



# New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ  
GOVERNOR

**State Personnel Board**  
Christine Romero, Chair

Justin Najaka  
Director

Nivia L. Thames  
Deputy Director

**State Personnel Board Meeting**  
**State Personnel Office**  
**2600 Cerrillos Road**  
**Santa Fe, NM 87505**  
**July 21, 2016**  
**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 July 21, 2016 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  
Megan Muirhead, Board Member  
Jerry Manzagol, Board Member

### Approval of Agenda

Board Member Muirhead moved to approve the July 21, 2016 agenda with the following agenda items tabled to be addressed at a future board meeting: Agenda item II, Election of State Personnel Board Vice Chair and agenda item VIII. 1) Kicklighter v. Law Offices of the Public Defenders Docket No. 15-038-PD; seconded by Board Member Manzagol. Motion carried.

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**Approval of Minutes** – June 23, 2016

**Board Member Manzagol moved to approve the June 23, 2016 State Personnel Board meeting minutes; seconded by Board Member Muirhead. Motion carried.**

**II. Election of Vice Chair State Personnel Office**

This item to be tabled and addressed at a future Board meeting.

**III. Director's Report**

Director Najaka provided the following updates:

**1) Corrections Pay line/Classification**

Director Najaka advised that the Corrections pay line approved by the Board at the April Board meeting was implemented on July 2, 2016. This was a manual implementation and went well.

**2) IT Salary Structure**

On July 30, 2016, implementation of the IT Salary structure approved by the Board at the June Board meeting will begin. SPO staff has worked closely with agencies to prepare for this salary implementation.

**IV. General Public Comment**

The following individuals spoke to the Board concerning the Department of Cultural Affairs Reduction in Force (RIF).

In support of DCA:

Ellen Alan - Lincoln County Commissioner

Against the RIF and addressed the Board concerning the need for additional staff at Historical sites. Most general comments highlighted the importance of the sites in affected counties:

Ginger Moore – Retired business owner and Lincoln County volunteer

Herb Marsh – Lincoln County resident

Janet Saiers - President of State historical society

Mark Thompson – Archeologist and Curator of the Tijeras Pueblo Museum

Sally Calanter – no comment

Yvonne Lanelli – Resident of Lincoln County and volunteer

Sherry Robinson – Historian and Journalist

Martha Trujillo – Pojaque resident and former state employee

Mike Patel – State Tourism Department employee

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Kathleen Broyles – Los Luceros Milagro Initiative

The following individuals addressed the Board in support of the Special Investigators and Special Agent Classifications request:

Mark Torres - Office of Superintendent of Insurance, Detective, Criminal Investigator Advanced

Dawn Brown – Office of Superintendent of Insurance, Management Analyst

David Marks - Office of Superintendent of Insurance Detective, Criminal Investigator Advanced

Chair Romero requested a recess which was taken from 10:00 a.m. – 10:08 a.m.

#### V. Department of Cultural Affairs (DCA) Reduction in Force (RIF)

Maggie Samuel, SPO Consultant, Agency HR Services, presented the request for the Board's approval of DCA's RIF plan. In accordance with State Personnel Board Rule 1.7.10.9 NMAC Reduction in Force, DCA is requesting the Board's approval of the RIF plan to be effective August 13, 2016 and will affect 11 classified service employees. Ms. Samuel introduced Veronica Gonzales, Cabinet Secretary, Michael Delello, Deputy Cabinet Secretary, Dr. Jeff Pappas, Interim Historic Site Director, Greg Geisler, Chief Financial Officer as well as DCA Legal and HR staff, Division Directors and leadership staff.

The Department of Cultural Affairs (DCA) is experiencing a substantial FY17 budget shortfall that has forced the agency to implement a reorganizational plan. Due to decline of oil and gas revenues in New Mexico, DCA's budget has been significantly reduced in FY16 and FY17 and anticipates additional budget reductions in FY18. The agency has explored various options and is in the process of implementing numerous measures to reduce its operating budget to include:

- For museum and historic sites:
  - Reduce the numbers days open and operating hours
  - Increasing admission fees
  - Reducing number of free admission days
- Agency wide changes:
  - Freezing non-critical contracts, purchases at non-museum and Historic Sites divisions
  - Keeping vacancies open and only recruiting for critical positions

Although these pro-active measures will be effective, the agency must implement a RIF in order to carry out its mission. Secretary Gonzales has been working closely with all the DCA division directors and managers through this process. This plan will affect 4 positions in Santa Fe, 1 in Albuquerque, and 6 management positions within the Historic Sites Division at various locations throughout the State. Under this proposal, the Historic Sites Division will merge with the 8 Historic Sites to create 4 regional sites. The Regional Management Model is similar to that of the National Park Service. The agency has determined that this model would be cost effective for the division. To adopt this model, the agency has created 4 regions which require 3 Regional Site managers (Staff Manager) at a higher classification and pay equivalent to current individual site managers. Each site will operate as a "regional team" providing more comprehensive and constant services to multiple sites. The Regional

Site Manager positions have been created and are currently posted via NEOGOV. SPO Career Services representative Summer Valdez has been working closely with the affected employees to identify potential job opportunities, within state government, which they qualify for. Upon approval of the plan, SPO will issue an official notice of Reduction in Force (RIF) to the affected employees outlining the employees RIF reemployment rights afforded for six (6) months pursuant to SPB Rules. SPO will continue to make every effort to place employees affected by the RIF.

Secretary Gonzales expressed her appreciation on behalf of DCA to Director Najaka and SPO staff that has worked closely with DCA during this difficult budget challenge. She also thanked the advocates that had taken the time to attend the meeting and express their concerns. Secretary Gonzales said that 70% of DCA's budget is in personnel and DCA's budget relies on earned revenues. In FY16 DCA budget had a \$1.6 million shortfall and FY17 DCA's budget is \$2.9 million lower than FY16. DCA is predicting a shortfall in personnel costs and benefits of \$2.1 million. Following the Legislative session, DCA worked with all agency divisions to identify and offset cost savings measures. Even with the cost saving measures, DCA is still faced with a serious deficit. The RIF plan was a difficult decision and a last resort to address the deficit. Secretary Gonzales stated that she values staff and advised DCA's workforce is highly educated with specialized expertise.

Employees affected by the RIF were informed in May to allow them more time to seek other employment with Secretary Gonzales, Deputy Secretary Delello, CFO Greg Geisler and HR Bureau Chief Therese Quintana Doolittle personally meeting with respective staff. Several employees impacted by the RIF have expressed interested in retirement and DCA is working with PERA to obtain special consideration for employees that may want to retire before the new COLA rates take effect. Employees have also been given administrative leave for interviews and/or to take advantage of support services.

The RIF reorganizational proposal for the Historic Sites will eliminate 6 individual site managers and will create and recruit 3 Regional Managers at a higher classification and pay. Several affected employees have applied for these 3 positions.

Dr. Jeff Pappas provided the Board with information on how the reorganization of the Historic Sites Division will assist the agency in meeting their goals. This will be accomplished by eliminating the current silos that exist, raising authority levels and creating a better chain of command. The Historic Sites Division currently does not have a strategic plan; however, the division is currently working on putting a plan in place. The new higher classifications will assist in bringing in expertise to these positions. Secretary Gonzales also added that vacant positions at Lincoln, Fort Stanton, Coronado, Jemez, Fort Selden, El Camino, Taylor and Los Lucero's Historic sites will be filled.

Board Member Manzagol asked what the salary difference is in the salary of the Historic Sites Managers and the Regional Coordinators. Deputy Cabinet Delello advised the Historic Site Managers mid-point salary is \$23.31 hourly and the Regional Coordinators mid-point salary is \$26.13. Cabinet Secretary Delello said the Regional Coordinator job postings close on July 21, 2016 and several of the Historic Sites Managers have applied for the positions.

Board Member Muirhead asked what happens when the agency is no longer under budget constraints and will these positions be created and posted. Secretary Gonzales replied a strategic plan will be created within the Historic Sites Division to assist in addressing future staffing issues.



Secretary Gonzales said the FTE at DCA is 512 and there are currently 97.5 vacant positions. DCA's funding comes from General Fund, Federal monies and self-generating fund sources. Chair Romero would like an update at the August Board meeting as to the status of the employees affected by the RIF.

**Board Member Muirhead reluctantly moved to approve the Department of Cultural Affairs (DCA) Reduction in Force (RIF) reluctantly seconded by Board Member Manzagol effective August 13, 2016. Motion carried.**

Chair Romero called a 10 minute recess.

## **VI. State Investigators Classifications**

Michael McEuen, Compensation, Benefits and Job Analysis Specialist, presented the request for the approval of the State Investigators classification series. Mr. McEuen introduced committee members who assisted in developing the series. The committee members came from various agencies utilizing this classification. The positions are currently classified as Private Detectives and Investigators, Basic to Supervisor, pay bands range from 50 to 65. The two levels in the requested series are State Investigators that will be a pay band 65 and State Investigator Supervisor that will be a pay band 70. The new classification will affect 15 agencies and 69 employees.

**Board Member Manzagol moved to approve the State Investigators Classifications; seconded by Board Member Muirhead;. Motion carried.**

## **VII. Special Agent Classifications**

Michael McEuen, Compensation, Benefits and Job Analysis Specialist, presented the request for the approval of the State Investigators Classification series. The Special Agent classification carries a statutory requirement that an employee must be a New Mexico Certified and Commissioned Law Enforcement Officer or must be eligible by Certification of a Waiver. The positions are currently classified as Detectives and Criminal Investigators, Basic to Supervisor with pay bands ranging from 55 to 70. The Special Agent classification series will consist of two classifications and they are Special Agent pay band 70 and Special Agent Supervisor pay band 75. This new classification affects 5 agencies and 16 employees. The reason for the higher pay band in this classification is because the positions require an employee be a New Mexico Certified and Commissioned Law Enforcement Officer. Mark Torres, David Marks and Roberta Baca from the Office of Superintendent of Insurance were present to answer any questions the Board might have.

**Board Member Manzagol moved to approve the State Investigators Classifications; seconded by Board Member Muirhead;. Motion carried.**



**VIII. Executive Session**

Board Member Muirhead 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; second by Board Member Manzagol. Director Najaka called roll and all members voted in the affirmative. Motion carried.

The Board met in Executive Session from approximately 11:40 a.m. to 11:46 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. *Kicklighter v. Law Offices of the Public Defenders*; Docket No. 15-038-PD
  - The State Personnel Board asked that this item be tabled to be heard at a future Board Meeting
2. *Rivas v. New Mexico Corrections Department*; Docket 150-065
  - After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Rivas v. NM Corrections Department*; Docket No. 15-065, the Board moves to adopt the Administrative Law Judges' recommended decision in *Rivas v. NM Corrections Department*; Docket No. 15-065.; Board Member Manzagol moved to approve. Motion seconded by Board Member Muirhead. Motion carried.

**IX. Litigation Update – Richard Blumenfeld, Administrative Law Judge, Adjudication Bureau**

In FY16, the Adjudication Division received 51 new appeals and disposed of 76. There are currently 38 appeals pending.

There is no other dispositive action in the remaining 7 District Court appeals.

**X. Other Business – Next Meeting Date: August 24, 2016**

The Board requested that the August State Personnel Board meeting be changed to Wednesday, August 24, 2016.



**XI. Adjournment**

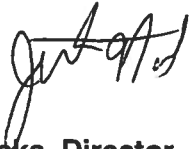
With no further business, **Board Member Muirhead** moved to adjourn the **State Personnel Board meeting at approximately 11:49 a.m.; seconded by Board Member Manzagol**  
**Motion carried.**

**Approved by:**



**Christine Romero, Chair  
State Personnel Board**

**Attest:**



**Justin Najaka, Director**



