



NEW MEXICO

STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

L. Teresa Padilla
Director

State Personnel Board

Laura A. Liswood

Chair

David F. Cunningham

Vice Chair

Cristin M. Heyns-Bousliman

Member

Carol A. Parker

Member

Fred Radosevich

Member

State Personnel Board Meeting

Willie Ortiz Auditorium

2600 Cerrillos Road

Friday, June 23, 2023 – 9:00 AM

MINUTES

Procedural Items

- Call to Order – Chair Liswood called the meeting to order at 9:00 am.
- Director Padilla led the Pledge of Allegiance followed by roll call where a quorum was established with all members in attendance: Chair Liswood, Vice Chair Cunningham, Members Heyns-Bousliman, Parker and Radosevich.
- Call for Public Comment - Ms. Forlizzi indicated there were no requests for public comment received either via email or in person.
- Member Radosevich moved to approve the meeting agenda as presented, Member Parker second; roll call; agenda adopted unanimously.
- Member Heyns-Bousliman moved to approve the April 28, 2023, minutes, Member Parker second; roll call; minutes of April 28, 2023, approved as written.
- Member Parker moved to approve the May 8, 2023, Special Meeting Minutes, Member Radosevich second; roll call; minutes of May 8, 2023, adopted unanimously as written.

General Public Comment – no requests received.

Director's Report - Director Padilla reported that the legislative salary increases were on track for implementation beginning with the July 8, 2023, pay period; the summer internship program is in full swing with over 50 interns working at various agencies across the state and several events planned for them over the summer. Padilla introduced SPO's summer interns Harvey McGuinness, Rhegan Glidewell, and Santino Chavez and welcomed new staff additions of Gilbert Luna to the training team and Nikko Sisneros returning from Environment. No questions.

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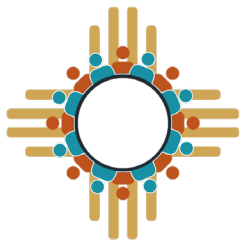
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Department of Public Safety (DPS) Class Study – Request for Approval

Melanie Morgan introduced the 2 new classifications which address the absence of appropriate classifications for Public Safety Telecommunicators (PST's). Public Communications Law Enforcement Instructors.

Speaking on behalf of DPS were Interim Director and Deputy Cabinet Secretary Benjamin Baker; Academy Manager, Gabriel Ortiz; and Academy Instructors Barbara Schalkofsky and Kelly Hampton.

Max Cordova commented on the severe vacancy rates a year ago and is pleased to hear about the results. Baker confirmed that in the 8 months and 22 days since the authorization, the department has gone from a 72% vacancy to a 14% vacancy. Proud of the effort in recruitment and retention and hope to continue that trend with the Board's support on today's topic.

Chair Liswood asked Mr. Baker to elaborate on the new law that is taking effect in July. Baker explained there will be a bifurcation of the existing Law Enforcement Training Act as it relates to the certification, regulation, discipline and training of law enforcement and communications officers. The Standards and Training Board will address job appropriateness, best training practices, and determine the job of police officers and dispatchers. The director of the Certification Board will be appointed by that board and autonomy will exist for the first time. A panel will be created to weigh in and vote on discipline and certification matters. Onboarding required 18 new positions and budget increases for 2 distinct boards.

Chair Liswood asked about the approach with this new law and development – how will this work? Mr. Ortiz answered, there is a lot encompassing this – with new boards and requirements, and with new instructors, we can do more training. We have a new simulator to train on use of force, deescalating situations, particularly mental health issues. We have unknowns and will tackle those as they come up.

Ms. Schalkofsky added training has changed, with new technology, between her and Instructor Hampton, we can assist in answering questions and ease stress.

Ms. Hampton added it's important that PST's certified instructors train PST's due to experience. They can explain, clarify, and provide important tools.



Chair Liswood asked how did you lower the vacancy rates? Mr. Ortiz answered, recruiting from across the state.

Vice Chair Cunningham asked what DPS is doing with psychological testing and how do you train on and combat excessive force matters. Baker said with 2 regulatory boards we will triple in size with SME's like never before. The rules governing the ingress will begin to be repealed and replaced. We are looking at what other methodologies we can employ to get the most suitable applicants and distill out those who do not honor the profession.

Member Heyns-Bousliman thanked SPO for the comprehensive material and thanked the presenters and the past work they are bringing to those impacted.

Member Parker – according to the information given, 60% of those working in Public Safety community outreach are trained under your auspices. Where are the other 40% trained? Hampton said the training was filled by adjunct instructors.

Baker added there is value to regional satellite academies, law enforcement has 9 of them. With the new board's curriculum and the satellite offices having appropriate staffing, we will be able to send full-time trainers to satellite offices to add value.

Member Radosevich stated he's glad we're coming up with new and better ways to do things. Commends Baker on getting this off the ground.

Vice Chair Cunningham asked what they are doing to coordinate the standards with other law enforcement entities on the pueblos?

Baker agreed there are weaknesses within the system. Many have a law enforcement career, retire, and then go work in different places. Universities and tribes often are the places they go. In some cases, licenses have been revoked by NM academy board because of the lack of requirements. The collateral consequence of that constituency needs to be corrected.

Chair Liswood asked is there a list published of those whose licenses were revoked? Baker said emphatically, yes and those lists are highly advertised and yet they are still employed. Liswood asked Ms. Forlizzi to schedule a follow-up report from DPS with a recap and results including the councils and boards. She also asked Mr. Ortiz to attend to report on the results.

Baker thanked the SPO team and appreciates the efforts of the entire team, they have been absolutely fantastic!



Member Radosevich moved to approve DPS class study; Member Heyns-Bousliman second; roll call; motion adopted unanimously as presented.

Department of Military Affairs (DMA) Cadre/Residential Advisor Class Study - NM Youth Challenge Cadre and JOB Challenge Academy - Request for Approval

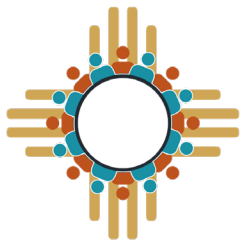
Melanie Morgan presented the DMA class study and introduced subject matter experts (SME's), General Miguel Aguilar and HR Managers Reyna Lovato and Jamie Bair.

Gen. Aguilar stated the request is a culmination of many years looking at this issue. The Youth Challenge program is a gem in the southern part of NM. We take 16–18-year-olds who are having a hard time and going down the wrong path. For 22 weeks the youth are trained in values, principles, and discipline. Cadre is the core of success. 24 hours a day is spent with the youth mentoring them and making sure they are taking care of themselves, understanding the importance of fitness, sleep, and nutrition, and instilling all the things that a successful individual can do. They love the job they do but cannot live off the current salary. This program is 75% federally funded through the Department of Defense. The federal guidelines use the GS8 pay scale and our pay band 45 is not even close to that pay scale. This classification will make us competitive.

Reyna Lovato HR manager who joined DMA 3- years ago stated Gen. Aguilar was focused on looking closer at how the Cadre was working. The positions were reviewed, and we found we weren't recruiting the staff needed as the compensation wasn't adequate based on required experience of military, corrections, and/or juvenile justice. DMA was fortunate that Director Padilla and team agreed to do a class study and we believe we found the right job category, size and pay band that equates to the federal pay scale.

Jaime Bair, Sr. HR Analyst for the Challenge joined DMA 2 years ago and they looked at the youth challenge academy and the position most out of line was the Cadre classification. In 2017, there was a class study which arrived at a pay band 45 for Cadre and 50 for supervisors. As a result, there was a 50% vacancy rate and constant turnover. The FY23 increased pay structures helped, resulting in only 6 vacancies. We are grateful to SPO for listening to the proposal, doing the analysis and job scope for the classifications at both academies.

Chair Liswood asked where do you get referrals for those who join the program? Gen Aguilar replied that the biggest referral is from family members or relatives of kids who have gone



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through the program or leaders in the community who are aware of the program. Word of mouth and they are working hard to grow the program and the public's understanding of it. We have the capacity to train 200 kids twice a year and we have 170 applicants for the course that begins in July and hope to have a class that graduates 100.

Liswood asked about the gender breakdown and Aguilar said traditionally it is 30% female – we are underrepresented in terms of female participants and are working hard to improve those numbers.

Max Cordova agreed that after reviewing the program, it is a great program, this was the perfect opportunity to review and rewrite the job description to reflect the current needs.

Vice Chair Cunningham asked if they had reached out to the courts who may have children that could benefit from the program? Gen. Aguilar said they recently met with Cabinet secretary at CYFD and are working with foster groups to try to get as many kids as possible into the program. Additional outreach is through public schools and counselors. The challenging piece is dropouts, and we need to make those connections with every school district in the state. We struggle in the large metro areas.

Member Heyns-Bousliman asked how many individuals are retired military? Almost none are retired, the vast majority have some level of military experience. She then asked about the recommended education and experience, which is the same for workers and supervisors with no reference to supervisory experience. Cordova explained that one of the positives about this structure is someone can go through the program as a participant, graduate and then can be promoted to supervisor with sufficient year of experience.

Member Parker asked if they are running 1 class or 2? Aguilar replied, they run the 22-week class twice per year (fall and spring). Parker confirmed that 75% of the funding comes from the Department of Defense. Aguilar explained the National Guard operates under a Master Cooperative Agreement (MCA). Employees receive pay raises as the legislature dictates. We pay the employee, provide benefits, and based on total cost, 75% is reimbursed.

Ms. Bair added that the National Guard Bureau created a staffing model and allotment for this program and because the state is running the program, we took the National Guard federal positions and created state classifications to align most closely with the federal jobs.



Analysis shows some of those are still out of alignment, so we are working on proper alignment.

Chair Liswood stated the board encourages increased outreach and exposure based on the capacity and huge need.

Member Heyns-Bousliman moved to approve the DMA class study as presented; Vice Chair Cunningham second; Director Padilla roll call; motion adopted unanimously as presented.

Energy, Minerals, and Natural Resources Department Class Study - Wildland Firefighter Series - Request for Approval

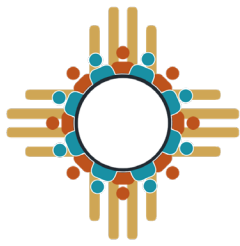
Melanie Morgan presented 5 tiers of leadership to meet the standards set forth by the Federal Wildfire Coordinating Group (NWCG) for the Hotshot crew designation.

Forestry Division Director Laura McCarthy reported due to the 2022 wildfire season, we reviewed the jobs needed and the Governor requested 2 additional Hotshot crews for FY24, and the legislators approved 40 positions and support positions. McCarthy thanked the SPO staff for working on this classification in record time and Director Padilla for enabling the team to do so, it has been a collaborative process and we are pleased with the outcome. All wildland firefighting is coordinated using national standards. Academic education proposed is secondary to experience and attainment of qualifications. Our exceptional panel of SMEs provided good feedback on the proposed draft as Hotshot designation takes many years to achieve. Recruitment has already begun as we have many from NM at the federal level wanting to come back to their home state. Tiers will help us achieve and allow for upward mobility within tiers as individual's qualifications are improved.

We anticipate 4 achievements with this job series approval:

- Add 44 new FTEs in this series in FY24 and reclassification of 25 existing positions;
- Increase the capacity as a state to respond to wildfires which will help to keep fires smaller, thereby reducing costs to the state;
- Attract quality applicants;
- Create a career ladder to retain firefighters based on experience.

Chair Liswood invited SME's up to find out their perspective on the proposal. First up was Dep. Director of Forestry, Lindsey Quam who stated this is a good thing, he's been in forestry for 25 years. Firefighting is on-the-job training; you can't learn it unless you do it. Experience



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is the key to this job and now we can provide a career path in firefighting. Recruiting those in underserved and small communities as well. We've been a training house for the federal government due to pay issues for a long time.

Resource Division Bureau Chief Vernon Muller has worked for the state for 25 years. We understand the forecast for the next couple of months, it is important to get the tier system approved which will aid in recruitment ahead of the season.

Chair Liswood asked how many more applicants will this approval bring in? Max Cordova explained that this is for a hot shot crew full time. Currently, there is a series of non-classified, temporary fire fighters, so the applicant pool is substantial. Ms. McCarthy added there is currently a pool of 150 potential applicants who are now on a "call-when-needed" basis.

Administrative Manager of Forestry Division Brian Holton has been working for the state 26 years and in forestry 3 years. This is a unique division and having highly qualified personnel to be able to respond both deep in the forest and in local communities is critical, we need to have the resources and ability to meet the need.

Vice Chair Cunningham asked about the federal component – how do we respond when a fire starts on BLM land? How do you interact with the feds? Ms. McCarthy answered that the state has been divided up on an interagency basis into initial attack zones. First known report of wildfire, we already know which fed or state agency has responsibility for the initial attack and often it is local government.

Member Heyns-Bousliman thanked the group for the presentation and SPO for their work. Member Radosevich commented on the phenomenal job they do and commends the state.

Liswood asked where and when do you train? Mr. Muller replied they train year-round in classroom settings and in the field. Every situation they respond to is a training opportunity. Mr. Quam is from the Zuni Pueblo, which has 8 field offices that do outreach and training. They have trained 1,600 volunteers.

Liswood asked Ms. Forlizzi to schedule a follow-up presentation in 1 year on recruiting success and overall impact.

Member Heyns-Bousliman moved to approve the class study as presented; Vice Chair Cunningham second; roll call; motion carries unanimously as presented.



Department of Corrections (NMCD) Class Study and Pay Band Review - Request for Approval

Melanie Morgan presented the new classifications of Chief of Security and the Correctional Warden (medium security.) To accommodate the two new positions, pay band adjustments have been made for better progression within the series. With this, the NMCD will have a more defined career path for the wardens and a clear distinction between the leadership of different sized facilities.

APD Deputy Director Tim Hatch reported that historically the Department of Corrections (DOC) has relied on private institutions. Private prisons housed medium custody inmates and the State housed lower and higher custody. We have determined a need for a higher level of warden for the more complex facilities.

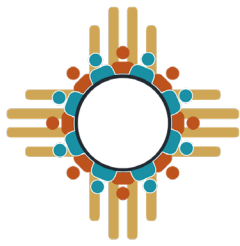
HR Bureau Chief Sharon Moreland explained the creation of these 2 new positions and adjustment in the pay bands is a better fit for the duties of these jobs.

HR Specialist Amanda Koschade stated when the state took over the additional facilities, they needed to create appropriate positions. This gives us a middle ground with more structure to accomplish staffing appropriately and acts as a steppingstone for career employees.

Chair Liswood commented often the board sees cases where there seems to be a military command culture. Perhaps there is a bit too much harassment, employees not respecting the population. What is the Warden's responsibility and does this ensure a harassment-free environment? Mr. Hatch agreed that the warden sets the tone for the culture. Chair Liswood asked about adding some language to reference the culture. Ms. Moreland agreed and with the addition of the Chief of Security in the larger prisons ensures more oversight in policies and regulations.

Liswood suggests language for all wardens to oversee culture. Max we can make that language part of it if approved today?

Vice Chair Cunningham commented that when investigating claims, HR is where it begins. Mr. Hatch agreed and stated they have made significant strides in the area; an independent office of professional responsibility investigating issues and how to do discipline. 40 individuals have been trained and designated as OPS certified instructors.



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Member Heyns-Bousliman asked HR people how challenging it would be to recruit if you required a degree? Ms. Moreland answered that some of the roles require experience in lieu of a degree. Requiring a degree over experience would negatively impact recruitment.

Amanda Koschade replied that they do recruit from universities particularly in criminal justice courses. If we have a cadet, right out of high school, they do not have a degree. A facility is a different atmosphere, so it is important to have job and environmental knowledge. We have more on-the-job training and recently hired a new director of the training academy and are developing specific courses to receive certifications.

Member Radosevich applauds you for what you do in corrections. The question and concern is how much supervisory experience does a warden need? A sergeant is not a supervisor, but to meet correctional setting in the minimum quals, they would meet a requirement, but may not count for the warden spot. Being a warden in today's world, he doesn't understand why management experience wouldn't be required. Without training, aren't we setting them up to fail? Koschade said they will take the recommendation and work with SPO.

Member Radosevich asked why is there resistance? We want to professionalize this agency. Max Cordova said the paramilitary structure is different. Mr. Hatch elaborated that Lieutenants and Sergeants do not have supervisory/management requirements and only fill posts that are more complex. Captains and majors are considered supervisory. Agrees that language regarding specific experience would be helpful.

Vice Chair Cunningham stated that the public perception is that wardens aren't trained and yet have the power. Why not make training part of the requirements? Ms. Moreland stated that may have been the previous hiring practices and that is not how we do business now. We strive to go by the book and assured the board that the wardens they hire are the best people for that job.

Chair Liswood would like a more robust definition of experience required. How many institutions did you take over and what are you seeing? Max Cordova didn't see anything regarding specifics when looking at the market surveys and stated that minimum qualifications can be adjusted outside of the meeting.

Liswood asked if she read this correctly that they are taking over 3 previously for-profit prisons which operate differently, what adjustments are you seeing? Hatch answered from the day they took over, most of the staff were concerned about what was going to happen.



They are now working toward a vested interest, our ability to provide facility and staff with safety equipment, uniforms, he has seen great things. Turned around after COVID. Morale is up, been able to diversify the management teams, opened the department up, recruiting is up and people are paying more attention and it is positive.

Member Radosevich asked about the vacancy rates in the correctional facilities? Ms. Koschade cited that overall, the vacancy rate is 26% and gave the breakdown by facility. Looking at ways to incentivize to improve recruitment including housing in remote areas. We have taken the populations from facilities with high vacancy rates and moved them to other facilities to help mitigate the impact.

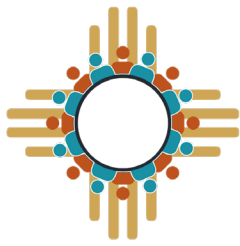
Member Parker moved to approve the NMCD class study and salary study as presented; Vice Chair Cunningham second; roll call; Member Radosevich voting no. Motion adopted.

Follow-up Report on Department of Game and Fish Conservation Officer Classifications - Max Cordova gave the recap and results over the year since approval of the class study and is happy to report 0 vacancies right now!

Maj. Colin Duff oversees the southern part of state – we have 0 vacancy rate from colonel to captain; we are in good position to move forward. Before the reclassification total vacancy of 20 officers (sergeants and below); FY23, total vacancy down to 18.

Maj. Rey Sanchez oversees the northern part of the state – moving forward, this is a game changer. Increased morale. Out of 8 recruits hired, lost 1 for other reasons. We will be able to catch up and are happy with this result and have the highest number of recruits. Once we train them, we will not lose to other agencies due to compensation. Important that the entire command staff, 6 of 8, will be retiring in a year or two, so this is helpful for future promotion and filling these positions. A year ago, there were 8 vacancies and now down to 2 and momentum is gained, we are one of the better paying agencies in the nation right now. Along with PERA, we are starting to see a lot of non-resident applicants. We appreciate what you allowed us to do.

Rebecca Archuleta joined the team in October and has seen a change in the last couple of months. The latest recruiting efforts have resulted in one of the largest applicant pools in a long time. We received 123 applicants; 96 passed minimum qualifications; 40-50 received



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invitations to move forward on physical and written tests; 23 of those showed up and we got 4 to the academy. Illustrates the process and we are working diligently to retain staff, including some who were eligible for retirement and decided to stay and extend their career. We may review educational requirements to include law enforcement experience.

Director Padilla applauded the efforts which have gained national recognition for recruitment campaign on social media. Another goal – diversity of recruits and that was a push and initiative as well.

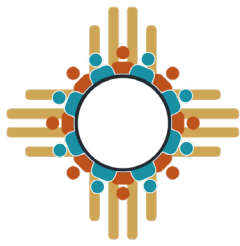
Maj. Sanchez said recruitment coupled with increased pay is helping the overall efforts. Member Parker encouraged continued outreach to community colleges, particularly in Santa Fe where there are lots of connections with land, wildlife, and the environment. Ms. Archuleta replied that they do go nationwide to reach out to recruits including events hosted with wildlife centers.

Chair Liswood asked have we seen any migration from other law enforcement agencies? Max Cordova replied if you look at these groups 2 years ago, the big issue was pay, we were not competitive and that has changed significantly. Now agencies can look at a different aspect of their needs. Now they can look at what kind of applicant they want and need. Collectively, we are seeing movement, but is not as prevalent as it was. Ms. Archuleta added our biggest competitor in the past was Park Ranger and EMNRD and now that we are both in the same classification, we are not seeing people jump from agency to agency. It has stabilized.

Chair Liswood stated it was a very encouraging story and thanked all for their efforts for the environment and the people of NM.

IT Structure Market Adjustment – Request for Approval

Max Cordova presented and stated for clarity, the current action is specific to IT salary schedule market adjustment and the following agenda item is for all salary structures. The initial IT salary structure was originally approved by the board in 2016 and since then there were no significant changes other than legislative increases. This is the first major IT salary schedule the state put forward to address the market and it was an initial step to getting where IT needed to be. A full review of all classifications looked at some of the issues that



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were persistent to IT (see apx 3, item 3). The salary schedule is so low, we cannot pay appropriately. IT is one of the hardest to examine as private industry has much overlap, there is not a lot of consistency. This study was long and extensive as we had to do an in-depth analysis requiring thorough examination. The proposed schedule will accomplish 3 things; it better reflects the state salary structure and promotional opportunities; addresses pay issues at the lower pay bands and creates a competitive entry point into the lowest level, essentially high school graduates. Note, there was a recent survey done about what people value and the biggest factor is that most employees want to feel they have a bright future in an organization. The changes proposed will contribute to that.

Chair Liswood is your point that the lower level pay bands needed to be adjusted up? Max Cordova replied, the first 2 pay bands were not reflective of the educational requirements for jobs at that level. Most professional IT workers are in the higher pay bands.

Vice Chair Cunningham asked how do you account for IT moving to other positions such as upper management? In his experience, they use their IT expertise to move. Cordova replied, the challenge right now is IT is everywhere – in every organization, and it is one of the most competitive sectors in the state. How do we ensure we keep leveraging IT expertise? How is CIO's expertise leveraged? Since it is no longer a pay issue, can they support the IT staff they have?

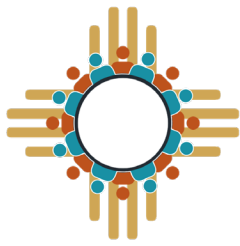
Member Heyns-Bousliman asked how many people did this push above max salary? Cordova replied, none as 25 people below minimum. After his review, they moved the range of the pay bands from 67% to 60% of mid-point which is more reflective of what is happening in the state right now.

Member Radosevich commented that it is interesting to see reducing these things as IT is a changing world and the middle ground in the middle structure is where we want to focus.

Member Radosevich moved to adopt the IT Salary Structure Market Adjustment as presented Member Heyns-Bousliman second; roll call; motion adopted unanimously.

Salary Structure Adjustments - Request for Approval

Max Cordova presented the request citing FY24 House Bill (HB) 2 signed into law included 5% across the board salary increases plus a 1% inflation offset for health insurance premium



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increases to be implemented in the first full pay period of July. Structure adjustments are in line with the change, moving the mid-point 6%. No questions.

Member Radosevich moved to approve the Salary Structure Adjustments as presented; Member Parker second; roll call – motion adopted unanimously.

Max Cordova thanked his staff and gave special recognition to Melanie Morgan, Melissa Gutierrez, and intern Harvey McGuinness for their contributions to the project.

Adjudication Litigation Update

Janelle Haught presented the update:

For the final quarter of this fiscal year, Adjudication had:

- 4 New Appeals and 7 Appeals Disposed

Although the 2023 fiscal year has not concluded, to date, Adjudication has received:

- 30 New Appeals; 49 Appeals Disposed

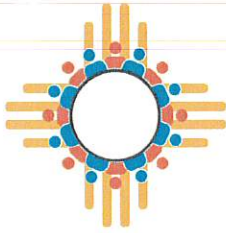
Presently, the Adjudication Division has:

- 7 hearings scheduled through November
- 4 Recommended Decisions pending
- 2 Mediations scheduled
- 2 Appeals pending settlements
- 2 Appeals stayed pending District Court procedural issues
- 1 Appeal stayed pending Workers' Compensation case

The Adjudication Division presently has 20 Appeals. After the Board issues Final Decisions on the two Recommended Decisions in front of it today, the Division will have 18 appeals. No questions for Ms. Haught.

Executive Session Chair Liswood moved that the Board enter closed session as authorized by the administrative adjudication exception of the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3). Member Heyns-Bousliman second; roll call and off the record at 11:55 am.

Chair Liswood called the board back to general session and on the record at 12:47 p.m. Let the record show that 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.



Motions on Administrative Appeals

1. *Deniz Berdine v. New Mexico General Services Department*; Docket No. 22-024

Member Parker pursuant to 1.7.12.22 NMAC, moved to reverse the administrative law judge's recommendation and reinstate the three-day suspension; modify the ALJ's conclusions of law Nos. 7, 8 and 9 to remove "did not prove" and replace with "did prove;" and remove the finding that the discipline was not reasonable and the paragraph on page 19 of the recommended decision that is contrary to this decision, as well as any other analysis in Section VI, finding of fact, or conclusion of law that is inconsistent with this decision. Member Radosevich second; roll call; motion carries unanimously.

2. *Mahlon Wigton v. New Mexico Human Services Department*; Docket No. 21-025

Member Radosevich pursuant to 1.7.12.22 NMAC, moved to adopt the Recommended Decision. Member Heyns-Bousliman second; roll call motion carries unanimously.

Adjournment Next in-person meeting will be held August 18, 2023, at 9:00 a.m.

Vice Chair Cunningham moved to adjourn; Member Heyns-Bousliman second roll call; Chair Liswood thanked all attendees and the State Personnel Office for their participation. Meeting adjourned at 12:52.

Approved:


David Cunningham, Vice Chair
State Personnel Board

Attest:



L. Teresa Padilla, Director
State Personnel Office