



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

Dennis Garcia Rebecca Long

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
January 24, 2014**

Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board was called to order by Chairman Yarbrough at approximately 9:05 a.m. on January 24, 2014, at the State Personnel Office, Santa Fe, New Mexico.

Invocation Stuart Hamilton

Pledge of Allegiance Michael McEuen

Roll Call

Justin Najaka, Director of Compensation, 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
Dennis Garcia

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

Approval of Agenda

Board Member Long moved to approve the agenda, seconded by Board Member Garcia. Motion carried.

Approval of Minutes – November 22, 2013

Board Member Long moved to approve the November 22, 2013, State Personnel Board meeting minutes, seconded by Vice Chairman Romero. Motion carried.

II. Director's Report

Justin Najaka, Director of Compensation, SPO informed the Board that Director Moser was attending the National Association of State Personnel Executives (NASPE) mid-year meeting in Washington, D.C.

Mr. Najaka provided an update to the FY09 union lawsuit and said a multiagency taskforce is working on programming and testing for the disbursement of back pay. There are two phases to the project; the first phase will compensate 5,700 current state employees and the second phase will provide retro pay to 3,500 separated employees. Mr. Najaka noted that not all state employees are affected by the lawsuit; only those that were bargaining unit in FY09. Agency representatives met with the union to provide information on the status of the back pay for current and separated employees.

Mr. Najaka provided information on the 2014 legislature. The Executive is proposing an increase to targeted positions within state government; while the Legislature is proposing a 1.5 percent across the board.

Chairman Yarbrough noted that Devon Day resigned from the Board and thanked her for her work over the last three years.

Chairman Yarbrough introduced Dennis Garcia, new member to the Board. Mr. Garcia provided a brief background of his work experience.

Vice Chairman Romero asked if there was any anticipated legislation that would impact HR specifically. Mr. Najaka responded that there was legislation that was introduced specifically for the Retiree Health Care Authority, an ethics bill and an OIG bill, but nothing specifically for HR. Legislation will be tracked throughout the session.

It was noted that the Adjudication Division is fully staffed. Jessica Cooper, Administrative Law Judge and Richard Levine, Administrative Law Judge, SPO provided a brief background regarding their work experience.

III. General Public Comment

None. Chairman Yarbrough reminded the public to take advantage of this time to address the Board.



IV. Election of Officers

Vice Chairman Romero nominated Chairman Yarbrough to serve as Chairman of the State Personnel Board for 2014.

Board Member Long nominated Vice Chairman Romero to serve as Vice Chairman of the State Personnel Board for 2014.

There were no other nominations.

V. Open Meetings Resolution

Mona Valicenti, Assistant Attorney General, Office of the Attorney General explained that the Open Meetings Act requires that an Open Meetings Resolution be adopted on an annual basis. Ms. Valicenti noted that statute requires a final agenda be available 72 hours in advance for regular meetings and special meetings.

Board Member Long moved to approve the Open Meetings Resolution, seconded by Vice Chairman Romero. Motion carried.

VI. Operating Procedures

Mona Valicenti, Assistant Attorney General, Office of the Attorney General explained that pursuant to the provisions of the Personnel Act [Secion 10-9-1 to 10-9-25 NMSA 1978], the Board shall adopt Operating Procedures on an annual basis.

Board Member Garcia moved to adopt the SPB Operating Procedures, seconded by Board Member Long. Motion carried.

VII. Annual Review of Safety Sensitive Positions

Alicia Lucero, HR Consultant, Agency Human Resource Services Division, SPO presented the annual review of Safety Sensitive Positions in accordance with Designation of Safety Sensitive Positions, Subsection D of 1.7.8.9 NMAC.

In addition, in accordance with the Omnibus Transportation Employee Testing Act of 1991, Subsection D of 1.7.8.8 NMAC, the SPB shall be advised of the federally designated Omnibus positions in use within state agencies, to also include any additional positions that agencies have added or removed ensuring the 2014 totals are precise and the accurate number of positions and employees are properly tested on an annual basis.

Ms. Lucero recommended approval of the 2014 Safety Sensitive and Omnibus designated positions to include 4,611 Safety Sensitive positions, 1,080 Omnibus positions and 23 both Safety Sensitive and Omnibus positions for a combined total of 5,714 designated positions for all state agencies for 2014.

In response to Vice Chairman Romero, Ms. Lucero said that ten percent of safety sensitive positions are chosen on a random sample for testing. Federal guidelines outline testing for Omnibus positions.

Board Member Garcia moved to approve the 2014 Safety Sensitive and Omnibus positions as presented, seconded by Board Member Long. Motion carried.

VIII. Executive Session

Board Member Long 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; seconded by Board Member Garcia:

Mr. Najaka called roll and all members voted in the affirmative. **Motion carried.**

The Board met in Executive Session from approximately 9:14 a.m. to 10:01 a.m. For the record, the matters discussed in closed session were limited to those specified in the Motion to close.

Carr v. NM Regulation and Licensing Department; Docket No. 13-024 (Appellee's Motion to Reconsider Designation of Hearing Officer)

- After careful consideration of the Motion to Reconsider Designation of Hearing Office in the matter of *Carr v. NM Regulation and Licensing Department; Docket No. 13-024*, **Board Member Long moved to deny the Motion, seconded by Board Member Garcia. Motion carried.**

IX. Litigation Update

Ms. Cooper provided an update and said all appeals are scheduled for hearings. There are 21 new appeals, 15 disposed appeals and 46 pending appeals.

A report was also submitted in writing.

X. Other Business - Next Meeting Date: March 28, 2014

XI. Adjournment

With no further business, **Board Member Long moved to adjourn the State Personnel Board meeting at approximately 10:06 a.m., seconded by Board Member Garcia. Motion carried.**

Approved by:


Chairman Yarbrough
State Personnel Board

Attest:



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