \$100,000 appropriation is going towards, Professional Services Contracts within that realm. The other category is decrease by \$14,600-That is predominantly driven by the Albuquerque rent, which is going way down. As you may recall, our Albuquerque rent last year was about \$90,000. We anticipate that being substantially less but some of that decrease was made up for by increases with DO-IT in GSD charges, which are mandatory. Mr. Hamilton indicated that he is prepared to answer questions and would recommend for the Board to approve the budget.

Chair Romero asked if any residual effect was in this budget, based on moving everybody back and shared services or will there be another, a change in the budget based on the consolidation effort?

Mr. Hamilton indicated the only residual effects for from the consolidation are in FY20 this fiscal year and that is going to be moving expenses in furniture expenses to go back to the Willie

Ortiz. Some of the furniture was old metal furniture which wasn't expensive to begin with. So when they started taking that off the walls, a lot of it broke and it was recycled and some was placed in Conex containers by correctional industry. So when we take that stuff out, we anticipate that a lot of it is going to go straight from the Conex containers into the recycle container. We would have to pay folks to help us with that. So those are the residual effects is moving back over to Willie Ortiz now after that in FY21, I don't foresee any residual effects with consolidation.

Director Coleman added that in the FY20, because consolidation was supposed to have moved forward based on the budget in 2018, that when the consolidated model went back to the agencies the structure at state personnel, which was a piece of the structure now became the full structure again. And so one of the reasons to ask for more money in the Professional Services Category is to make sure that we could satisfy all of our oversight in addition to the different programmatic that we would like to provide state government in order to decrease their vacancy rate across state government and also increase retention.

Chair Romero asked if the 15% forced vacancy rate specific to State Personnel? Mr. Hamilton explained that it varies by agency. He stated that he is speaking for the LLC and DFA with, so it might be out of turn, typically that I think they shoot from, 5 % and 7%. For an agency of the State Personnel's size, it's either 5% or 0%. I think we were relatively conservative when we asked for a 5% vacancy. Chair Romero asked if the out of state budget increase? Mr. Hamilton responded by saying not a penny. Chair Romero added that she thinks it's so important to benchmark against other states and for Director Coleman to know and to understand, be involved at a more at a national level. Hopefully there's enough money for her to travel and participate at a larger level.

Vice Manzagol moved to approve the FY21 Appropriation Request; seconded by Board Member Chavez. Motion carried unanimously.

IV. Salary Schedule Adjustments

Max Cordova, Senior Process Analyst with the State Personnel Office, presented the Classified Salary Schedule Adjustments. In House Bill 2, passed in the 2019 Legislative Session, lawmakers allowed for a 4% merit increase for all classified employees who earned a satisfactory performance rating and/or completed their probationary period. Eligible employees received the 4% increase in the first full pay period of FY20. Additionally, in Senate Bill 437, lawmakers approved increases to minimum wage at the beginning of each calendar year with a target minimum wage at \$12.00 per hour. The opportunity to adjust the salary schedules in conjunction with legislative actions will alleviate compaction issues and allow for complete hiring in the labor market. In maintaining salary schedules, the State Personnel Office will continue to survey all salary sources to monitor state employee pay. There will be no cost to implement these changes with an exception being for probationary employees that may be temporarily be below the minimum, but once they complete their satisfactory year they will be above minimum.

Board Member Chavez asked if the new hires that are below the minimum, will receive the increase after one year? Mr. Cordova explained that currently, these are new hires that are currently employed within the past few months, they will be below minimum until they complete the probationary period. Once they complete that with satisfactory performance, they will get the 4% increase and that will put them within the payband. Director Coleman added that is for employees who got brought in at the minimum. If anyone's brought in slightly above the minimum, they're not impacted, but they will receive the 4% upon satisfactory completion of their probationary period. Anyone who is currently at the old minimum, complete their satisfactory a year and then they will be at or above it. Chair Romero made a comment that she is hopeful that everybody is appreciative of a 4% increase. She knows everybody probably deserves more and she is a big advocate for state employees. But there's so many people out there that are not getting any type of any increase. She thanked Mr. Cordova and thanked everyone for all the hard work.

Board Member Chavez moved to approve Salary Schedule Adjustments; seconded by Vice Chair Manzagol. Motion carried unanimously.

V. General Public Comment

Chair Romero stated that at every board meeting we give people the opportunity to come forward for a couple of minutes and give advice the board on any issue they'd like to discuss. Two individuals signed up for public comment. First public comment was made by Cynthia Archuleta-Maestas with General Services Department in the Employee Benefits Bureau-Risk Management Division. She thanked the board for the opportunity to add to what Sandy Martinez was talking about on the climate change task force and to what the Vice Chair Manzagol mentioned about the vans, the commuter vans that used to be available. She thinks this would be a great opportunity to encourage commuting to save energy and for the benefits. The benefits department has a flexible spending program and offers employees' reimbursement, which is a pretax savings to their payroll deductions if they participate in this type of commuting programs. I think it would give us an opportunity to promote the program and encourage the savings to our employees while still helping with the climate change task force program. Ms. Archuleta-Maestas wanted the Board to know about the FSA program and would like to get employees to understand the benefit of the program. She indicated that if the State Personnel can encourage and show a true example of the cost savings in more ways than one. Ms. Archuleta-Maestas mentioned the Bureau Chief Amber Espinoza-Trujillo was present with her. Chair Romero asked if there was a representative from GSD on the task force was present? Ms. Martinez indicated that Secretary Ortiz was present.

The second individual, who signed up for the public comment, mistakenly signed up and was only in attendance of the meeting.

VI. Director's Report

Director Coleman begin with thanks to the State Personnel Board, the State Personnel Office, and the greater SPO family, and for their continued expertise, input and support. Director Coleman indicated that the State Personnel Office is officially in the new Albuquerque space- it's in the CYFD campus in, Albuquerque. The State Personnel Office will be back in the Willie Ortiz building and scheduled to move back the week of September 9th. The office will be back to the ground floor, and piece of the second of the basement floor. The rest of the basement floor will be occupied by other agencies within the administration as work is being done on other buildings.

Director Coleman stated that the Social Media Committee / Social Media Challenge launched – The first project, SPO's cross pollinating initiative was the Social Media Committee. The social media challenge launched two weeks ago. The first week was with DOH, they went front and center with the hashtag I serve NM (#ISERVENM) on all of their social media channels, including ours. The goal is to increase the visibility and message around how great it is to be a state employee and to drive more traffic for job opportunities. EMNRD went second this week followed by PERA. The State Land Office with Stephanie Garcia Richards with the entire state land office team sent a video saying that they are ready and next. This has shown a great deal of pride in state government employment. Also, the Business Intelligence Committee launched - Which was started by Max Cordova and Cynthia Sandoval, the two of them were leading that Committee. All committees are all a self-managed by staff, they'll come up with a project and then present it to leadership and then they'll run with it.

Director Coleman met recently with the Innovation Academy at UNM down in Albuquerque, it's a fantastic program at UNM, it's about three years old. SPO will pilot an innovation lab in October where the Innovation Academy will come and provide instruction. It will be pilot with probably two sessions with 30 state employees from across the administration. The idea is to introduce people to innovative techniques for how to look at current problems and challenges through a different lens.

Director Coleman indicated that DFA and State Personnel are currently working together to streamline process. Director Coleman recently met with Secretary Pia Jackson and Deputy Director Romero to come up with a process where they will share access to SPO's hub. It will help trim timelines dramatically with this partnership and we will be reissuing the General Memorandum from 2011 and 2014. That will be coming out in the next couple of weeks.

Director Coleman will be at the governor's office today, to let them know the budget that was just approved by the Board . She will talk to them about how to maintain our level of priorities with respect to the executive budget, that will go to the Legislature. In regards to the performance measures, Director Coleman met with Nicole Masia, DFA Analyst and Connor Jorgensen, Legislative Finance Analyst. They agreed an important performance measure is how many people can we get from the outside, into state government. How can we recruit people, hire them and retain them. The state has a lot of movement inside state government, we do a lot

hiring and promote inside. But we also have a large number of people from the outside who would like to come in. We would like for the opportunity to track those numbers, which LFC agreed.

Director Coleman informed the Board of C2 Requests, to activate more modules in SHARE HCM. C2 Requests are requests on how we want to spend IT money or how to get more IT money to implement those kinds of projects from a technology perspective. Director Coleman indicated that a rather robust submission was given on how we should increase the money spent on the Shared System, which is the internal software package that both Finance and HR use in New Mexico State Government. More to follow, but a pitch has been made to activate more of those modules, to bring more current HR practices in state government.

Director Coleman indicated that they are renegotiating the CBA / CWA. Meetings with CBA will be held on September 10th & 11th. Meetings with AFSCME will take place on October 15th & 17th. Sandy Martinez, Jeff Young, and Director Coleman along with Diego Erin Cohen, who is the labor advisor and now the current Deputy Chief of Staff to the Governor, are all involved in the negotiations.

Director Coleman indicated that the Governor's Cabinet in Your Community was held in Albuquerque in the Plumbers Hall on Saturday between 10-2. They were there in order to meet with constituents who wanted to either come in the door and have questions answered, they also had a phone bank available. The governor was there and met with constituents. This was the first of a series of Cabinet in Your Community as it will travel around the state.

Director Coleman was part of and attended the Clayton Rapid Hire event as the Clayton Penitentiary will be part of the state. The state will take over the penitentiary on November 3rd. Director Coleman attended the NMCD Graduation Ceremony for the resent class of cadets and the Corrections Academy folks really fantastic and passionate about their work.

Director Coleman indicated that the Internship Program has finished, Omar Cano and Billy Homer completed their internships with the State Personnel Office. The Intern Summit took place at the Roundhouse; many guest speakers spoke at the summit including the Governor.

Director Coleman stated the HealthCare Study continues and will be presented at the next regularly scheduled board meeting. Another item that will be presented is the APS/CPS classification study as those two areas have a lot of overlap in childhood protective services and the aging protective services. There has been a child protective services class study, but not an aging class study. It would be to standardize the APS and CPS classification structure. The State Personnel Office is working closely with ALTSD on the project. We're also working on statewide policies. The Fitness/Wellness policy has launched and close to launching the alternative work schedules, exploring educational assistance programs, exploring family friendly designation programs and will be meeting with True Connect, a low-interest loan program.

Director Coleman stated that the HR Council Trainings have been held, the Got Rules w/ General Counsel Jeff Young and the Mission Recruitment w/ Andrea Rivera-Smith. Next week's meeting will be Living in a Union Environment w/ Sandy Martinez. Director Coleman met with UNM HR Department Chair Shelly Arthur, she talked with her about other opportunities to provide a class or a different kind of training from her perspective, from the HR private sector HR world and figuring out a way that it could be best framed for state government. Trainers UNITE Meetings, led by Jamie Philips and Lizzie Irving. Strategies for Positive Management launched this week with input from SMEs across the administration it replaced fundamentals of supervision class. Now the meetings include more exercises, more time for discussions and reflection, we will continue to revamp all courses and introduce other courses.

Director Coleman indicated the DWS customer service is an additional customized onboarding and customer service training for state government to take advantage of. The LIVE On-Boarding is back on track and will work with Governor's office to continue to update the content on it. PERA & Benefits meeting with Wayne Propst, Executive Director with the Public Employees Retirement Association of NM and Clinton Nicely, Division Director for GSD in Risk Management. This type of meeting have never before held between the salary mission side of the house and the retirement side of the house and the benefits side of the house. It's always been separate. They met to talk about how we can best market the benefits globally.

Director Coleman stated that the Data Dive is underway with Andrea Rivera-Smith and Max Cordova, she stated that the State of NM is attracting a ton of outside candidates but for some reason we're not hiring them. We're hiring almost more internal candidates than we are external candidates. The numbers are so dramatically different, so we are now diving into those particular numbers and are going to design a training for hiring managers.

Director Coleman announced a new employee, Oksana Klapischak and an employee retirement, Stephanie Berenger. And a special thanks to Annette Lopez for her continued help with the board meetings.

Chair Romero was interested on the Healthcare study because APS and CPS as historically have been together in the same agency and now they are in separate agencies. Chair Romero stated that she was wondering how we've got so off track with compensation and job descriptions? Director Coleman responds that from what she understands for the child protection services, that there was a very intense push at the end of the last administration to remedy that out of whack pay structure, which got done to great effect. And that in the effort to push through at the end of the administration, there was not a holistic view as to who else might be, what other jobs might be impacted.

Chair Romero asked about the union contacts and what length of time will be for the new potentially union contracts. Director Coleman responded by saying that is still subject to negotiation and the last union contact was signed in late 2008.

Chair Romero talked about alternative work schedules and she remembers a lot of issues around it. Some positions cannot be on an alternative work schedule and some people would want to come in extremely early and then filing grievances because their position wouldn't allow for an alternative work schedule. Director Coleman responded that every one of these policies requires a submission by employees, supervisors, supervisor to secretary level. It is written in the policy in many different ways for every employee to hear/see it in different ways to understand that it's the business, the operation of the business on the agency comes first. Also an employee can't just say that they want to come in at midnight and work until eight, if their job is to answer the phones, that will not be permitted. We have instructed every agency who has a bargaining unit, two that they must, like for example, the fitness and wellness policy, remember if you have a bargaining unit, you must sit down with the union to make sure that you're on the same page. So just to your point to avoid the opportunity for filings of grievances. The alternative work schedule to Sandy Martinez's point earlier, this is one thing people want and it's an easy thing for us to do.

VII. Executive Session

Vice Chair Manzagol 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; and to include NMSA 1978, Section 10-15-1(H)(7) for pending litigation; seconded by Board Member Chavez.

Director Coleman called roll and all members voted in the affirmative.
Motion carried unanimously.

The Board met in Executive Session from approximately 10:56 a.m. to 11:20 a.m.

For the record, the matters discussed in closed session were limited to those specified in the Motion to close.

1) *Roberts v. NM Taxation and Revenue Department*; Docket No. 18-034-Clarification

After reconsideration of this matter and based on advice of counsel regarding relevant law and/or policies in *Roberts v. NM Taxation and Revenue*, Docket No. 18-034, **Vice Chair Manzagol moved to modify the Board's July 19, 2019 decision by adopting the Administrative Law Judge's Recommended Decision with the following amendments: 1.) The employee will be demoted with a reduction in pay effective October 27, 2018 2.) Reduction in pay will be set at 5%., from the effective date.**

Motion seconded by Board Member Chavez. Motion carried unanimously.

VIII. Litigation Update

Jessica Cooper, Administrative Law Judge for the Board, presented the Adjudication Litigation Update. In July and so far in August, Adjudication received 6 new appeals and disposed of 9. There are currently 33 appeals pending.

In addition, there are some updates on appeals of Board decisions: First, regarding the AG cases. As you recall, in May, the New Mexico Court of Appeals found that employees of the Attorney General's Office are covered by the State Personnel Act and entitled to the rights and benefits of classified status and remanded the case to the Board for a hearing consistent with that opinion. The Attorney General's Office tried to appeal the matter to the New Mexico Supreme Court, but on August 6, the Supreme Court denied the petition. Adjudication has not yet heard from the AG appellants, but we expect to receive a request to schedule a hearing in the near future. Copies of the Supreme Court's order denying the appeal for the Board members. Second, the Board's decision last month in the matter of Teresa Ortega v. New Mexico Regulation and Licensing Department has been appealed to District Court. As you recall, the Board upheld Ms. Ortega's dismissal on the basis of AWOL and job abandonment. The appeal was filed by Appellant Ortega and assigned to Judge Brian Biedscheid.

There is no dispositive action to report in the 4 other existing appeals.

Chair Romero thanked Ms. Cooper for the update and for the continued wonderful job that her and her team do.

IX. Other Business – Next Meeting Date: October 18, 2019 at 10:00 am. Chair Romero notes that there will be no board meeting in the month of September.

X. Adjournment

With no further business. **Board Member Chavez moved to adjourn the State Personnel Board meeting at approximately 11:24 a.m.; seconded by Vice Chair Manzagol. Motion carried unanimously.**

Approved by:



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

Attest:



Pamela D. Coleman, Director