



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

Justin Najaka
Director

State Personnel Board
Christine Romero, Chair
Dennis L. Garcia, Vice Chair

Nivia L. Thames
Deputy Director

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
October 23, 2015
Minutes**

Megan Muirhead Jerry Manzagol

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at approximately 9:00 a.m. on October 23, 2015 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

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

Christine Romero, Chair
Dennis L. Garcia, Vice Chair
Megan Muirhead, Board Member
Jerry Manzagol, Board Member

Approval of Agenda

Chair Romero requested that several items on the agenda be changed. Agenda item IV a. and b. be reversed in order for the Executive Budget and Policy Analyst classification study request be heard first. Agenda item V. Reduction in Force, Department of Public Safety will be removed from the agenda at the agency's request because the three employees that would have been affected by the RIF have been placed in other positions.

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

Vice Chair Garcia moved to approve the amended agenda; seconded by Board Member Muirhead. Motion carried.

Approval of Minutes – August 27, 2015 & September 14, 2015

Board Member Muirhead moved to approve the August 27, 2015 State Personnel Board meeting minutes; seconded by Board Member Manzagol. Motion carried.

Board Member Muirhead moved to approve the September 14, 2015 State Personnel Board meeting minutes; seconded by Vice Chair Garcia. Motion carried.

II. Director's Report

Director Najaka provided the following updates:

1) Legislative Finance Committee (LFC) Budget Hearing:

On October 28, 2015 at 1:30, Director Najaka will appear before the LFC to present the FY17 SPO Budget request. Board Members are invited to attend the hearing.

2) SPO Staff Update:

Director Najaka informed the Board of two new hires. SPO Division Director Bernadette Quintana introduced Agency HR Services SPO Consultant Marisa Santistevan. Ms. Santistevan has a Bachelor's Degree in Government and was previously employed by the Federal government in the Human Resource Division of the US Census Bureau.

Director Najaka introduced Thomas Hare hired as the new Administrative Law Judge in the Adjudication Division. ALJ Hare was employed with the Law Office of the Public Defender in Alamogordo. He previously had his own practice as a private attorney.

Chair Romero introduced new Board Member Jerry Manzagol. Mr. Manzagol gave a summary on his experience that includes employment as a Personnel Technician at SPO, held positions at various agencies with the State of New Mexico as well as a position with Senator Jeff Bingaman's Office. Board Member Manzagol previously served on the SPB and advised he is very happy to be back on the Board, and looks forward to working with SPO staff.

III. General Public Comment

Connie Derr, AFSME, mentioned vacancy and retention issues at several agencies to include the Department of Corrections and Department of Health. Ms. Derr stated that because of the vacancies, employees are required to work overtime. Employees at the Department of Health are currently carrying a large number of cases. She stated that the existing agency vacancies are taking a toll on current employees. Ms. Derr said that the Unions would like to assist the State in recruiting and retaining employees. Additionally, she shared her concern about new employees being hired at higher salaries than current employees. Vice Chair Garcia asked if the Unions have addressed these issues with SPO



and Director Najaka. Ms. Derr stated that the Unions are currently at the bargaining table and these issues are being addressed but cannot be discussed because the Unions and State are still in negotiations.

IV. Classifications Studies

a. Department of Finance and Administration, Executive Budget and Policy Analyst Classification Series and Pay Band Assignments:

Amparo Juarez, Compensation, Benefit and Job Analysis Specialist, presented the request for approval of the DFA Executive Budget and Policy Analyst Classification Series and Pay Band Assignments. Ms. Juarez introduced DFA Deputy Cabinet Secretary Duffy Rodriguez. There are three levels of this series: Executive Budget and Policy Analyst Pay Band 65, Senior Executive Budget and Policy Analyst Pay Band 75 and Principal Executive Budget and Policy Analyst Pay Band 85. Positions are currently misclassified under several different classification titles. The current classifications do not correctly identify the true scope of the job. The uniqueness of these jobs are limited to DFA. These positions provide budget and policy guidance to the agencies. The request for the classification series will not have a fiscal impact. Deputy Cabinet Secretary Rodriguez thanked the State Personnel Office for their assistance.

Vice Chair Garcia moved to approve the DFA Executive Budget and Policy Analyst Classification series and Pay Band assignment; seconded by Board Member Manzagol Motion carried.

b. Department of Finance and Administration, Chief Financial Accountant Classification and Pay Band Assignment:

Amparo Juarez, Compensation, Benefit and Job Analysis Specialist, presented the request for approval of DFA Chief Financial Accountant Classification Series and Pay Band Assignment. The Chief Financial Accountant Classification is a position that is in the Financial Control Division at DFA. This position serves as an expert with the Comprehensive Annual Financial Report (CAFR) and provides training, consultation and modeling advice to 130 entities on their accounting systems and how the information is entered into the summary of the Financial Control Division. This position requires accounting technical expertise in order to understand the accounting systems. Ms. Juarez introduced State Controller Ron Spilman from DFA Financial Control Division. Mr. Spilman added that governmental accounting is one of the most difficult accounting activities because it encompasses all different levels of accounting. Chair Romero asked why the qualifications do not require a CPA. Mr. Spilman advised that a CPA certificate is not required for these positions because the background, education and experience are the key requirements and elements of this position. A CPA requirement would narrow the pool of applicants.

Vice Chair Garcia moved to approve the DFA Chief Financial Accountant Classification series and Pay Band assignment; seconded by Board Member Manzagol Motion carried.



c. Department of Cultural Affairs, Anthropologist and Archeologist Supervisor and Pay Band Assignment:

Cliff McNary, State Classification and Testing Manager, presented the request for approval of the Anthropologist and Archeologist Supervisor Series and Pay Band Assignment. Mr. McNary requested and recommends a supervisory classification approval. This request will join a list of approximately 138 supervisory classifications and this request will only impact five FTE'S at DCA, Office of Archeology Studies. Chair Romero asked if anyone from the Department of Cultural Affairs was present. Mr. McNary stated there was not. Chair Romero would like a representative from agencies to attend when requests for classification approvals come before the Board.

Vice Chair Garcia moved to approve the DCA Anthropologist and Archeologist Supervisor Classification and Pay Band Assignment; seconded by Board Member Muirhead. Motion carried.

d. Department of Veteran Services, Veterans Cemetery Interment Series and Pay Band Assignments:

Michael McEuen, Compensation, Benefits and Job Analysis Specialist, presented the request for approval of the DVS Veterans Cemetery Interment Series and Pay Band assignments. Mr. McEuen stated that the DVS will be responsible for four veteran's cemeteries in New Mexico. Mr. McEuen introduced Salvador Soto and Tom Wagner from DVS. The Veterans Interment Classification Series are the positions that will oversee the four cemeteries. The series includes: DVS Veterans Cemetery Interment Specialist I Pay Band 40, DVS Veterans Cemetery Interment Specialist II Pay Band 45, DVS Veterans Cemetery Supervisor Pay Band 60 and the DVS Veterans Cemetery Administrator Pay Band 70. The DVS Veterans Cemetery Administrator will be the director overseeing all four cemeteries. Each cemetery will have a supervisor and 2 DVS Veterans Cemetery Interment Specialists. Mr. Soto is the new appointed director of Administrative and Financial Services with DVS. The Department of Veterans Administration is allowing various states to apply for programs that will assist the states in maintaining the cemeteries. DVA is requiring states to staff cemeteries with state employees. Many veterans reside in rural areas of the State, in some cases VA cemeteries are often too far for families to travel for burials. Having cemeteries closer to veterans and their families will help to eliminate the need for traveling long distances. The VA has encouraged DVS to apply for a grant to develop State veteran cemeteries that will follow the same guidelines as federal cemeteries. State and federal cemeteries do not charge burial costs for veterans and eligible members. These positions are needed in order to operate and maintain the cemeteries according to VA standards. Staff hired into these positions will have to attend the VA academy. Vice Chair Garcia asked about specifics on the grant and asked if fully funding will become the responsibility of the State. Mr. Wagner stated the VA will supply 100% construction of the facilities and the State must take over the operation and maintenance of the facility to include staff. The VA will reimburse approximately \$730.00 per burial of each veteran for operational costs. The funding of cemeteries in FY2017 has been approved by DFA and LFC. DVS estimates there will be approximately 100-150 burials per year which would provide the State approximately \$100,000 reimbursement from the VA each year.



Vice Chair Garcia moved to approve the DVS, Veterans Cemetery Interment Series and Pay Band Assignments; seconded by Board Member Muirhead. Motion carried.

e. Aging and Long Term Services Department, Adult Protective Services (APS) Series and Pay Band Assignments:

Michael McEuen, Compensation, Benefits and Job Analysis Specialist, presented the request for approval of the Adult Protective Services (APS) Series and Pay Band Assignments. There are seven levels: APS Intake Worker Pay Band 65, APS Intake Worker Supervisor Pay Band 70, APS Investigative Case Worker Pay Band 65, APS Investigative Case Worker Supervisor Pay Band 70, APS Clinical Consultant Pay Band 70, APS Clinical Consultant Supervisor Pay Band 75 and APS Regional Manager Pay Band 80. Mr. McEuen introduced Myles Copeland Director and Mike Carrillo Deputy Director of Aging and Long Term Services (ALTSD). Director Copeland stated that the approval of this series would assist ALTSD in the retention and recruitment of these positions. The positions originally came from CYFD as Social and Community Service Coordinators. Since, these positions are so specialized; approval of this series will assist in recruitment of these positions and attract individuals with the required specialized training and experience to fill these jobs. There would be no fiscal impact with approval of this classification series.

Vice Chair Garcia moved to approve the ALTSD Adult Protective Service (APS) Series and Pay Band assignment; seconded by Board Member Muirhead. Motion carried.

V. Reduction in Force – Department of Public Safety (DPS)

DPS has withdrawn the request for a Reduction in Force at the Espanola Communications Center

VI. Executive Session

Board Member Muirhead moved that the State Personnel Board Meeting be closed. The authority to close the meeting is under Open Meetings Act NMSA 1978, Section 10-15-1 (H)(3), for deliberations in connection with an administrative adjudicatory proceeding for matters listed on the agenda; seconded by Board Member Manzagol. Director Najaka called roll and all members in attendance voted in the affirmative. Motion carried.

The Board met in Executive Session from approximately 9:49 a.m. to 9:54 a.m. For the record, the matters discussed in closed session were limited to these specified in the Motion to close.

1. *Tafoya-Lucero v. New Mexico Corrections Department*; Docket Nos. 15-054.

- **After careful consideration of the proceedings and the administrative law judges recommendations in *Tafoya-Lucero v. New Mexico Corrections Department*; Docket No. 15-054. The Board moves to adopt the Administrative Law Judge's recommended decision. Board**

Member Manzagol moved to approve. Motion seconded by Vice Chair Garcia. Motion carried.

VII. Litigation Update – Administrative Law Judges Jessica Cooper and Thomas Hare with the Adjudication Division:

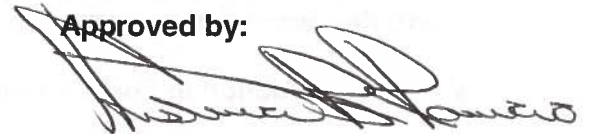
ALJ Cooper reported that in the first quarter of FY16, 11 new appeals were received and 38 disposed of. There are currently 37 appeals pending. ALJ Hare reported there are two notice of appeals filed with the District Court. One of the appeals is from the seventeen (17) Attorney General cases originally appealed to the Board in Landau v. the NM Attorney General's Office. The two appeals filed in District Court are Rodarte v. NM Attorney General's Office and Bond v. CYFD. There is no dispositive action in the remaining 7 appeals to District Courts.

VIII. Other Business – Next Meeting Date: December 3, 2015

IX. Adjournment

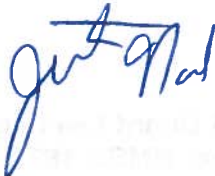
With no further business, **Vice Chair Garcia moved to adjourn the State Personnel Board meeting at approximately 9:56 a.m.; seconded by Board Member Manzagol. Motion carried.**

Approved by:



**Chair Christine Romero
State Personnel Board**

Attest:



Justin Najaka, Director