



New Mexico State Personnel Board State Personnel Office

**SUSANA MARTINEZ
GOVERNOR**

Justin Najaka
Interim Director

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

Nivia L. Thames
Deputy Director

Megan Muirhead

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
January 16, 2015**

Minutes

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chairman Yarbrough at approximately 9:00 a.m. on January 16, 2015 at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

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

Paul Yarbrough, Chairman
Christine Romero, Vice Chairman
Dennis L. Garcia, Board Member
Megan Muirhead, Board Member

Approval of Agenda

Board Member Garcia moved to approve the agenda, seconded by Vice Chair Romero. Motion carried.

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Approval of Minutes – December 5, 2014

Board Member Garcia moved to approve the December 5, 2014, State Personnel Board meeting minutes, seconded by Board Member Muirhead. Motion carried.

II. Director's Report Interim Director Justin Najaka

2015 Legislative Session: The sixty day Legislative Session begins on January 20, 2015. There will be approximately 3000 bills introduced with 270 bills already pre-filed. Vice Chair Romero asked if any specific bills presented will directly affect the State Personnel Board. Interim Director Najaka stated he wasn't aware of any directly affecting the Board.

FY09 Back Pay Update: On Monday, January 12, 2015, 884 checks were issued. The next FY09 special payroll run is scheduled the week of January 26, 2015. The website has been updated to so reflect. Interim Director Najaka informed the Board that over 50% of the calculated payments have been issued and mailed out.

Chairman Yarbrough informed the Board that one of the unions updated its website and included his phone number so employees and retirees could contact him regarding back pay.

Public Employees Labor Relations Board (PELRB) Update: Interim Director Najaka notified the Board that the PELRB issued a notice of rule change to give PELRB the authorization to cite discipline on employees. This rule change would remove authority from the State Personnel Board in making decisions on recommendations provided to the Board by the Administrative Law Judge. SPO General Counsel Randi Johnson is preparing to comment at the hearings being held February 20, 2015. Ms. Johnson informed the Board that the information is on the PERLB website and this specific rule change would only take away concurrent jurisdiction so employees could appeal their demotions and dismissals to both PELRB and the SPB.

III. General Public Comment

No individuals signed up for General Public Comment

IV. Request to change April 24, 2015 State Personnel Board Meeting – Eve Banner

Upon review of the approved 2015 Board meeting schedule, SPO is requesting the April 24, 2015 State Personnel Board meeting date be rescheduled to April 30, 2015. The FY 2016 Operating Budget requires Board approval and is due to Department of Finance and Administration, Budget Division on May 1, 2015. Budget Division does not provide access to the Budget Review System (BRS), the program utilized to enter and submit the Operating Budget. Rescheduling the April Board meeting to April 30, 2015 will provide the time necessary to complete the Operating Budget, submit it to the Board for approval and prepare submission to DFA by the May 1, 2015 deadline.

Board Member Garcia moved to change the April 24, 2015 State Personnel Board Meeting to April 30, 2015, seconded by Board Member Muirhead. Motion carried.



V. Annual Open Meetings Act Resolution

Interim Director Najaka presented the request to approve the Annual Open Meetings Act Resolution.

Board Member Garcia moved to approve Annual Open Meetings Act Resolution, seconded by Board Member Muirhead. Motion carried.

VI. State Personnel Board Operating Procedures

Interim Director Najaka presented the request to approve the State Personnel Board Operating Procedures

Board Member Garcia moved to approve State Personnel Board Operating Procedures, seconded by Board Member Muirhead. Motion carried.

VII. Executive Session

Vice Chairman Romero moved that the State Personnel Board meeting be closed. The authority for closing 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 Muirhead.

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

The Board met in Executive Session from approximately 9:22 a.m. to 10:28 a.m. For the record the matters discussed in closed session were limited to these specified in the Motion to close.

1. *Martinez v. NM Children, Youth and Families Dept.* Docket No.13-062
 - After careful consideration in the matter of *Martinez v. NM Children's, Youth and Families Department* Docket #13-062, **Vice Chair Romero moved to adopt the administrative law judge's proposed Finding of Fact and further moved that the Board conclude as a matter of law that there is just cause for the discipline imposed and the Board direct Assistant Attorney General to prepare the Order in accordance with these decisions. Motion seconded by Board Member Muirhead. Motion Carried**

2. *Fernandez v. New Mexico Department of Health;* Docket No. 14-007
 - After careful consideration in the matter of *Fernandez v. New Mexico Department of Health* Docket #14-0007, **Board Member Garcia moved to adopt the administrative law judge's proposed Findings of Fact and further moved that the board conclude as a matter of law that there is just cause for the modified discipline of a thirty (30) working day suspension with reinstatement thereafter. Further, moved that the Board direct Assistant Attorney General to prepare the Order in accordance with these decisions. Motion seconded by Board Member Muirhead. Motion Carried**



3. *Beltran v. New Mexico Department of Public Safety*; Docket No. 14-029
 - After careful consideration in the matter of *Beltran v. NM Department of Public Safety* Docket #14-029, **Board Member Muirhead moved to adopt the administrative law judge's proposed Findings of Fact and further moved that the board conclude, as a matter of law that there is just cause for the discipline imposed and that Board direct Assistant Attorney General to prepare the Order in accordance with these decisions. Motion seconded by Board Member Garcia. Motion Carried**

VIII. Litigation Update - Administrative Law Judges Jessica Cooper and Richard Levine

ALJ Cooper provided the following update: At the end of the 2nd quarter of FY15, the Adjudication Bureau received 35 new appeals, deposed 35 old appeals and 35 appeals are pending.

ALJ Levine provided an update of SPO cases on appeal. No new cases or new records have been sent out. The two pending cases with no movement to date are Kneale vs. CYFD and Trillo v. CYFD.

ALJ Levine thanked the board for its attention and interest to the proposed PELRB rule change, and offered the Adjudication Bureau's assistance in this matter.

IX. Other Business – Next Meeting Date: March 27, 2015

Vice Chair Romero, Board Members Muirhead and Garcia thanked Chairman Yarbrough for his leadership and insight. Chairman Yarbrough stated it has been an honor to serve on the Board.

X. Election of Officers

Board Member Garcia nominated Vice Chair Romero to serve as Chairman of the New Mexico State Personnel Board for 2015.

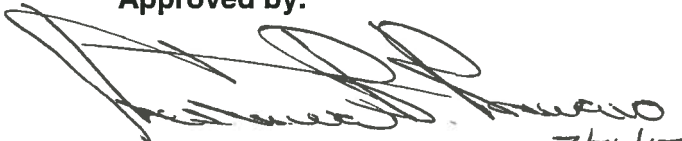
Board Member Muirhead nominated Board Member Dennis L. Garcia to serve as Vice Chair of the New Mexico State Personnel Board for 2015.

XI. Adjournment

With no further business, **Board Member Yarbrough moved to adjourn the State Personnel Board meeting at approximately 11:32 p.m., seconded by Board Member Garcia. Motion carried.**



Approved by:



3/26/15

Chair Romero
State Personnel Board

Attest:



3/26/15

Justin Najaka, Interim Director



