



NEW MEXICO
STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

L. Teresa Padilla
Director

State Personnel Board Meeting
Willie Ortiz Building
2600 Cerrillos Road, Santa Fe, NM
Thursday, March 30, 2023

State Personnel Board

Laura A. Liswood
Chair

David F. Cunningham
Vice Chair

Cristin M. Heyns-Bousliman
Member

Carol A. Parker
Member

Fred Radosevich
Member

MINUTES

Chair Liswood called the meeting to order at 9:01 a.m.

Director Padilla led the Pledge of Allegiance then called roll – Chair Liswood, Members Parker and Heyns-Bousliman, present. Vice Chair Cunningham and Member Radosevich, absent. Gideon Elliot present from the Attorney General’s Office as board counsel. Randi Valverdi from Montgomery & Andrews law firm was present for the Otero case.

Chair Liswood asked Ms. Forlizzi if there was anyone who had either signed up in person or emailed a request for Public Comment. Ms. Forlizzi stated there were no requests for public comment.

Chair Liswood amended the agenda to delete “Other Business”. Member Heyns-Bousliman moved to approve the agenda as amended, Member Parker second; roll call; motion carried.

Member Parker moved to approve the minutes of the February 10, 2023 meeting as written; Member Heyns-Bousliman second; roll call; minutes approved unanimously.

General Public Comment – no requests for public comment received.

Director’s Report

Director Padilla reported the highlights since the last meeting.

- It was a busy legislation session and House Bill 2 passed and is on the Governor’s desk for signature.
- SPO submitted a budget adjustment request to move revenue from FY23 shared services to the current fiscal year.
- HB 2 includes an average salary increase of 5% plus a 1% supplemental increase.

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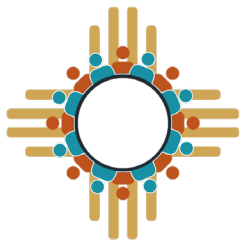
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- 73 summer internship opportunities across 16 agencies, including 2 at SPO. Largest group we've had in recent years. The positions are currently being advertised and will be finalized by the end of April.
- Staffing Updates: General Counsel selected Dylan Lange will start Monday, April 3. Interviews for the Labor Relations Manager position are being conducted. We are also interviewing for a Data Analyst position and an HR generalist.

Chair Liswood asked about the supplemental salary increase. Director Padilla explained there was a separate bill introduced by the Senate Finance Committee for an additional 1% increase to help offset cost of health care premiums which was then moved to House Bill 2.

Liswood had a general comment on internships reminding all about the importance of diversity. Liswood asked Ms. Forlizzi about the 6-month follow-up on the salary increases previously approved. Forlizzi stated there will be one follow up item on April's agenda.

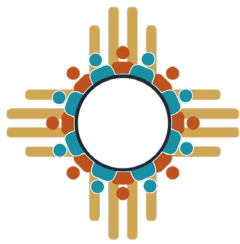
Approval of 2023 State Personnel Board Operating Procedures

Director Padilla presented the update with revisions discussed at the previous meeting including the board attending the meetings in person, a mileage increase and added procedures for public comment. Motion to approve 2023 Operating Procedures made by Member Heyns-Bousliman, second by Member Parker. Roll call; motion carried.

Training and Development Work Plan

Jaime Phillips – Training development manager presented the plan for 2023. Phillips gave a recap of 2022 priorities and the status and accomplishments.

- In July, 10 eLearning modules were launched with 150 graduates for the first class.
- Launched 3 additional instructor-led courses specific to the HR group.
- eLearning options – able to increase the offerings from 1 in 2022 to 47 courses offered by the end of 2022. Consistently good feedback regarding the opportunities. 5100 completions of courses in 9 months in eLearning modules.
- Create live learning using the eLearning modules.
- Another main priority continues to emphasize the importance of DEI. Able to include 1 course that addressed that specifically and made certain all eLearning was fully accessible.
- 2023 Plan includes:
 - continued leadership development and training.



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- Support for essentials in supervision and management. Ongoing programs are essential to develop leadership capacity. Bi-weekly micro learning opportunities (manager minute) and online leadership education program next month.
- Developing additional advanced leadership series.
- HR resources coursework - working with NM Edge program to develop new coursework for HR specific to state government. Curriculum developed for certification.
- Additional eLearning opportunities: we have added 14 courses so far this year and will add more courses in alignment with other training goals, 61 in total.
- DEI goals – we are working with diversity officer for 2023 courses development in DEIB. Launched a black history course on ELM.

Stand for questions

Member Parker asked how learners are accessing the courses. Dr. Phillips replied that it is her understanding that employees are given time during the workday as it allows to complete course work. Parker commented that, in essence they are being paid to learn and develop skills and competencies.

Member Heyns-Bousliman commented it is a great value added for the support and it is essential for supervision and management courses to continue.

Chair Liswood offered congratulations on how the training plan has evolved. Mentioned 5100 completions, do you have the full statistics of who is utilizing these trainings and how many employees have taken at least 1 course? Wide dispersion of employees completing the courses. Phillips will follow up and provide that data. Managers and HR professionals are utilizing the eLearning courses to help them identify and know how to better support their employees.

Chair Liswood confirmed that the numbers are across all agencies – what percentage of people in each agency? Phillips has the data and will pull that together. Liswood stated that will be very interesting to see those results. Liswood asked as a manager who is evaluating someone, would they know how many eLearning courses they took? Phillips stated learners receive a certificate for all programs completed and they recommend they provide that information to their managers. Self-assessment form employees can fill out in advance of



their evaluations, and they can include that information – self reporting. Been encouraging managers to ask their employees.

Liswood asked if you would want to add in a job description to obtain a promotion, to be required to take particular courses or specific classes. Ideal Candidate – for succession planning of aspiring managers to complete specific courses.

Director Padilla noted if we made it part of the job description and minimum qualifications, it could exclude those who are not currently state employees. There may be other ways to communicate it, may be able to include specific courses to be completed within the first year and could be monitored.

Member Parker agrees it would be wonderful to have a learning requirement within a timeframe.

Member Heyns-Bousliman – how are we measuring the success of essentials of supervision and management program?

Dr. Phillips replied that the team created an assessment of the program we administer to each graduate of the program, including their perceptions of the impact on their improvement of their skills in each area of the program. Assessing measures of success of the program and how the program completion may impact their desire to stay at the state. We have not followed up with cohorts, planned for this year.

Congratulate Phillips and her team for the work they are doing to benefit the employees in the state of New Mexico.

Adjudication Litigation Update

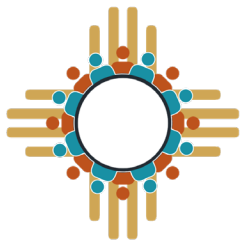
Judge Haught presented the litigation update:

For the first three quarters of the fiscal year the Adjudication Docket consisted of:

- 26 New Appeals Filed
- 37 Appeals Disposed

For the third quarter of the fiscal year:

- 7 New Appeals Filed
- 8 Appeals Disposed



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Presently:

- 10 Hearings Scheduled thru September
- 4 Appeals Pending Recommended Decisions
- 5 Mediations Scheduled
- 4 Appeals Pending Settlements
- 2 Appeals stayed pending District Court Procedural Issues
- 1 Appeal stayed pending Workers' Compensation case
- 3 Recommended Decisions presented to the Board today

The Adjudication Division presently has 28 Appeals.

Judge Haught presented a document entitled Roles & Responsibilities, to assist the Board with the Administrative Law Judges' role and the Board's role.

Chair Liswood asked if the Board has subpoena power and she deferred the question to AAG Elliot who will need to follow up.

Member Parker asked if hearings could be scheduled sooner than six months after the appeal was filed, which seems long. Haught explained that in order for the parties to submit a Stipulated Pre-Hearing Order (7 weeks) and engage in discovery, six months was the shortest time an appeal could be scheduled for a hearing. They are working on getting their decisions out sooner.

Executive Session

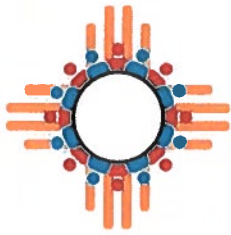
Chair Liswood moved to enter Executive Session; Member Parker second; roll call; motion carried. The board is off the record at 9:47.

Chair Liswood called the board back to general session and on the record at 10:17 am.

Motions on Administrative Appeals

1. *Landau, Amy, et. al., v. New Mexico Attorney General's Office (Otero, Lawrence Back Pay and Benefits)*; Docket No. 20-002.

Member Heyns-Bousliman moved to adopt ALJ's recommended decision as addended on January 18, 2023 to order the NM Attorney General's office pay Mr. Otero net back pay and benefits as outlined in the December 14, 2022 RD and 1.18.23 Addendum of the



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recommended decision within 45 calendar days of this final decision. Further, the board specifically declines Mr. Otero's invitation to set a precedent that back pay awards should be based on speculative potential increases that an employee may or may not have received. Member Parker second; roll call; motion is approved unanimously. Chair Liswood confirmed that AAG Elliot left executive session and outside counsel Randi Valverde was present for this matter.

2. *Padilla, Marcos v. New Mexico Corrections Department*, Docket No. 22-014

Member Parker moved to adopt the ALJ recommended decision to affirm the department's dismissal of appellant, Marcos Padilla. Member Heyns-Bousliman second; roll call; motion is approved unanimously.

3. *Baca, Roberta v. New Mexico Office of Superintendent of Insurance*, Docket No. 22-017

Chair Liswood advised that Director Padilla recused herself during this portion of Executive Session. Member Parker moved to adopt ALJ recommended decision to affirm to the ALJ's order dismissing Roberta Baca's appeal for lack of jurisdiction. Member Heyns-Bousliman second roll call; motion approved unanimously.

Next meeting to be held in person on April 28, 2023.

Chair Liswood asked that any board member has an agenda item for the next meeting, to please send that to Chair Liswood and copy Director Padilla.

Member Heyns-Bousliman moved to adjourn, Member Parker second; roll call. Chair Liswood extended thanks to all from SPO for all their hard work. Meeting adjourned at 10:24 a.m.

Approved:


Laura A. Liswood, Chair
State Personnel Board

Attest:


L. Teresa Padilla, Director
State Personnel Office