



# New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ  
GOVERNOR

**State Personnel Board**  
Christine B. Romero, Chair  
Jerry Manzagol, Vice Chair

Justin Najaka  
Director

Nivia L. Thames  
Deputy Director

State Personnel Board Meeting  
State Personnel Office  
2600 Cerrillos Road  
Santa Fe, NM 87505  
April 21, 2017  
Minutes

Megan Muirhead

## 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 April 21, 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  
Jerry Manzagol, Vice Chair  
Megan Muirhead, Board Member

To allow for the arrival of Board Member Megan Muirhead, agenda item II the Director's Report was moved to take place after roll call.

## II. Director's Report

Director Najaka provided the following updates:

### 1. Furloughs

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Director Najaka discussed furloughs and stated that the Governor has asked Cabinet Secretaries to put together a plan in the event that furloughs will be necessary. Currently there has not been a decision by the Governor to proceed with a furlough plan.

Chair Romero asked if the furloughs will be across the board or if only certain agencies will be affected and if the request for furloughs will have to be approved by the State Personnel Board. Director Najaka stated that the possibility of furloughs is still in the planning stages. The rule does state that the State Personnel Board approves the furlough plan, however, if an emergency furlough plan is requested the SPO Director may approve the request.

## **2. SHARE Upgrade**

The current SHARE system will be upgraded to SHARE 9.2. The SHARE system will be shut down at 5:01 on April 21, 2017

## **3. HR Consolidation**

The HR Consolidation is going well. SPO will be meeting with agency heads in preparation to start meeting with the agency HR staff members.

The committees is preparing to bring in the HR staff from the agencies to begin working on the project

Chair Romero asked when the movement of FTE's will be brought over to SPO for the HR Consolidation. Director Najaka stated the movement of FTE's will be on going.

## **4. Staff Update**

Two staff members have recently left SPO: Glenda Quintana, SPO HR Process Analyst Senior, retired; and Max Cordova, HR Process Analyst Senior, has taken a position with the New Mexico Department of Health.

### **Approval of Agenda**

**Board Member Muirhead moved to approve the April 21, 2017, State Personnel Board Agenda; seconded by Vice Chair Manzagol. Motion carried.**

### **Approval of Minutes – March 29, 2017**

**Board Member Muirhead moved to approve the March 29, 2017, State Personnel Board meeting minutes; seconded by Vice Chair Manzagol. Motion carried.**

## **III. General Public Comment**



Miles Conway, Communications Director for AFSCME Council 18 addressed the Board regarding the possibility of furloughs and the impact that this would have on state employees. In 2009 the State Personnel Board approved 5 furlough days over a period of five months. If the state does approve furlough days in 2017, it would be over an eight week time frame. This would have a serious effect on employees, especially employees who are earning an average of \$15.00 an hour. Mr. Conway stated that he felt that the furloughs are a bluff and will have a serious effect on employees and businesses around the state.

The union is hoping that the Board seriously considers the impact that furloughs will have on the state and considers creative solutions to offset the furloughs.

#### **IV. State Personnel Office Operating Budget**

Stuart Hamilton, SPO Chief Financial Officer, presented the request for approval of the FY18 SPO Operating Budget. The request for the FY18 SPO Operating Budget is from July 1, 2017- June 30, 2018. The FY18 budget is over \$4,000,000. This is a decrease of \$128,000., a 3% decrease. The General Fund was decreased by \$120,000, a 3% decrease from last fiscal year. Other Transfers account was decreased by \$8,500. Personal services decreased by \$139,800. and Contractual Services was increased by \$15,700. Other category account was decreased by \$4,600. Mr. Hamilton stated that the HR Consolidation monies are not factored into this budget. Chair Romero asked what SPO's current vacancy rate is. Director Najaka stated that SPO currently has 6 vacant positions. The budget request for FY19 will be on September 1, 2018.

**Board Member Muirhead moved to approve the FY18 SPO Operating Budget; seconded by Board Member Manzagol. Motion carried.**

#### **V. New Mexico Department of Public Safety (DPS) Reduction in Force (RIF)**

Marisa Santistevan, Agency HR Services Human Resource Consultant, presented the request for the approval of a Reduction in Force plan pursuant to SPB 1.7.10.9 NMAC for the New Mexico Department of Public Safety to be effective ~~July 1, 2017~~, for the Tucumcari Communications Center. Ms. Santistevan introduced DPS HR Manager Vicki Bowser and Emergency Communications Director, Terri Thornberry. This RIF plan is being requested due to an ongoing consolidation of Communications Centers and will result in the elimination of eight permanent classified positions, of these eight positions six are filled. Two of the employees have resigned. DPS has reviewed the agency's programs and vacancies to include the Central Communications Center and has concluded that streamlining of services is critical to the statutory function of DPS and eliminating older communication centers in their entirety. The work of the Tucumcari Communications Center will be absorbed by the Las Vegas Communications Center. Upon approval of the plan, the affected employees will be issued a letter outlining all post-RIF reemployment rights afforded for six (6) months by the SPB Rules. The SPO Career Services Division (CSD) is available to assist the employees to find a suitable position within state government. Once an employee has applied for a position, the CSD will contact the agency to facilitate interviews. The SPO has traditionally worked diligently and closely with all state agencies to place potential RIF candidates prior to the effective date of the RIF. Ms. Santistevan recommended the approval of the DPS RIF Plan. Board Member Muirhead asked if this is part of a long term plan.



Ms. Thornberry stated there will two (2) other centers that will be consolidated by the end of the year. Chair Romero asked the pay band of the positions. Ms. Thornberry stated the pay bands of the positions are a pay band 50 and also added that there is one (1) employee that will retire effective May 31, 2017 and one (1) employee who intends on retiring. This will leave four (4) employees affected by the RIF. The remaining employees that may be affected by the RIF have applied for other positions within state government.

**Board Member Muirhead moved to approve the Department of Public Safety RIF; seconded by Vice Chair Manzagol. Motion carried.**

#### **VI. New Mexico Workers Compensation Administration (WCA) Reduction in Force (RIF)**

Marisa Santistevan, Agency HR Services Human Resource Consultant, presented the request for the approval of a Reduction in Force plan pursuant to SPB 1.7.10.9 NMAC for the New Mexico Worker's Compensation Administration to be effective July 1, 2017. Ms. Santistevan introduced Director of Workers Compensation Administration Darin Childers and Human Resources Manager Cathy Farrell. The RIF plan is being requested due to the evolution of work processes that has left the remaining duties insufficient to justify a full time position for the proposed Management Analyst Advanced identified in the plan.

The WCA has reviewed the agency's programs and vacancies and has concluded the streamlining of services has enabled the department to eliminate this position. One (1) employee will be affected by the RIF. The SPO Career Services Division (CSD) is available to assist the employees to find a suitable position within state government. Once an employee has applied for a position the CSD will contact the agency to assist in facilitating interviews. The SPO has traditionally worked diligently and closely with all state agencies to place potential RIF candidates. Ms. Santistevan recommends approval of the RIF plan.

Board Member Muirhead asked if the agency could clarify the reason why this position is no longer needed. Director Childers stated that the position was originally hired to assist in the Uninsured Employer fund, however the duties of this fund have been moved to the Bureau Chief in the division. There are several positions within the agency that the employee has been encouraged to apply for.

**Vice Chair Manzagol moved to approve the Workers Compensation Administration RIF; seconded by Board Member Muirhead. 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 Vice Chair Manzagol.**

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



The Board met in Executive Session from approximately 9:39 a.m. to 9:50 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. *Montoya & Hill v. New Mexico Public Regulation Commission*; Docket Nos. 16-022 and 16-023

- After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Montoya & Hill v. New Mexico Public Regulation Commission*; Docket Nos. 16-022 and 16-023 (Consolidated). The Board moves to adopt the Administrative Law Judges' recommended decision in *Montoya & Hill v. New Mexico Public Regulation Commission*; Docket Nos. 16-022 and 16-023 (Consolidated) Vice Chair Manzagol moved to approve. Motion seconded by Board Member Muirhead. Motion carried.

2. *Martinez v. New Mexico Children, Youth and Families Dept*; Docket No. 16-003

- After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Martinez v. New Mexico Children, Youth and Families Dept*; Docket No. 16-003 the Board moves to table the Administrative Law Judges' recommended decision and request that the recommended decision be resubmitted with a copy of the order requiring installation of the ignition interlock device. Board Member Muirhead moved to approve. Motion seconded by Vice Chair Manzagol. Motion carried.

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

Jessica Cooper, Administrative Law Judge presented the Litigation Update. In the 3rd quarter of FY17, the Adjudication Division received 10 new appeals and disposed of 12. And so far in April, the Adjudication Division has received an additional three (3) appeals and, including the Board's decision today, disposed of four (4) appeals. There are currently 28 appeals pending. There is also one new development to report in the district court appeals. In the case of *Mary Griego v. New Mexico Corrections Department*, Judge David Thomson affirmed the Board's decision to uphold Appellant Griego's dismissal. This is a matter that came before the Board over five years ago, in December of 2011.

There is no dispositive action to report in the remaining 10 appeals.

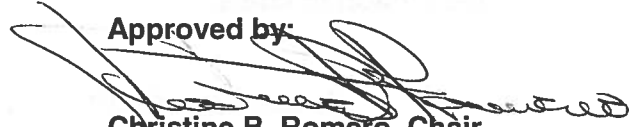
IX. **Other Business – Next Meeting Date: June 16, 2017**

X. **Adjournment**



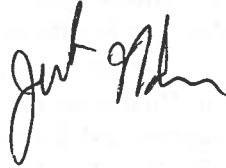
With no further business, **Vice Chair Manzagol moved to adjourn the State Personnel Board meeting at approximately 9:55 a.m.; seconded by Board Member Muirhead.**  
**Motion carried.**

Approved by:



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

Attest:



**Justin Najaka, Director**

