



# 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  
July 19, 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 July 19, 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

#### Moment of Silence

Following the Pledge of Allegiance, Director Coleman requested that those in attendance stand for a moment of silence in light of a recent tragedy involving a previous State Employee.

#### 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

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

**Approval of Minutes** – June 14, 2019

**Vice Chair Manzagol moved to approve the June 14, 2019 State Personnel Board minutes, seconded by Member Chavez. Motion carried unanimously.**

**II. General Public Comment**

No individuals signed up for General Public Comment. Chair Romero stressed the importance of the general public comment and encouraged individuals to sign-up for it.

**III. Director's Report**

Director Coleman begins with thanks to the State Personnel Board, the State Personnel Office, and the greater SPO family, and for their continued expertise and input.

Director Coleman recognizes the attendance of Connor Jorgensen, Analyst, Legislative Finance Committee.

Director Coleman provides an update on the legislatively mandated 4% increase, plus one percent for employees making under \$25,000, that is to be implemented in FY 2020. Full implementation of these increases are to begin in the next pay period, which will be the first pay period fully of FY 2020.

Director Coleman provides a reminder of the outline of the Path Forward beyond HR Consolidation she provided at April's Board Meeting. She provides the following updates on the Path Forward.

All SPO employees that were to move back to agencies have done so. All staff, both at SPO and at agencies, are settling into new environments and looking towards the path forward.

Progress continues and is on track for a cost-reducing move from the current Albuquerque office space to a shared space in Pinetree Center. A telecommunications test is underway to determine whether reliable cellphone coverage obviates the need for landlines. Moving from the current space by the end of July would reduce FY 2020 operational costs by \$70,000.

Moving forward, SPO will serve not only its required oversight function but will also serve as a hub for the cross-pollination of ideas and initiatives among agencies.

One such initiative is the current Social Media Challenge that, with the approval of the Governor's Communications team, has been shared with all Cabinet Secretaries. The initiative challenges agencies to promote themselves, promote state government and is a valuable opportunity to help mitigate current recruitment difficulties.

The first of SPO's Speaker Series will showcase a presentation by Laura Liswood on her book

"The Loudest Duck: Moving Beyond Diversity while Embracing Differences to Achieve Success at Work". Liswood is an internationally renowned speaker whose session will be a great example of the knowledge that can be shared through the Speaker's Series.

SPO is in the process of creating its second committee, the Business Intelligence Committee. This committee will aim to use data analytics to inform business decisions.

Changes are being made to SPO's website at little or no expense. These changes aim to streamline navigation and are primarily aesthetic.

Progress continues rebuilding fraught relationships with labor unions.

A schedule for meeting with the Communication Workers Association (CWA) on collective bargaining has been made. The schedule sets two days of meeting for each week for the five weeks following the first week of September. It is expected that a new Collective Bargaining Agreement (CBA) will be reached with CWA by the end of calendar year 2019.

A schedule for meeting with the American Federation of State, County and Municipal Employees (AFSCME) is expected to be set by next week.

Director Coleman participated in a press conference with Governor Michelle Lujan Grisham, which marked the six-month mark of her administration assuming office. Six agencies were asked by the Governor to present at the conference, and Director Coleman spoke on behalf of SPO. The press conference did not simply highlight the improvements made under the administration, but aimed to transparently address the current state of affairs.

A rapid-hire event in Clayton was supported by SPO, Department of Workforce Solutions, and NM Corrections Department. The event not only aimed to fill new positions that will result from the transfer of ownership of a prison in Clayton from The GEO Group to the State of New Mexico, but was an opportunity for the state to demonstrate its commitment to the facility and the area.

Progress on the Internship Program continues as Andrea Rivera-Smith and her team work to make internships more robust and accessible. The Internship Program will attempt to run not only in the summer, but also in the spring and fall.

SPO welcomes its second intern, Billy Homer, who worked the first half of his summer with Tourism and will work the second half alongside Andrea Rivera-Smith.

A vacancy for Administrative Law Judge has been filled. Janelle Haught is an experienced lawyer who previously worked with the PNM, and served as Deputy General Counsel for NM Corrections Department under the Richardson administration.

Progress continues on the Healthcare Study. Despite the retirement of Amparo Juarez, who worked on Compensation and Classification, progress is on track for completion in early fall of 2019. Most subject matter experts have been consulted, and in the next two weeks the Job Evaluation Committee will provide input.

SPO continues to draft statewide policies that can be recommended to the Governor's Office. Fitness and wellness policies have been a focus and are near completion- they aim to support a healthier, happier, more efficient workforce. Alternative work-schedule policies are also being considered in conjunction with the Governor's Office. Education assistance programs are a popular request among state employees, and that too is under consideration.

The next Human Resources Council meeting will be held on July 29<sup>th</sup>. Jeff Young, General Council, SPO, will lead a training that provides an overview of State Personnel Boards Rules. Response to this training session has been remarkable, with all but one accepting the invitation.

Trainers from across the administration will meet for the fourth time in a group named Trainers UNITE. This group brings people together to share knowledge and collaborate on training and learning opportunities. Input from subject matter experts aids the process of updating trainings.

Progress on Willie Ortiz Building continues on schedule for a Sept. 1<sup>st</sup> move-in. SPO received word from Ken Ortiz, Secretary, General Services Department, regarding a new initiative, the State Buildings Green Energy Project. Under this project, both the Garrey Carruthers Building and the Willie Ortiz Building are scheduled to undergo "green" updates and upgrades such as transformer upgrades, improvements of temperature controls and air conditioning, HV ACs, low flow toilets, LED lighting. Work on the Garrey Carruthers Building will be conducted September 30<sup>th</sup> through April 9<sup>th</sup>. Work on Willie Ortiz will be conducted September 30<sup>th</sup> through July 22<sup>nd</sup>.

Director Coleman stands for questions.

Chair Romero mentions that previously policies similar to those discussed by Director Coleman were labeled "Family Friendly Policies". These policies typically included policies for alternative work schedules, fitness and wellness. Chair Romero questions the state and scope of currently implemented policies that might be termed family friendly policies.

Director Coleman responds that while some variation of family friendly policies exist in some departments, implementation of family friendly policies is not uniform across the administration. Previously, family friendly policies were undervalued, if not specifically prohibited. The current intent is to review options for consistent policy that prioritizes the business operation of agencies, but too is impactful and demonstrates to employees that they are valued.

Chair Romero adds that previously, a policy that aimed to help employees through an option for flexible schedules came to be abused by many employees. Managers had difficulty with consistently applying the policy and soon there was union involvement. She notes that a well-meaning policy became a convoluted and difficult matter.

Director Coleman responds that the alternative work schedule under consideration requires an employee to fill a form to request an alternative work schedule for a year at a time. Approval of a request for an alternative work schedule would be based on the business needs of the agency and requires manager/ supervisor, and Secretary approval.

Chair Romero expresses a particular concern for telecommuting policy and questions if such a policy is currently being considered. Director Coleman responds that a telecommuting policy is not currently under consideration. Director Coleman adds that many agencies make great use of teleconferencing technology.

Chair Romero expresses her support the Trainers Unite group, adding that similar groups had previously existed. She questions whether there is currently a "train the trainer training" that is run by SPO, or if this type of training now falls under the auspices of individual agencies.

Director Coleman responds that currently two SPO employees constitute SPO's "Training Team", which will be renamed the "Learning Team". Part of what this team does is coordinate the accessibility of trainings that every state employee is required to take. A required course on civil rights is available through an electronic learning module hosted by SHARE. There are other opportunities to integrate technology to increase the accessibility of trainings and to streamline the record of completed trainings. Part of what the HR Council and Trainers Unite aims to do is to increase the quality and frequency of information of trainings being conducted across the administration. Through these collaborative efforts, SPO looks to facilitate the sharing of the wealth of knowledge that is found in individual agencies.

Chair Romero questions if SPO is responsible for the documentation and maintenance of training records, or if this is a task that is delegated to individual agencies. She mentions social workers as an example of the necessity of maintaining records of trainings for the upkeep of valid credentials.

Director Coleman responds there is an initiative currently from SPO in collaboration with SHARE to coordinate SHARE being the platform for documenting and maintaining employee training records. This would allow an online record of, at least, an employee's completion of the trainings required of all state employees. Director Coleman adds that while she cannot comment specifically on the process for records of social worker credentials, the documentation and maintenance of training records that are position specific (i.e. not required of all state employees) is not completed by SPO.

#### IV. 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 10:26 a.m. to 10:56 a.m.

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

**1.) *Ortega v. NM Regulation and Licensing Department*; Docket No. 18-015**

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 of the Recommended Decision and the parties' exceptions to the Recommended Decision, if any, in *Ortega v. NM Regulation and Licensing Department*; Docket No. 18-015. **Board Member Chavez moved to adopt the Administrative Law Judge's Recommended Decision. Motion seconded by Vice Chair Manzagol. Motion carried unanimously.**

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

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 of the Recommended Decision and the parties' exceptions to the Recommended Decision, if any, in *Roberts v. NM Taxation and Revenue Department*; Docket No. 18-034. **Vice Chair Manzagol moved to adopt the Administrative Law Judge's Recommended Decision with the following amendments:**

The employee will be demoted with a reduction in pay. Reduction and pay will be set at 5%. This reduction on pay will commence on the date that the employee returns to the agency for employment.

**Motion seconded by Board Member Chavez. Motion carried unanimously.**

**V. Litigation Update**

Jessica Cooper, Administrative Law Judge for the Board, presented the Adjudication Litigation Update.

In the 4th Quarter of FY 2019, Adjudication received 14 new appeals and disposed of 16. There are currently 37 appeals pending.

In addition, the Board's decision last month in the matter of *Eric Luchetti v. New Mexico Corrections Department* has been appealed to District Court and assigned to Judge Francis Mathew. The Board was asked to make a decision on the amount of back pay owed to Mr. Luchetti, and that is now the issue on appeal.


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


**VI. Other Business – Next Meeting Date: August 23, 2019 at 10:00 am**

Chair Romero notes that there will be no board meeting in the month of September.

**VII. Adjournment**

With no further business. **Board Member Chavez moved to adjourn the State Personnel Board meeting at approximately 11:00 a.m.; seconded by Vice Chair Manzagol. Motion carried unanimously.**

Approved by:  
  
**Christine B. Romero, Chair  
State Personnel Board**

Attest:  
  
**Pamela D. Coleman, Director**