



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
August 25, 2017
Minutes

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

Megan Muirhead Carmen V. Chavez

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 August 25, 2017, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

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
Carmen V. Chavez, Board Member
Board Member Megan Muirhead was absent from the August 25, 2017 State Personnel Board Meeting

Approval of Agenda

Vice Chair Manzagol moved to approve the August 25, 2017, State Personnel Board Agenda with the following change to table item number VI; seconded by Board Member Chavez. Motion carried.

2600 Cerrillos Road, Santa Fe, New Mexico, 87505 (505) 476-7759

Approval of Minutes – July 28, 2017

Board Member Chavez moved to approve the July 28, 2017, State Personnel Board minutes, seconded by Vice Chair Manzagol. Motion carried.

II. Director's Report

Director Najaka provided the following updates:

1. Agencies Reduction in Force (RIF) update

Director Najaka gave the Board an update on the employees who have been affected by the Reduction in Force. There are currently seven employees that are seeking re-employment with the state. Some of the individuals have not yet applied for any state position. Some employees in rural areas may be limited because of the number of jobs available. SPO continues to work with these individuals in placing with other state agencies.

2. Staff Update

Director Najaka introduced new staff members to the State Personnel Office (SPO). Prakash Bhatka has been hired as the new Chief Information Officer (CIO). Mr. Bhatka comes to SPO from the New Mexico Department of Information Technology (NMDOIT). Previously to his tenure at NMDOIT Mr. Bhatka was employed with the State Personnel Office.

As a result of the HR Consolidation several employees have joined SPO:

Celeste DeBari from the Retiree Health Care Authority is currently assisting the Shared Services Division

Teresa Padilla, Melissa Walker and Kelly Howley from the Department of Health (DOH) are currently working on a half time basis with SPO and DOH.

Helen Quintana from the Children, Youth and Families Department is currently working at SPO on a full time basis in the Labor Relations Division. Helen is assisting the Corrections Department as well.

Chair Romero asked when the last time the State negotiated with the unions concerning the union contracts. Director Najaka stated that it has been seven years since the last negotiation. SPO General Counsel Moses Winston addressed the board that a motion was entered in District Court in April forcing CWA and AFSME to negotiate the contract. The District Court moved that the PERLB was the proper party. In July the State issued a prohibited practice complaint against CWA and AFSME for not negotiating the contract. A hearing was scheduled for September however the hearing changed to be held in October.

3. Human Resources Consolidation

The HR Consolidation is moving a little slower than expected. SPO is working with agencies and Department of Finance and Administration to assure that the consolidation

will not affect any federal funding sources. SPO has meet with CYFD and the Federal partners have approved for CYFD to be part of the consolidation however the HR department can only serve CYFD employees.

A meeting was held with the HR community to answer any questions that they may have SPO is working with the HR community by updating the SPO website with information as the HR Consolidation moves forward. The individual teams and divisions meet in various breakout sessions to answer specific questions. Division Director Bernadette Perez addressed the Board with her perspective of the HR Consolidation and the meeting with the HR employees that will be part of the consolidation.

Division Director Andrea Rivera Smith stated that she was glad to be able to meet with Talent Acquisition Center employees and was able to convey to the employees regarding their roles in the Talent Acquisition Center.

Edwin Quintana, HR Manager from the Department of Military Affairs addressed the Board and gave his perspective from the agency level of the meeting held with the HR community. Mr. Quintana stated that before the meeting he was very apprehensive as were some of his colleagues on the structure of the HR Consolidation. Mr. Quintana stated that after the meeting all the questions that he had were answered.

In regards to the locations for some of the divisions of the Consolidation GSD has found space in various buildings and SPO management will be looking at the individual buildings and office that GSD is proposing. Space in Albuquerque has been secured in the Environment Building on San Antonio Blvd.

Currently there are 30 vacant HR positions, SPO is planning to advertise or hold a Rapid Hire Job Fair to look for candidates to fill the vacant positons.

III. General Public Comment

No individuals signed up for General Public Comment.

IV. FY19 Appropriation Request

Stuart Hamilton, SPO Chief Financial Officer addressed the Board concerning the FY19 Appropriation Request. Mr. Hamilton stated that the FY19 Appropriation Request will be flat budget request, with minimal changes from FY18. The consolidation project will be accomplished through language within either HB2 or other legislation. The proposed FY19 Budget Personal services and employee benefits \$3,677,800., Contractual \$44,300., \$359,900. total of \$4,082,000. Mr. Hamilton stated that there are two items that will not change one is the C2 request Computer Fund there are two sections of this request Priority 1 is \$335,000 for workflow approver software licenses. Priority 2 is \$200,000 to digitize personnel records. Priority 2 is to assist in digitize the remaining personnel records. Chair Romero asked for an update on the Digitization project.

Board Member Chavez moved to approve the FY19 Appropriation Request; seconded by Vice Chair Manzagol. Motion carried.

V. Classification Study New Mexico Youth ChalleNGe Academy Cadre Supervisor Classification and Pay Band

Michael McEuen, Classification and Compensation Analyst, presented the request for approval of the Classification Study New Mexico Youth ChalleNGe Academy Cadre Supervisor Classification and Pay Band. The State Personnel Office recommends that the State Personnel Board approve the attached proposed Job Measurement Committee Evaluation for the New Mexico Youth ChalleNGe Academy (NMYCA) Cadre Supervisor Classification Descriptions. Mr. McEuen introduced from the Department of Military Affairs HR Manager, Edwin Quintana; State Program Director, Theresa Martinez, HR Administrator Melissa Silva; and Colonel Reginald Clark. Mr. Quintana stated that this will assist in the ability to promote the current

Board Member Chavez moved to approve the Classification Study New Mexico Youth ChalleNGe Academy Cadre Supervisor Classification and Pay Band; seconded by Vice Chair Manzagol. Motion carried.

VI. Classification Study Reparations Officer Job Descriptions and Pay Bands

The Board requested that this item be tabled.

Vice Chair Manzagol moved to table item number VI; seconded by Board Member Chavez. Motion carried.

VII. Executive Session

Board Member Manzagol 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 Chavez.

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

The Board met in Executive Session from approximately 9:52 a.m. to 10:01 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. Barboa v. New Mexico Corrections Department; Docket Nos. 15-064 (tabled)

- After careful consideration of the proceedings and the administrative law judge's recommendations in the Matter of Valerie Barboa v. New Mexico Corrections Department, Docket Number 15-064, I move to adopt the administrative law judge's recommended decision with the following changes in the Administrative Law Judge's conclusions of law, with the following changes which is amended to read as follows:

The Department's dismissal of Ms. Barboa was appropriate discipline. The Department afforded Ms. Barboa her right to procedural due process. The Board has jurisdiction over the parties and the subject matter of this case under NMSA 1978, Section 10-9-18 (2009) and



Rule 1.7.12.8 NMAC. The Board does not have jurisdiction over Barboa's Whistleblower Protection Act claim.

The Board does not have jurisdiction over Barboa's claim that the Department discriminated against her on the basis of gender. Based on the foregoing, the Board finds that the Department had just cause to impose the discipline of dismissal upon Appellant Valarie Barboa. The dismissal of Ms. Barboa is appropriate and hereby affirmed. **IT IS SO ORDERED.**

2. *Aragon v. New Mexico Department of Health*; Docket No. 16-033

- **After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Aragon v. New Mexico Secretary of Health*; Docket No. 16-033. The Board moves to adopt the Administrative Law Judges' recommended decision in *Aragon v. New Mexico Department of Health*; Docket No. 16-033. Vice Chair Manzagol moved to approve. Motion seconded by Board Member Trujillo. Motion carried.**

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

Jessica Cooper, Administrative Law Judge, presented the Litigation Update. In July and so far in August, the Adjudication Division has received 7 new appeals and disposed of 5. There are currently 32 appeals pending. There is no dispositive action to report in the nine Board decisions currently on appeal.

IX. Other Business – Next Meeting Date: October 20, 2017

X. Adjournment

With no further business, **Vice Chair Manzagol moved to adjourn the State Personnel Board meeting at approximately 10:04 a.m.; seconded by Board Member Trujillo. Motion carried.**

Approved by:

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

Attest:

Justin Najaka, Director