



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

State Personnel Board
Paul T. Yarbrough, Chairman
Christine Romero, Vice Chairman

Eugene J. Moser
Director

Nivia L. Thames
Deputy Director

Devon Day Chris Sanchez
Rebecca Long

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
March 5, 2012
9:00 AM**

Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board was called to order by Chairman Yarbrough at approximately 9:00 a.m. on March 5, 2012, at the State Personnel Office, Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Scott Summerfield

Roll Call

Eugene Moser, Director, State Personnel Office (SPO), called roll and a quorum was established with the following members present:

Paul Yarbrough, Chairman
Christine Romero, Vice Chair
Devon Day
Chris Sanchez
Rebecca Long

Approval of Agenda

Board Member Sanchez moved to approve the agenda, seconded by Board Member Day. Motion carried.

Approval of Minutes – February 10, 2012

Board Member Sanchez moved to approve the February 10, 2012, State Personnel Board meeting minutes, seconded by Board Member Long. Motion carried.

II. State Personnel Board Annual Open Meetings Resolution

Board Member Sanchez moved to approve the State Personnel Board Annual Open Meetings Resolution, seconded by Board Member Long. Motion carried.

III. Director's Report

Director Moser provided an update on construction projects around the building, as well as increased security for employees and the public.

SPO now has a fully functioning hearing room located on the lower level. The hearing room has been completely remodeled and set up with new furniture.

Over 65,000 applications have been processed in NEOGOV since its implementation in November 2011. Out of the 65,000 applications, approximately 18,000 applicants have met qualifications. Applicants now understand in order to be considered for a job, transcripts must be attached. Transcripts are critical when assessing a job because the level of degree assigns different pointage. Staff is also reviewing qualification standards to fit the needs of agencies.

Director Moser noted the NEOGOV system provides the ability to run reports and obtain data. Over the next year, SPO will be focusing on attracting younger people to work for the state of New Mexico. The average age of a state employee is 45 and the average age of new hires is 38.

Director Moser and staff met with Senator Pete Campos, president, Luna Vo-Tech, Las Vegas to discuss and evaluate the institution's HR program.

IV. HR Council Activity Update

Ken Giles, HR Operations Manager, State Personnel Office said in March 2011, the State Personnel Director selected 12 agencies and their respective HR managers to serve on the HR Council governance group to work in collaboration with the State Personnel Office in developing a statewide human resource framework that informs and influences all state of New Mexico's human resource management policy decisions. Agencies have been very receptive to the concept and appreciate direct access to the State Personnel Director.

Currently, the HR Council meets the fourth Thursday of each month at the State Personnel Office.

In August 2011, the HR Council helped in developing the FY12 strategic plan for the State Personnel Office. The Council is closely involved with completing the goals within the plan. Additional agency HR managers were also enlisted to assist with the numerous goals and timelines.

The HR Council currently has committees working on background checks, the employee evaluation process and a human resource handbook on personnel administration. Other areas for discussion include requesting members to identify State Personnel Board rules and regulations that may need possible revision.

The HR Council assisted in completing SPO strategic plan goals including minimum qualifications for each job classification and the role out of the NEOGOV insight on-line application process.

Mr. Giles noted as goals are completed, accomplishments will be presented to the Board.

Board Member Sanchez asked if there was a timeline for the background check study to be complete. Mr. Giles responded that a fair amount of research has been completed; however the committee is considering additional options. Board Member Sanchez asked if options would be presented to the Board for evaluation. Director Moser responded that the intent is to provide a background check for every state employee. Currently, background checks are provided by agencies that have safety sensitive positions. Director Moser expressed concern with sexual offenders and predators in rural areas.

Mr. Giles clarified that the scope of a background check for safety sensitive positions includes checking a data base for criminal activity, checking references and calling previous employers. Agencies or previous employers are required to fill out a release form when an applicant is interviewed so the agency is not held liable when discussing an applicant's employment. Director Moser added that criminal background checks for all selected applicants will be considered to look for felony convictions within the past three years. The cost to conduct a background check is between \$20 and \$25 per applicant. Chairman Yarbrough noted that state government should be held to the same standard as the private sector. Mr. Giles said the timeframe for initiating background checks is the beginning of the fiscal year. A more defined timeline will be provided at the next Board meeting. Director Moser added that the budget impact will also determine when background checks will begin.

Vice Chairman Romero asked if it was still a fourth degree felony to falsify a state application. Mr. Giles responded that falsifying an application is a felony; however he was uncertain as to what degree. Vice Chairman Romero asked if agencies were pursuing action against falsification of documents. Mr. Giles said he was not aware of any agencies taking action. Director Moser added that if needed, NEOGOV provides the ability to bar an applicant from applying for future jobs.

V. Training Council Activity Update

Sandy Martinez, Director, Labor and Training Bureau, State Personnel Office said in early 2011, the Training Governance Council comprised of 12 members from various state agencies was established. The Council oversees training to provide consistency throughout the state. Currently, state agencies have their own training bureaus to train their employees on various courses and material.

The Training Bureau has partnered with the New Mexico State University (NMSU) and the Secretary of State (SOS) to create an Ethics program. The intent of the program is to deliver mandatory Ethics training, on an annual basis, with refresher courses to all state government employees that coincide with the Governor's *Code of Conduct* ensuring long standing endeavors.

The bureau is also working on a Leadership Academy Program and is networking with various individuals across the state as well as state agencies and trainers. The program is scheduled to be up and running by the end of the year.

The bureau is reaching out to all educational institutions in the state that provide a continued education program, linking programs to the State Personnel Office website. Ms. Martinez noted she is scheduled to meet with the University of Phoenix to discuss partnership with the state to provide reduced tuition to government employees.

The bureau is also developing a Certified Public Manager (CPM) program and is participating in discussions with NMSU who has a nationally recognized certification program.

The Training Governance Council, in collaboration with the HR Council, is developing a Management Employee Performance (MEP) program to determine how employees are evaluated. Training material will be developed for managers and supervisors.

The Training Governance Council has five subcommittees that are developing courses on civil rights, new employee orientation, sexual harassment prevention, workplace violence and the MEP. The Council has approved the courses for civil rights and new employee orientation. It is intended to provide courses through e-learning or interactive learning.

Ms. Martinez noted the training bureau is in the process of setting up interviews for a new training director.

In response to Vice Chairman Romero, Ms. Martinez said former Governor Garrey Carruthers from NMSU was asked to present an ethics program entitled *Cowboy Code of Ethics*. The presentation has already been viewed by the Governor and her entire staff including cabinet secretaries. The continuing program and curriculum will be geared for the classified employees and includes examples of what someone might perceive as unethical. The program will be mandatory; employees will be required to sign an acknowledgement form as well as pass a test with a certain percentage point at the end.

Director Moser addressed the performance evaluation process and said there is nothing on the current form that ties an employee's evaluation and goals to an agency's mission. Employees are the biggest asset to an organization. All new managers and supervisors will be required to participate in an MEP training program.

Chairman Yarbrough congratulated SPO on the *Cowboy Code of Ethics* presentation.

Chairman Yarbrough asked if the training materials for the MEP program would require approval from the SPB. Director Moser responded that the training curriculum would be provided to the Board for informational purposes; however it does not require Board action.

Director Moser noted that during the 2012 Legislative session, HB2 was amended to include BAR language allowing the transfer of funds from agencies to SPO. Funding will allow the Shared Services Bureau to assume HR activities for small agencies.

Chairman Yarbrough asked if there were going to be substantive changes to the performance evaluation form. Ms. Martinez responded that the Training Governance Council has looked at the form and discussed it thoroughly and will continue discussions to make sure it is a form that doesn't become pain staking to the supervisor or the manager in its completion process while providing concrete tracking on an annual basis. Director Moser added that performance

evaluation is a continuous process and requires review of an employee's performance periodically during the year.

Ms. Martinez recognized the Training Governance Council for their hard work.

VI. General Public Comment

No public comment

VII. Executive Session

Board Member Long moved to go into Executive Session, pursuant to NMSA 1978, Section 10-15-1 (H) 2 and 3 to discuss the following personnel matters and appeals, seconded by Board Member Sanchez:

1. *Martinez v. NM Department of Transportation*; Docket No. 11-087;
2. *Ortiz v. NM Corrections Department*; Docket No. 11-089; and
3. *Garcia v. NM Department of Health*; Docket No. 11-057

Director Moser called roll and all members voted in the affirmative. **Motion carried.**

The Board met in Executive Session from approximately 9:57 a.m. to 10:21 a.m. The State Personnel Board discussed in closed session only those matters specified in the motion to close.

After careful consideration of the proceedings and the Administrative Law Judge's recommendation regarding *Martinez v. NM Department of Transportation*; Docket No. 11-087, **Board Member Sanchez moved to adopt the Administrative Law Judge's recommended decision, with the following addition:**

Pursuant to NMAC 1.7.12.16 (C), Patrick Gutierrez is prohibited from appearing before the Board or one of its hearing officers for a period of 12 months, beginning today, due to procedural misconduct as referred in the Recommended Decision.

seconded by Board Member Long. Motion carried.

After careful consideration of the proceedings and the Administrative Law Judge's recommendation regarding *Ortiz v. NM Corrections Department*; Docket No. 11-089, **Board Member Day moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Sanchez. Motion carried.**

After careful consideration of the proceedings and the Administrative Law Judge's recommendation regarding *Garcia v. NM Department of Health*; Docket No. 11-057, **Board Member Long moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Sanchez. Motion carried.**

VIII. Litigation Update

There were no additional updates to the written report provided to the Board.

IX. Other Business: Next Meeting Date: April 27, 2012

Chairman Yarbrough presented the State Personnel Board Operating Procedures and said there were slight changes to the document requiring Board approval:

Section VI, Meeting Procedures, Item E, add "at the discretion of the Chairman" after "...of an urgent nature," allowing for the flexibility in advance of a meeting; and

Section V, Meeting of the Board, Item F, delete "from time to time at the first meeting in January" and replace with "at the first meeting of the calendar year."

Board Member Sanchez moved to approve the State Personnel Board Operating Procedures as amended, seconded by Board Member Long. Motion carried.

X. Adjournment

With no further business, **Board Member Long moved to adjourn the State Personnel Board meeting at approximately 10:25 a.m., seconded by Board Member Day. Motion carried.**

Approved by:



Chairman Yarbrough
State Personnel Board

Attest:



Eugene Moser, Director