



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 Building

2600 Cerrillos Road, Santa Fe, NM

Friday, September 16, 2022

Minutes

Procedural Items

- Chair Liswood call the meeting to order at 9:00 a.m.
- Director Padilla led the Pledge of Allegiance and conducted roll call.
- Present: Chair Liswood, Vice Chair Cunningham, Member Heyns-Bousliman, Member Parker, and Member Radosevich
- Chair Liswood asked for a list of those requesting public comment. Board Administrator, Ms. Forlizzi stated no email requests had been received and there was one request made in person. Call for public comment was closed.
- Vice Chair Cunningham moved and member Heyns-Bousliman seconded a motion to approve the agenda as presented. Director Padilla roll call; agenda adopted.
- Member Parker moved and member Heyns-Bousliman seconded a motion to approve the minutes from the July 29, 2022 meeting as written; Director Padilla roll call; minutes adopted unanimously.

General Public Comment

Benjamin Baker, Deputy Secretary from DPS and interim director at the New Mexico Law Enforcement Academy (NMLEA) was called forward and commented on Agenda item 5. He offered gratitude for previous work of the board; and stated support for the approval of the NMLEA Instructor Manager. Also wanted to give an update on the impact from the approvals from the previous board meeting. The Academy advertised the job immediately after the approval and the response was amazing. Advertised the position for 2-weeks, and the list produced is among the most robust in his 20-year period. Interviews begin next week. Chair Liswood thanked Baker for the efforts and update.

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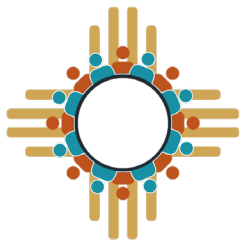
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Director's Report

Director Padilla reported the following highlights since the last board meeting:

- AFSCME Collective Bargaining Agreement was signed by Governor Lujan-Grisham.
- Training – launched several training courses. Graduated 2nd class of managers.
- SPO hosted a summer internship summit. Brian Colon was the keynote speaker and there were 20 presentations from the interns.
- On track with SHARE system upgrade
- Social Media (SM) coordinator is working on establishing a statewide committee to review existing SM policies and collaborate on new SM policy or a SM template
- Workforce Planning is focused on reducing turnaround time; 805 transactions since July 1, 2022 with average turnaround time of 14 days.
- Exciting news – GSD, ECECD and SPO entered into a management agreement with Little Explorers childcare centers. They will be able to accommodate 8 infants and 44 children between 2 -5 years old. Doors open next Monday, September 19. Governor Lujan-Grisham will be in attendance.
- Staff Updates:
 - Offers are out to recruitment coordinators
 - Interviews for Labor Relations Manager conducted to replace Sandy Martinez who quietly retired last month
 - Labor Relations Specialist, Drew Lovelace is transferring to DoIT to work on broadband technology. His last day is today, and that position is in recruiting process
 - Attorney I position with the Diversity, Equity and Inclusion focus is posted and interviews will be conducted soon.
 - Lastly, Classroom Training Specialist, Raymond Gallegos is returning to DOH and his last day is today. That position is in recruiting process.

Stand for Questions

Chair Liswood asked about the bargaining agreement, what were the noticeable items? Drew Loveless stated there were changes in the contract around disciplinary timelines, giving additional time. Additions on equipment, tools, and items important to certain members. Compensation package was rolled out which is a big deal this year.

No other questions.

Chair Liswood thanked Drew for his service.



Chair Liswood congratulated Director Padilla on standing up the Social Media committee and asked if the new lawyer will report to General Counsel Cooper? Director Padilla replied yes. Vice Chair Cunningham agreed on SM committee and stated the board could look at the rules around that.

Approval of FY24 Appropriation Request

Director Padilla presented the FY24 budget request for approval. Changes to revenue and increase of \$173K for shared services. This line item was not included in FY23, but the need is growing, and the revenue is needed to fulfill those needs. FY24 \$4.3M overall budget. Increase to general fund includes FY23 compensation increases. Padilla listed the agency priorities: reclass FTE and increase impact on talent acquisition; establish models for pipeline worker development; address critical needs for staffing agencies. Continue to work with DoIT on how actions are routed. Stakeholder (agencies) feedback and process improvement measures are getting more attention.

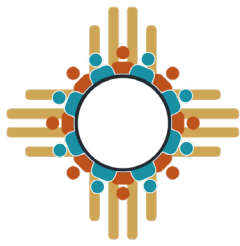
Stand for questions.

Chair Liswood asked about putting money back in the budget for shared services and at what point does the cost make it more cost effective for agencies to provide standalone service? Director Padilla stated it is based on how many FTE the agency has when they have 100 FTE that warrants 1 HR person. These are all small agencies, so it doesn't make economic sense until then.

Chair Liswood asked what is the cost versus revenue for shared services? FY23 was the first time in several years that the pay structure was looked at. We took the salaries of 2 employees, created a formula to come up with the shared service revenue which supports the shared service staff. Two employees are covered with a little extra for the management piece, so we are a little better than break even. Costs the agencies a little more than 1/3 of an FTE. Now that we have a formula, we will update annually. FY24 projected forward and is a little higher than FY23. All agencies tell us they are grateful for our services.

Vice Chair Cunningham asked how many agencies does SPO support? Padilla replied 14.

Member Heyns-Bousliman referred to the board material and noticed the insurance premium FY24 request is double FY23. She asked if those are prescribed rates comes to us from GSD. Is there a reason why it doubled? Also, the last line for IT services reflects quite an increase; are those prescribed rates that are given to us by DoIT? Director Padilla will follow up. Also, looking at advertising dropping from \$11.4 to \$1.5 – what changed to cause the



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drop? Director Padilla will follow up Our instructions were to submit a “flat” budget request, it may have been an adjustment to create a flat budget.

Legal settlements went from \$22.5 in FY23 to none in FY24. We don’t have legal settlements approaching. GC Cooper will advise the case that was settled.

Member Parker asked what is PTF projections? Director Padilla answered it is a component in budgeting system we use. Only apply in the 200 category and are a projection if every single vacancy we had now were filled, how much would that cost? Parker asked, so if all the positions were filled, this would be the mid-point cost of 100% and includes benefits. Correct. Member Radosevich asked about attorney services and FY23 actuals of \$7.4 and nothing for FY24 why? Padilla stated we don’t have anything we anticipate at this time and reiterated that we have the capability to move money from different categories if that expense came about.

Member Heyns-Bousliman moved to approve the FY24 budget as presented; member Parker second; roll call FY24 approved unanimously.

Approval the New Classification for the Department of Public Safety, New Mexico Law Enforcement Academy Instructor Manager

Max Cordova presented the new classification for board approval which continues with the Peace Officer category. Recognizing peace officer certification and will be part of the schedule.

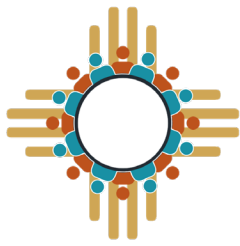
Chair Liswood asked if we are looking at the manager to be part of the family of DPS academy instructor.

DPS Deputy Secretary Baker stated this adds the appropriate management level. Currently, 1 manager is instructing over 400 people, which speaks to the agency’s inability to recruit. The goal is a zero percent vacancy rate from 61% now. One person has been carrying the load and this will help correct that.

Chair Liswood asked what is the benefit of the manager? The ability to not have to be in the day-to-day with cadets and instead, spend time with the instructors and finding what’s new that we can bring in? If we had more instructors, it would be astronomical – more advanced training, quality of instruction and more.

Baker added the retention of employees, proper recognition and compensation to retain leads to the micro vs macro instruction.

Vice Chair Cunningham asked what is the standard in the industry – ratio of instructors to students? Gabriel Ortiz and Dep. Secretary Baker don’t know the standard.



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Vice Chair Cunningham asked if the native American agencies get trained? All 24 tribes? Gallup; Isleta; Santa Clara tribal PD; do they pay separately for the services? Baker stated there is no charge for most entities to come in the door. They are reducing the obstacles to get more trained. Academy is a not-for-profit academy.

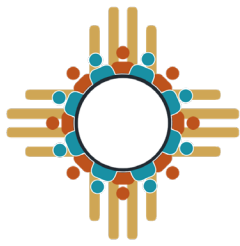
Member Heyns-Bousliman asked why the position is not exempt under FLSA. Mr. Cordova answered that generally, we do not get into the FLSA status and leaves it up to the agency. Director Padilla stated the major reason we don't get involved is based on different agency utilization. Understand about your question of the manager classification as they are always exempt. It is also a matter of how the job description was formatted and understands the need for a more thorough analysis of that. Determination is not based on classification or classification descriptors, but the position assignment and description of that job. FLSA status is outlined in the descriptors themselves. Each individual job is evaluated and FLSA is based on the duties. Today's request is only for DPS, but many other agencies utilize the descriptors. We will do a better job to make the exemption clarified. Cordova added that one of the issues is these are standard job descriptions and rules can change from year to year. We support agencies to administer the test on their own. The default for the classification is to have generic language in this category. The board discussed and requested that going forward, SPO provide FLSA status on all job descriptors.

Member Parker no questions

Member Radosevich stated Gabe (Ortiz) does not speak up for himself – note, they have served all law enforcement academies across the state. Coordinating and sending instructors to local academies for free is a major effort and Mr. Ortiz has been trying to do this by himself. We've had a wait list in the past, changes are being made and Gabe has done a phenomenal job over the years. This would be a great change.

Chair Liswood -asked how many permanent instructors there are at NMLEA. Dep. Secretary Baker answered we have 7 total capability and currently, there are 2 plus Gabe. The increase from 2 to 7 and the movement of a manager to a proper role will be revolutionary. We have been reliant on the goodwill of fellow law enforcement agencies. Willingness of Chiefs of Police and Sheriff to send instructors and the availability has been declining. Liswood asked if they continue to use the outside resources? Baker stated absolutely! We have richness and depth with the cross section of populations, which has added significant value and enables us to leverage and compound the reach.

Chair Liswood thanked Mr. Ortiz, Dep. Secretary Baker and Mr. Cordova. Motion to approve made by Member Heyns-Bousliman; Member Radosevich second; roll call – motion carried.



Adjudication Litigation Update

Judge Haught presented the Adjudication docket for FY23 first quarter.

Question from Vice Chair Cunningham asked about the open cases in district court. Judge Haught stated they were both in District Court 2 – one issued order to disclose comparable disciplines. Status conference with attorney requested 4 weeks ago.

2nd case involved termination. Parties agreed to go straight to District Court.

Executive Session

Chair Liswood moved to enter executive session, Member Heyns-Bousliman second roll call; off the record 10:14 a.m.

Chair Liswood called the general session to order and back on the record at 10:52 am.

Motions on Administrative Appeals

Bland, Sammy v. New Mexico Corrections Department, Docket No. 21-003

Member Parker moved to adopt the ALJ recommended decision to overturn the 12-day suspension. Member Heyns-Bousliman second; roll call; motion carries unanimously.

Smith, Derrick v. New Mexico Corrections Department, Docket No. 21-020

Member Heyns-Bousliman moved to adopt ALJ recommended decision to affirm 10-day suspension; Vice Chair Cunningham second; roll call motion carries unanimously

Other Business

Chair Liswood asked the board if there was any other business.

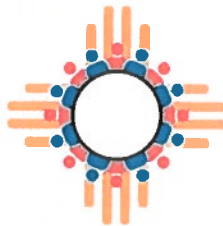
Vice Chair Cunningham had a comment on training and budget. He stated agency rules are often different than general rules and it seems all agency rules need to be reviewed by SPO so if something is wrong, it can be fixed. Suggests we do that through training.

The board has seen attorneys on both sides miss basic elements and he suggests training to avoid that. Anyone who will appear before adjudication, needs to be trained prior to the presentation. That doesn't seem to be happening. At least not at the state level.

Chair Liswood - Recommends Director Padilla provide us further discussion on training.

Member Heyns-Bousliman agreed that starting training at the supervisor level might be most effective in this regard.

Members Parker and Radosevich agreed.



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Chair Liswood added we don't necessarily have all the same policies for agencies; agency policies should be driven by training.

Vice Chair Cunningham asked that first and second level supervisors, particularly at NMCD, in addition to all agencies, be trained.

Next board meeting will be held October 28, 2022.

Vice Chair Cunningham moved to adjourn the meeting; Member Heyns-Bousliman second the motion to adjourn; roll call. Chair Liswood thanked the board and SPO staff for their service. Meeting adjourned at 11:00 am.

Approved:

A handwritten signature in blue ink that reads "Laura A. Liswood".

Laura A. Liswood, Chair
State Personnel Board

Attest:

A handwritten signature in blue ink that reads "L. Teresa Padilla".

L. Teresa Padilla, Director
State Personnel Office