



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Eugene J. Moser
Director

Nivia L. Thames
Deputy Director

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

Devon Day Chris Sanchez
Rebecca Long

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
October 12, 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 9:04 a.m. on October 12, 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 Chairman
Rebecca Long
Chris Sanchez

Board Member Day was absent.

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



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Approval of Agenda

Chairman Yarbrough requested that agenda item IV, Public Rules Hearing: Amendment, Subsection M be moved after agenda item V, Classification. Board Member Long moved to approve the amended agenda, seconded by Board Member Sanchez. Motion carried.

Approval of Minutes – August 30, 2012

Board Member Sanchez moved to approve the August 30, 2012 State Personnel Board meeting minutes, seconded by Board Member Long. Motion carried.

II. Director's Report

Director Moser advised that the SPO budget hearing is scheduled for October 26, 2012 at 9:00 a.m. in front of the Legislative Finance Committee (LFC).

The SPO is moving to a Shared Services concept. The LFC granted authorization for budget transfers from agencies to SPO through memorandum of understandings in the amount of \$400,000 for FY13. SPO is focusing on agencies with 100 or fewer employees to provide human resource activities. The SPO will request additional authorization to increase the funding amount. Director Moser noted that many states are engaged in the same activity.

The SHARE (PeopleSoft) system is due for modification. Several changes and upgrades have been made to the software. There were a lot of issues with the design and the implementation of the system. Director Moser noted that the training approach is also inconsistent. The SPO installed a computer lab that is now fully operational. Staff hired in human resource positions is required to attend training and receive a password before they are allowed access to SHARE. The SPO is also communicating with other states to discuss and resolve issues. The SHARE executive committee is responsible for overseeing all SHARE activities.

Beginning in January, the Employee Self Service (ESS) module will be available for all employees. The module will allow employees to make changes to their personal information. In addition, the SHARE executive committee is looking at eliminated printed pay checks as much as possible.

The SPO will conduct a training session for cabinet secretaries and agency heads on NEOGOV, the hiring system and process. Since November 2011, the SPO has processed over 190,000 applications.

In response to Chairman Yarbrough, Director Moser said the timeframe for the ESS to be functional is approximately six (6) months. Testing and communicating to state employees is required prior to implementation.

Katie Thwaites, Legal Counsel, SPO has resigned. Chairman Yarbrough expressed appreciation on behalf of the Board to Ms. Thwaites for her hard work, dedication and guidance.

III. General Public Comment

No public comment. Chairman Yarbrough encouraged members of the public to address the Board with issues and/or concerns.

IV. Classification

- **Child Protective Services Series** – Cliff McNary, State Classification Manager, SPO presented 19 new job classifications for the Child Protect Services Series. These jobs currently exist in the Child Protect Services (CPS) system at the Children, Youth and Families Department (CYFD). The current classifications are misclassified under the Social and Community Service Coordinator - Basic, Operational and Advanced. CYFD and SPO agreed to change the emphasis from the investigations in this series of CPS from being one of the lower jobs to one of the most important jobs. The experiential qualifications were increased for the case worker, the investigations case worker, the case worker senior and supervisor providing a higher pay range opportunity. Mr. McNary noted the process of where investigations begin is crucial to the outcome of every child that comes into the Protective Services system in the state. Mr. McNary highly recommended approval of the Child Protective Services Series and Pay Bands as presented.

Helen Quintana, HR Director, CYFD commended Director Moser and the Classification and Compensation team, specifically Mr. McNary for their work. CYFD has had a high vacancy rate over many years and it has been difficult to overcome. Identifying specific roles and specific titles will help identify where staff is terminating and how to better retain them. CYFD wants the investigator role to be a role that people aspire to and not a role that people want to move from. The investigator role is a critical role because it deals with the most vulnerable people in the state.

Francine Anaya, Deputy Director, Child Protective Services, CYFD reemphasized the need for the most experienced staff in the field.

In response to Chairman Yarbrough, Ms. Quintana said the Child Protective Services currently has a 15 percent vacancy rate.

Board Member Long moved to approve the Child Protective Services Classification Series and pay bands as presented, seconded by Board Member Sanchez. Motion carried.

- **Chief Financial Officer** – Justin Najaka, State Compensation Director, SPO presented the Chief Financial Officer (CFO) classification. The CFO is a senior classified manager responsible for multiple programs and court functions within a department who executes the governor's and agency directors financial initiatives, goals and policies while working within the model accounting practices established by the Department of Finance and Administration (DFA).

By statute, the State Controller appoints an individual within an agency as the Chief Financial Officer; however there is currently not a classification for the role. The



proposed job description accurately captures the duties the CFO is responsible for by statute. The proposed classification includes three class titles; CFO I, CFO II and CFO III. The duties performed by the different levels are essentially the same; the differentiation between the three levels is the size of budget, the complexity of budget and the number of employees within each agency. The requirements for each level are very high and there are no substitutions. Mr. Najaka noted that a statement was added to the CFO II and CFO III indicating that preference will be given to an individual who possesses a Certified Public Accountant (CPA) license. Mr. Najaka recommended approval of the Chief Financial Officer Classification and Pay Band Assignment as presented.

Ricky Bejarano, State Controller, DFA thanked the SPO staff and noted that he has a good working relationship with staff overall. Mr. Bejarano added that in order to give preference to a CPA, they are required to be licensed in New Mexico. The classification series provides for a career ladder as a CFO and requires an individual to understand not only the accounting function, but the overall financial functions of an agency.

Board Member Sanchez moved to approve the Chief Financial Officer Classification and Pay Band Assignment as presented, seconded by Board Member Long. Motion carried.

- **Department of Transportation Managers** – Stuart Hamilton, Senior Compensation and Classification Analyst, SPO presented six (6) classifications within the Department of Transportation (DOT), Maintenance and Engineering Support Section. Specificity was added to the general classifications that previously existed. The pay bands have not changed and are budget neutral. Mr. Hamilton recommended approval of the newly formatted and detailed Department of Transportation Managers Classification as presented.

Gilbert Archuleta, Acting HR Director, DOT added that the department wants to make titles specific, especially when advertised. The classification series allows for an opportunity for career growth and aligns with the duty of the classification.

Director Moser added that the classification series is in line with the classification review through the Compensation and Classification Bureau for all jobs.

Board Member Sanchez moved to approve the newly formatted Department of Transportation (DOT) Managers as presented, seconded by Board Member Long. Motion carried.

- **Tax Information and Policy Specialist** – Justin Najaka, State Compensation Director, SPO presented the new Tax Information and Policy Specialist Classification and Pay Band Assignment. The classification was misclassified and undervalued. The classification is responsible for making independent determinations concerning tax ability. The minimum qualifications require a bachelor's degree in government, political science, public administration, business administration, taxation, journalism, English or creative writing and five years of experience in state taxation or public administration. These individuals also publish the tax manuals. Mr. Najaka

recommended approval of the proposed Tax Information and Policy Specialist Classification and Pay Band Assignment as presented.

Patricia Herrera, Director, Tax Information and Policy Office, TRD added the level of work is very extensive and the new classification will help in recruiting individuals qualified for these positions.

Mr. Najaka noted that currently there are three (3) positions that would be assigned to this classification; two (2) are currently filled and one is vacant. The current salaries are above the minimum of the recommended pay band; therefore there is no fiscal impact to the classification study.

Board Member Long moved to approve the Tax Information and Policy Specialist Classification and Pay Band Assignment as presented, seconded by Board Member Sanchez. Motion carried.

V. Public Rules Hearing: Amendment

- **NMAC Definitions, Subsection M** – Katie Thwait, Legal Counsel, SPO presented the proposed rule amendment to Subsection M of Drug and Alcohol Abuse, 1.7.8.7 NMAC. The SPO did not receive any written public comments on the proposed changes during the public comment period that ran from August 15, 2012 to September 17, 2012. Ms. Thwait clarified that language was added to include “health care providers” to the definition. Upon approval of the amendment, the rule will become effective October 30, 2012.

Board Member Sanchez moved to approve the amendment to Subsection M of Drug and Alcohol Abuse, 1.7.8.7 NMAC, seconded by Board Member Long. Motion carried.

VI. Executive Session

Board Member Long moved to go into Executive Session. 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; seconded by Board Member Sanchez:

1. *Whetsel v. NM Corrections Department*; Docket No. 11-101;
2. *Garcia v. NM Department of Transportation*; Docket No. 11-121; and
3. *Vega v. NM Taxation and Revenue Department*; Docket No. 11-122 & 12-008

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

The Board met in Executive Session from approximately 10:16 a.m. to 10:40 a.m. For the record, the matters discussed in closed session were limited to those specified in the Motion to close.

- After careful consideration of the proceedings and the Administrative Law Judge’s recommendation regarding *Whetsel v. NM Corrections Department*; Docket No. 11-



101, Board Member Long 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 Transportation*; Docket No. 11-121, Board member Sanchez moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Long. Motion carried.
- After careful consideration of the proceedings and the Administrative Law Judge's recommendation regarding *Vega v. NM Taxation and Revenue Department*; Docket No. 11-122 & 12-008, Board Member Long moved to adopt the Administrative Law Judge's recommended decision with the following modification: that the suspensions run consecutively and not concurrently for a total of 25 days, seconded by Board Member Sanchez. Motion carried.

VII. Litigation Update

Leonard Padilla, Chief Administrative Law Judge, SPO provided an overview of the outstanding appeals in the District Courts or other Courts that emanated from the State Personnel Board's decisions. Currently, there are 19 cases on appeal; of those ten (10) cases stem from decisions of the current Board and nine (9) are held over from the previous Board.

In addition, Mr. Padilla reviewed six (6) finalized opinions and order cases received from the District Courts. Chairman Yarbrough asked if cases reversed by the District Court can be remanded back to the Administrative Law Judge for an additional evidentiary hearing on a particular issue. Mr. Padilla responded that the statutes of rules are silent; the District Court could provide direction.

VIII. Other Business - Next Meeting Date: November 16, 2012

IX. Adjournment

With no further business, Board Member Long moved to adjourn the State Personnel Board meeting at approximately 11:24 a.m., seconded by Board Member Sanchez. Motion carried.

Approved by:


Chairman Yarbrough
State Personnel Board

Attest:



Eugene Moser, Director

