



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 Rebecca Long

**State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
October 28, 2013**

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 October 28, 2013, at the State Personnel Office, Santa Fe, New Mexico.

Invocation Stuart Hamilton

Pledge of Allegiance Justin Najaka

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
Devon Day
Rebecca Long

Approval of Agenda

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

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

Approval of Minutes – August 29, 2013/September 10, 2013

Board Member Long moved to approve the August 29, 2013, State Personnel Board meeting minutes, seconded by Vice Chairman Romero. Motion carried.

Board Member Long moved to approve the September 10, 2013, Special State Personnel Board meeting minutes, seconded by Vice Chairman Romero. Motion carried.

II. Director's Report

Director Moser reported that the Willie Ortiz building is currently in the process of being reroofed. The completion date is scheduled for the end of January 2014.

The SPO will make a presentation to the Information Technology (IT) Committee requesting funding for the digitization of personnel files. The retention of personnel files is 55 years; however, prior to the current administration, agencies were destroying records after three (3) years of termination. It is projected that the total cost to complete the project is over \$8 million.

Director Moser provided Board members with the FY13 fourth quarter workforce report and noted that in FY10 there were over 25,000 state employees. At the end of FY13, there were 23,000 state employees. In FY11, there were over 1,200 new hires; in FY13 there were over 3,100 new hires. However, because of changes to the retirement plans, 3,000 state employees have retired or left state government. The current compa-ratio for an employee in FY13 was 94.4 percent. Director Moser noted that compa-ratio is the midpoint of the pay range. The average state employee is at midpoint.

Director Moser introduced new staff and noted that the hiring process for new Administrative Law Judges in ongoing and interviews are currently taking place.

Chairman Yarbrough asked about the ability to supply laptops to Board members eliminating hard copies of agenda items. Director Moser advised that the budget is being evaluated to determine when funding will be available to accommodate laptops for Board members.

III. General Public Comment

Carl Shearer, inquired about the availability of open recruitment and how it is advertised. Chairman Yarbrough advised Mr. Shearer to access NEOGOV on the State Personnel Office website. Andrea Rivera-Smith, Division Director, Career Services offered her assistance to Mr. Shearer.

Joel Viarael, staff representative, AFSCME Council 18, provided public comment in regards to pay disparities and recruitment adjustments within the Children, Youth and Families Department and Department of Transportation (DOT). Recruitment adjustments have caused a lack of moral issues within departments. Mr. Viarael noted there has not been any movement within DOT and asked the Board to consider retention adjustments to alleviate disparities.

Chairman Yarbrough advised that the Board is aware of pay disparity issues. The Board also considers merit of performance rather than rewarding employees based on seniority. Director Moser added that the classification structure is being reviewed to address pay concerns.

IV. Safety Sensitive Position Removal – Energy, Minerals and Natural Resources Department

Alicia Lucero, HR Consultant, Agency Human Resource Services, SPO said in accordance with Designation of Safety-Sensitive Positions, Subsection D of 1.7.8.9 NMAC, the Energy, Minerals and Natural Resources Department (EMNRD) is requesting approval for an out-of-cycle request for deletion of one (1) safety sensitive designated position.

The EMNRD has requested that the safety sensitive designation be removed due to the position no longer performing law enforcement tasks.

Ms. Lucero recommended removal of the safety sensitive designation for position #00000554, Natural Science Coordinator-Operational.

Board Member Long moved to approve the removal of safety sensitive designation for position #00000554, Natural Science Coordinator-Operational, seconded by Vice Chairman Romero. Motion carried.

V. Classification

a. Forensic Series

Theresa M. Rogers, Compensation & Classification Analyst, SPO presented the Forensic Science Technician Classification series and said the Department of Public Safety (DPS) is requesting that the title be changed for the operational and advanced levels of the classification series from Forensic Science Technician to Forensic Science 1 and 2, respectively. Ms. Rogers noted that the basic level will not change. The title for Forensic Science Technician Supervisor will also change to Forensic Scientist Supervisor for consistency purposes. No other changes have been made to the classification; the job qualifications and other qualifications remain the same. Ms. Rogers recommended approval of the minor title changes, as presented. There is no fiscal impact to the title change.

Ms. Day moved to approve the changes to the Forensic Scientist Classification titles, seconded by Board Member Long. Motion carried.

b. Retirement Specialist Series

Michael McEuen, Senior Compensation & Classification Analyst, SPO presented the Retirement Specialist Series and indicated the series is brand new. The series affects the Public Employees Retirement Association (PERA) and the Educational Retirement Board (ERB) and consists of two levels; Retirement Specialist, Level 1, pay band 50 with an alternate pay band of 55 and Retirement Specialist, Level 2, pay band 55 with an alternate pay band of 60. The series also includes a Retirement Specialist Supervisor, pay band 60 with an alternate pay band

of 65. The new classifications will affect 11 positions, plus one (1) vacant position at the PERA and eight (8) positions plus one (1) vacant position at ERB. Mr. McEuen recommended approval of the job descriptions and pay bands as assigned.

Vice Chairman Romero expressed concern with the recommended education and experience for level 2. Mr. McEuen explained that the education and experience began with the previous series.

Board Member Day moved to approve the Retirement Specialist Series and pay bands as assigned, seconded by Board Member Long. Motion carried.

VI. Administrative Law Judge Vacancies

Refer to Director's Report

VII. Executive Session

Vice Chairman Romero 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 Long:

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

The Board met in Executive Session from approximately 9:43 a.m. to 10:20 a.m. For the record, the matters discussed in closed session were limited to those specified in the Motion to close.

1. *Rivera v. NM Department of Health*; Docket No. 12-105;
 2. *Cordova v. NM Corrections Department*; Docket No. 13-005;
 3. *Kneale v. NM Children, Youth and Families Department*; Docket No. 12-067;
 4. *Shearer v. NM Department of Health*; Docket No. 13-006;
 5. *Baca v. NM Correction Department*; Docket No. 12-052; and
 6. *Nance v. NM Corrections Department*; Docket No. 12-083.
- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Rivera v. NM Department of Health*; Docket No. 12-105, **Board Member Long moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Day. Motion carried.**
 - After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Cordova v. NM Corrections Department*; Docket No. 13-005, **Board Member Day moved to adopt the Administrative Law Judge's recommended decision, seconded by Vice Chairman Romero. Motion carried.**

- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Kneale v. NM Children, Youth and Families Department*; Docket No. 12-067, **Vice Chairman Romero 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 recommendations in *Shearer v. NM Department of Health*; Docket No. 13-006, **Vice Chairman Romero 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 recommendations in *Baca v. NM Correction Department*; Docket No. 12-052, **Board Member Day moved to adopt the Administrative Law Judge's recommended decision, with the exception that Finding of Fact 64 is stricken, seconded by Board Member Long. Motion carried.**
- After careful consideration of the proceedings and the Administrative Law Judge's recommendations in *Nance v. NM Corrections Department*; Docket No. 12-083, **Board Member Long moved to adopt the Administrative Law Judge's recommended decision, seconded by Board Member Day. Motion carried.**

VIII. Litigation Update

Director Moser advised that the FY09 AFSCME union lawsuit is ongoing. Information may be available for the 2014 Legislative session.

IX. Other Business - Next Meeting Date: November 22, 2013

X. Adjournment

With no further business, **Board Member Day moved to adjourn the State Personnel Board meeting at approximately 10:26 p.m., seconded by Board Member Long. Motion carried.**

Approved by:


Chairman Harbrough
State Personnel Board

Attest:


Eugene Moser, Director

