



NEW MEXICO
STATE PERSONNEL OFFICE

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Governor

L. Teresa Padilla
Director

State Personnel Board

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Vice Chair

Cristin M. Heyns-Bousliman

Member

Carol A. Parker

Member

Fred Radosevich

Member

State Personnel Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Friday, April 28, 2023

MINUTES

Procedural Items

Chair Liswood called the meeting to order at 9:00 am

Director Padilla led the Pledge of Allegiance and conducted Roll Call - Chair Liswood, Member Parker and Member Radosevich present; Vice Chair Cunningham and Member Heyns-Bousliman absent. A quorum was established.

Call for Public Comment – Chair Liswood asked Ms. Forlizzi if she had received any requests for public comment either via email or in person. There were no requests for public comment received.

Approval of Agenda – Chair Liswood stated that agenda item VI. Department of Corrections Class Study, is tabled. Member Parker moved to adopt the agenda as amended; Member Radosevich second; roll call; adopted as amended.

Approval of March 30, 2023 Minutes - Member Parker moved to adopt the minutes from the March 30, 2023 meeting as written; Member Radosevich second; roll call; Minutes adopted unanimously

General Public Comment – No requests received

Director's Report

Director Padilla gave the following report:

We have been working with our partners at DoIT on the system set-up for the FY24 Legislative salary increases. We're all set for the authorized 5% and a 1% supplemental increase. Eligible employees will receive the 6% combined increase, effective July 8, 2023. Guidance has been sent to agencies.

Address:

2600 Cerrillos Road
Santa Fe, NM 87505-3258

Phone:

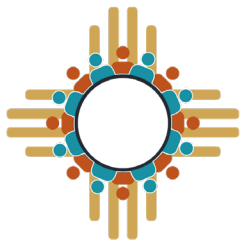
505-476-7759

Fax:

505-476-7949

Website:

www.spo.state.nm.us



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Staffing updates:

- Dylan Lange is our new General Counsel. He started on April 1 and is already running point on all things legal at SPO.
- Cynthia Sandoval has been promoted to Workforce Planning Director.
- We are still in the process of recruiting for our Labor Relations Manager as well as the Data Analyst, and Training & Technology Specialist.

Chair Liswood congratulated Ms. Sandoval and welcomed Mr. Lange.

No questions.

FY24 Operating Budget

Jaime Trujillo, ASD Director presented the FY24 budget reviewing the proposed budget and related categories.

The total budget for FY24 is \$4.518K which is \$400K higher than FY23 budget. The change reflects both the Compensation appropriation of \$218K and revenue of \$182K added for Shared Services.

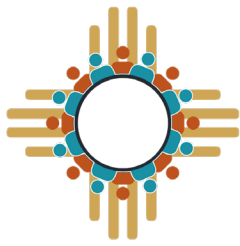
The budget categories have been adjusted in some cases to give a picture of where we actually spend our budget money. We provided more detail by breaking down some of the general category expenses.

Agency priorities in FY24 include:

- Continued expansion of training opportunities that encourage diversity in the workplace.
- Continued partnership with agencies to maximize talent acquisition efforts through paid marketing on social media platforms.
- Automating process of routing actions across agencies.

Budget remains essentially flat; no expense category has more than a 5% increase over FY23 and overall is more reflective of what and how we spend. Stand for questions

Member Parker asked about line items that had no cost in FY23 and in FY24 had an amount. Trujillo stated these are recurring expenditures and were broken down more to show actual categories.



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Chair Liswood asked Director Padilla if she felt this was reflective of what we need in FY24. Padilla replied yes, she feels confident about this cycle, our focus was to incorporate the Shared Services money into the 200 category of the budget. There were no department requests for additional funding and as a result, there are no cutbacks to personnel or programs. Until we spend all the budget, we cannot ask for more.

Member Parker cautioned the Board to be extremely well prepared with the budget request for the next legislative session.

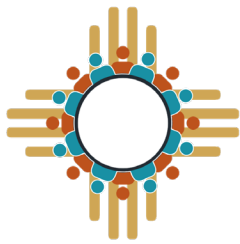
Member Radosevich moved to approve the FY24 operating budget as presented; Member Parker second; roll call – budget adopted unanimously.

Rotary Wing Aircraft Maintenance Technician Class Study

Melanie Morgan presented the request for approval of a new Rotary Wing Aircraft Maintenance Technician classification. Currently, the NM State Police (DPS) is the only agency utilizing a helicopter for their operations. As the candidate pool is small, it is extremely difficult to recruit and retain due to the specialization of the classification. The following subject matter experts came forward:

Lt. Victor Gallegos, commander stated one of the biggest challenges in aviation in general is not only recruiting but retaining in these positions. The foundation of the program is safety, and we rely heavily on the expertise and confidence of the technicians and the biggest challenge is keeping them. This recommendation is a commitment to them, and the citizens of NM as we have one helicopter for the entire state. When we go “wheels up”, we need to feel confident the aircraft is ready to go. This request is an attempt to not only recognize the current individuals, but to look at the future to maintain that level of commitment and quality.

Major Aguirre, Commander of Special Ops Bureau. Our helicopter needs to be ready to go at all times so it's important that technicians are compensated as they are few and far between. We have 2 rotary technicians for 24-hour coverage. The National Guard has 9 helicopters, they help us at times if it's determined our pilots have logged in the maximum hours, etc., we will turn the mission over to the National Guard.



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Captain Munoz, Captain for Special Operations Teams Commander – we have 2 technicians and with their pay they could get “poached” and literally go across the street to get more money. They are loyal, the best at what they do and want to stay, and we’d like to keep them.

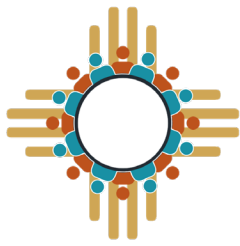
Chair Liswood asked about the turnover. Gallegos responded that they have experienced high turnover historically within the technician program and now we have 2 individuals who are committed to the program and the mission. They are experts in managing a digital tracking program which is highly technical. This proposal is a base of what we can do now to support them and is a good starting point.

Liswood asked what is the safety record? Gallegos stated that in 2009 they had a fatal crash and since then an initiative with new safety measures has been implemented and we have a 100% track record. We have implemented new training programs for pilots as well and are now shoring up the maintenance side. Successful to this point and the program is well on its way and this is a big step forward.

Sylvia Serna, ASD – we are excited about the proposal and a lot of work has gone into this recommendation over the last year with DPS and SPO, we feel that the reclassification is a sound request and is greatly needed. Chair Liswood asked about Pay Band 90 – are you comfortable with the average? Cordova stated the team had to address the sets of base pay. We can’t do sign-on or retention bonuses – the National Guard and Federal programs base pay includes bonuses, which makes the difference in the average base pay. This is a unique situation, from a safety and knowledge perspective. From a compensation perspective, we feel it is an appropriate place given the lack of other incentives available. Cordova emphasized this is a very limited applicant pool that has the qualifications, and he feels this proposal is solving the “poaching” issue as these individuals are very unique, and the technicians are getting offers from other agencies offering higher compensation.

Tim Johnson, Chief of State Police came forward and stated so much money goes into the mechanics training to fly safely. Important to be well trained and retained. The two individuals are committed to the mission, and we’d like to keep them for a very long time. We appreciate the work that SPO and the HR team have done.

Member Radosevich asked if this is enough? Gallegos reiterated that these individuals could go anywhere in the country, including the manufacturer. Gallegos commented that this is a good leap to PB90 for the agency.



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Director Padilla asked what pay band they were coming from, Cordova said PB75 and that PB90 is a good starting point to get them to a place which allows the agency to leverage other board rule tools such as MCOP's to empower the ASD for recruitment and retention. Radosevich stated this is such a critical role and the technology is advanced in so many ways. Member Parker added her support, please don't skimp in this area.

Liswood restated to the chief what you're hearing from the board is total support and "is this enough for the State?" Liswood stated we want to see if these increases have an impact – what follow up will be adequate? Ms. Serna stated one year's time will be appropriate, giving us time to review the entire picture so we can stay on track and move in a forward direction.

No further questions. Chair Liswood stated we appreciate all your efforts for what you do for the State of New Mexico.

Member Radosevich moved to approve the new class study; Member Parker second – roll call; motion passes unanimously.

Department of Corrections Class Study and Pay Band Review

Item tabled for the June 23, 2023 meeting.

State Personnel Office Learning and Development Specialist I Class Study

Melanie Morgan stated this is a new classification as recruitment proved there were two levels needed for the department to create an entry level position. SPO team recused itself from the job evaluation as the position is exclusive to SPO; HC Hawkins led the evaluation committee and determined the results. Stand for questions.

Jaime Phillips, SPO Training & Development Manager stated this is a new classification for the team. Trying to move our program forward within the field so we are defining our positions and hope this will help attract applicants; we have been short staffed for some time and are addressing this by changing classification to capture the responsibilities of the two positions more clearly – one is more instructional focused; the other adds advanced level responsibilities like eLearning development and requires close work with DoIT. Creates a career path with this addition. The goal is to expand the capacity of the training team and carry forward the ambitious programs.



Chair Liswood is this an entry level? Phillips stated, yes in a way, not meant to devalue it as the work is high level.

Does this create compression? Max Cordova – this series is on par and will bridge the gap between traditional trainers and will add a more in-depth application. The budget is sufficient as the classification is new, but the position is not.

Chair Liswood – would 6 months be adequate to follow up? Phillips stated yes, a 6-month check-in will be appropriate. Ms. Forlizzi asked to calendar.

Member Radosevich moved to approve the new classification as presented; Member Parker second; roll call – motion passed unanimously.

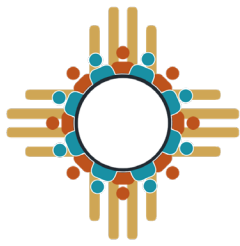
Department of Health Class Study Update –

HC Hawkins from DOH thanked the board for implementing the class study 6 months ago. The request was an increase in the pay bands for the first 5 levels on the salary schedule which resulted in giving a group of direct care positions, food servers and janitors all the same rate of pay. For DOH, direct care represents approximately $\frac{1}{4}$ of the positions who take care of patients as front-line staff in 24-hour facilities. Issue encountered in Heath Class series did not move up as the general schedule moved so direct care workers were moving to food service and/or janitors for the same rate of pay and had less liability.

The results show a 6% decrease in the overall vacancy rate. We have a slow and steady filling and maintaining of the positions – we have a long way to go, but this is a good start.

Chair Liswood asked what was being done for those who were “jumping ship”? We allowed them to, as those are essential roles as well. Direct care has a greater need. Food servers are stable and still need to build our direct care staff. Liswood then asked, did we create another problem when solving another? With the new salary schedule, a food server is appealing but direct care pays more. The recruitment process needs to catch up. We have addressed this issue and would like to see more effective utilization of the pay band and if there’s compression at the top end, we can adjust again. Hawkins stated DOH has requested additional funds for the series in the base budget for FY24.

Mr. Cordova stated this may have been too soon to follow up, a December follow-up will give us a better picture. Ms. Forlizzi will calendar this and ask for the department to provide a



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brief statement of what the situation was and what the results were in their report to the board on all follow-up reports going forward.

Adjudication Litigation Update – Janelle Haught, ALJ

Judge Haught gave the following report:

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

- 26 New Appeals Filed
- 39 Appeals Disposed

Presently:

- 8 Hearings Scheduled thru September
- 6 Appeals Pending Recommended Decisions
- 2 Mediations scheduled
- 4 Appeals Pending Settlements
- 2 Appeals stayed pending District Court due to procedural issues
- 1 Appeal stayed pending Workers' Compensation case
- 1 Recommended Decision presented to the Board today

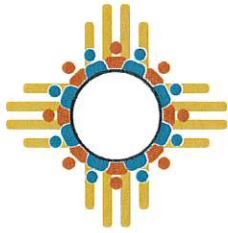
The Adjudication Division presently has 24 appeals.

Chair Liswood asked about the two appeals that are pending due to Procedural Issues. Judge Haught responded that one was an AG Appeal and the other had to do with a discovery dispute. Judge Baca and she run a tight ship and they are doing great and are quite happy with only having 24 appeals currently.

Executive Session

Chair Liswood moved that the board enter closed session as authorized by the administrative adjudication and pending litigation exceptions of the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3). Member Radosevich second; roll call; the board entered closed session at 10:15 and is off the record.

Chair Liswood stated the board is back in open session and on the record at 11:30 a.m. and pursuant to Open Meetings Act, NMSA 1978, Section 10-15-1(J) the matters discussed during the closed session were limited only to those specified in the motion for closure and that no votes or official actions were taken.



Motion on Administrative Appeal

Lucero, Ronda v. New Mexico Corrections Department; Docket No. 22-010

Member Radosevich moved to adopt the Hearing Officer's findings of fact and conclusions of law with additional findings based on review of the record. The Board's conclusions are based on improper time reporting which constitutes cause for the dismissal. The board therefore reverses the ALJ recommended decision. Member Parker second; roll call - motion carries unanimously.

Adjournment

Next in-person meeting will be held on June 23, 2023. Liswood reminded the board if they have other business for the agenda, please send items to Director Padilla prior to the meeting. Member Parker moved to adjourn; Member Radosevich second; roll call; meeting adjourned at 11:34 a.m.

Approved:


Laura A. Liswood, Chair
State Personnel Board

Attest:



L. Teresa Padilla, Director
State Personnel Office