



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

Nivia L. Thames
Deputy Director

State Personnel Board
Christine B. Romero, Chair

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
January 23, 2017
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 9:04 a.m. on January 23, 2017, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation Armida Zamora

Pledge of Allegiance Michael McEuen

Roll Call

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

Christine B. Romero, Chair
Megan Muirhead, Board Member
Jerry Manzagol, Board Member

Approval of Agenda

Board Member Muirhead moved to approve the January 23, 2017, State Personnel Board agenda; seconded by Board Member Manzagol. Motion carried.

Approval of Minutes – December 8, 2016

Board Member Manzagol moved to approve the December 8, 2016, State Personnel Board meeting minutes; seconded by Board Member Muirhead. Motion carried.

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II. Director's Report

Director Najaka provided the following updates:

1. Human Resources (HR) Consolidation

The State Personnel Office is working with state agencies to consolidate HR functions, under one collective group. All HR functions will be handled which will include actions, transactions etc. The divisions will be called Centers of Excellence.

A Steering Committee has been formed in order to identify personnel, contracts and other aspects of the consolidation. Core work groups and sub-committees will also be formed.

Chair Romero asked if any bills were introduced during this legislative session in regards to the HR Consolidation. Director Najaka stated that no bills are needed since Governor Martinez has signed an Executive Order.

2. Fifth District Court

A hearing will be held in the Fifth District Court to determine the collective bargaining unit's declaration that SPO is not impasse in regards to negotiations.

3. Legislative Update

Moses Winston, SPO General Counsel, presented the legislative update to the board.

The following bills were introduced that may affect SPO:

Minimum Wage bills

Senate Bill (SB) 113 is a solvency bill which would allow for FY17 General Fund appropriation reductions, transferring money from funds and accounts to the FY17 appropriation account and the operating reserve account of the General Fund.

House Bill (HB) 83 provides employment protection for National Guard Members.

4. Reduction in Force (RIF) Candidates

Eight individuals that were affected by the four agency RIF's have not yet been placed in positions within the state government. RIF candidate Bernard Raymond, who was employed by the Treasurer's Office, was placed at the Department of Public Safety.

III. General Public Comment

No individuals signed up for General Public Comment

IV. 2017 State Personnel Board Operating Procedures

Armida Zamora, SPO Executive Assistant, presented the request for the approval of the 2017 State Personnel Board Operating Procedures. The request for the 2017 State Personnel Board Operating Procedures is pursuant to the provisions of the State Personnel Act section 10-9-1 to 10-9-25 NMSA 1978. The only changes to the Operating Procedures are the regulations governing the per diem and mileage act which went from \$0.46 to \$0.43.

Board Member Manzagol moved to approve the 2017 State Personnel Board Operating Procedures; seconded by Board Member Muirhead. Motion carried.

The request for the approval of the State Personnel Board Annual Open Meetings Act will be heard at the March State Personnel Board Meeting.

V. 2017 State Personnel Board Election of Officers

Director Najaka presented the request for State Personnel Board Election of Officers for 2017.

Board Member Muirhead nominated Christine Romero as Chair for 2017; seconded by Board Member Manzagol.

The Board moved to table the nomination of Vice Chair until the March State Personnel Board Meeting.

Board Member Manzagol moved to approve the 2017 State Personnel Board Election of Officers; seconded by Board Member Muirhead. Motion carried.

VI. General Summary Corrections for the IT Security and Compliance and the IT Architect Classification Descriptions

Cliff McNary, Compensation and Classification Testing Manager presented the request for the General Summary corrections for the IT Security and Compliance and the IT Architect Classification Descriptions. At the close of the Information Technology (IT) classification study, the IT Governance Committee determined that the language in the General Summary statements of the IT Architect and the IT Security and Compliance Administrator classification descriptions needed to be strengthened in order to emphasize the confidential nature of the work being performed. Chair Romero asked if these positions are specific to New Mexico Department of Information Technology (NMDOIT). Mr. McNary stated that there are twenty positions under these two classifications within State government. Agencies that use a large architecture development will utilize these classifications. Director Najaka stated that the IT Governance Committee was created at the end of the IT Study in order to assure that IT actions from agencies are reviewed on a weekly basis. This is a new process and is working well.

Board Member Muirhead moved to approve the General Summary Corrections for the IT Security and Compliance and the IT Architect Classification Descriptions; seconded by Board Member Manzagol. Motion carried.

VII. 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 9:24 a.m. to 9:38 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. *Gallegos & Adams v. New Mexico Children, Youth and Families Dept*; Docket Nos. 15-076 and 15-084, (*Consolidated*)

- **After careful consideration of the Administrative Law Judges' recommendations in *Gallegos & Adams v. New Mexico Children, Youth and Families Dept*; Docket Nos. 15-076 and 15-084, (*Consolidated*) the Board moves to adopt the Administrative Law Judges' recommended decision in *Gallegos & Adams v. New Mexico Children, Youth and Families Dept*; Docket Nos. 15-076 and 15-084, (*Consolidated*); Board Member Manzagol moved to approve. Motion seconded by Board Member Muirhead. Motion carried.**

2. *Trujillo v. New Mexico Department of Cultural Affairs*; Docket Nos. 15-052

- **After careful consideration of the Administrative Law Judges' proposed recommended decision in *Trujillo v. New Mexico Department of Cultural Affairs*; Docket Nos. 15-052 the Board moves to adopt the Administrative Law Judges' recommended decision in *Trujillo v. New Mexico Department of Cultural Affairs*; Docket Nos. 15-052; Board Member Muirhead moved to approve. Motion seconded by Board Member Manzagol. Motion carried.**

VIII. Litigation Update – Jessica Cooper, Administrative Law Judge, Adjudication Bureau

Jessica Cooper, Administrative Law Judge, presented the Adjudication update:

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In the second quarter of FY17, the Adjudication Division has received 12 new appeals and disposed of 15. As of January 23, 2017, there are 30 appeals currently pending.

There are two new developments to report in the current district court appeals:

In the appeal of Rojo v. DMA, Judge Mathew issued a Decision and Order on January 10, 2017, finding that Mr. Rojo's termination was arbitrary and capricious in the absence of progressive discipline. Accordingly, Judge Mathew remanded the case to the Board for a determination of appropriate disciplinary action. The agency has 30 days – or until February 9 – to appeal the district court decision to the Court of Appeals. Judge Cooper stated that she is not certain that such an appeal is being pursued, but she will monitor it closely. If an appeal to the Court of Appeals is perfected, the Board would not have to take further action in the matter until a ruling from the Court of Appeals is received. If no appeal of the District Court decision is made, an action item will be placed on the March agenda so that the Board can vote on how they would like to proceed in the matter.

In the Board's decision in the case of Kavanaugh v. CYFD, the case has been appealed to district court. The Board previously upheld Ms. Kavanaugh's termination on the basis of repeated poor performance. The appeal was filed by Appellant Kavanaugh and has been assigned to Judge Mathew.

There is no dispositive action to report in the remaining 7 appeals.

IX. Other Business – Next Meeting Date: March 31, 2017


The Board has requested that the next State Personnel Board meeting be changed from March 24, 2017, to March 31, 2017.

X. Adjournment

With no further business, **Board Member Muirhead moved to adjourn the State Personnel Board meeting at approximately 9:37 a.m.; seconded by Board Member Manzagol. Motion carried.**

Approved by:

**Christine B. Romero, Chair
State Personnel Board**

Attest: 
Justin Najaka, Director

