



New Mexico State Personnel Board

State Personnel Office

Michelle Lujan Grisham
Governor

Ricky A. Serna
Acting Director

L. Teresa Padilla
Deputy Director

State Personnel Board
Laura A. Liswood, Chair
David F. Cunningham, Vice Chair
Cristin M. Heyns-Bousliman, Member
Carol A. Parker, Member

State Personnel Board Meeting Electronic/Telephonic Meeting via ZOOM Friday, October 29, 2021 MINUTES

- I. Procedural Items
 - Chair Liswood called the meeting to order at 9:01 a.m.
 - Acting Director Serna led the Pledge of Allegiance
 - Acting Director Serna called roll – Chair Liswood, Vice Chair Cunningham, Members Heyns-Bousliman and Parker all present - a quorum was established
 - Call for Public Comment – Online poll launched, and callers invited to unmute if they were going to make public comment. No requests for public comment
 - *Action Item:* Approval of Agenda – Chair Liswood moved to approve the agenda as prepared, Vice Chair Cunningham second; roll call. Agenda unanimously adopted.
 - *Action Item:* Approval of Minutes –September 17, 2021. Chair Liswood moved to accept the minutes from the September 17, 2021, meeting as written. Member Heyns-Bousliman second. Roll call – minutes approved as written.
- II. Public Comment – No request for public comment
- III. Director's Report - Acting Director Serna gave his report beginning with several personnel updates:
 - Leane Madrid, Division Director, was recognized for her role as oversight for HR Services. She joined State Personnel in 2006 and steadily moved up the ranks to become Division Director. She joins DFA in the HR department. We look forward to her success in the new capacity and appreciate all her contributions over the years.
 - Johnna Padilla was introduced as the new HR Services Division Director and Serna noted we are fortunate to bring her on early so she can get as much time and training from Leane Madrid as possible.
 - Serna introduced Bernadette Torr as the new Information and Records Clerk. She joins from ERB.
 - Marisa Valdez has been promoted to HR Associate with Workforce Planning.
 - Nichole Medina–Stone accepted a promotion to Training Specialist and moves from the recruiting department.

- Teresa Padilla was introduced as newly appointed Deputy Director. She comes to SPO from the Department of Health, it has been a pleasure working with her so far.

- Acting Director Serna thanked Chair Liswood for attending the audit review and also extended thanks to former CFO, Stuart Hamilton for his work on the audit.
- Serna thanked the HR Managers who have brainstormed measures to improve recruitment and retention. Tina Tawater at DVR is heading the team which is first looking at existing benefits for employees and will then research additional resources for state employees.
- The Legislative Finance Committee (LFC) hearing was completed yesterday. An overview from 2016 to present was given along with a request for FY23. We believe we have the support we need to make an aggressive approach to compensation for existing employees. We are laser focused on the amount of time it is taking to fill positions at state agencies. Developed a report to home in how we can better monitor the fill time to actually hire. This will help chip away at perceptions that it takes several months to get a job with the State. We are working with HR Managers, DFA and will keep the board posted.
- Acting Director Serna thanked vice-chair Cunningham for participating in and brainstorming ideas and opportunities to streamline the appeals process.

-Acting Director Serna stands for questions.

Chair Liswood thanked Leane Madrid for all her work and said how much the board appreciates her service. Ms. Madrid thanked everyone for their support and is happy to know Johnna and Teresa will serve SPO well. Chair Liswood wished her well on her new adventure and welcomed Teresa Padilla and Johnna Padilla.

- Chair Liswood asked for more information about timeliness for filling positions. Serna stated we have made some assumptions, some departments are lean, and it becomes tricky for them to take the time to process new applications, making it difficult to focus on the search process. Lean HR offices struggle with certifying applicant lists and keeping the hiring managers on a schedule. Continuous positions are another challenge as they remain open for a period of time resulting in a “planned” kind of delay. We are drilling down further. HR managers have been asked to update dispositions so we can identify which steps are taking the most time. Liswood agreed that timeliness becomes important particularly with competition in the private sector. Liswood commented that the board appreciates the focus.
- Vice Chair Cunningham asked about HR managers reporting of vaccination rates. He asked for a follow up and update. Acting Director Serna reviewed the data from September 23, 2021. Updated guidance from the Governor’s office– based on testing after positive result changes the weekly testing requirement. We are working 1-on-1 with agencies who run into peculiar situations. Board Administrator, Denise Forlizzi, shared the data from the email sent to the board with vaccination data earlier in the month.

IV. Out-of-Cycle Safety Sensitive Review – Heather Vigil-Clark, safety sensitive coordinator, Introduced Brenda Pohl from NM Corrections Department. Ms. Vigil-Clark pointed out a transcription error from September meeting and asked the board to remedy. NMCD is requesting to add the Safety Sensitive Designation for a Correctional Officer Specialist

– Electrician, position number 00017396. This designation was inadvertently removed for the last board meeting due to a transcription error of the position number. This position is filled. NMCD is requesting the removal of Safety Sensitive designation from position number 00017395, which is vacant and has been reclassified and no longer requires the designation. Ms. Vigil-Clark concurs with the requests and recommends approval for out-of-cycle requests. Stand for questions. Chair Liswood asked why an electrician and corrections officer specialist is considered Safety Sensitive. Brenda Pohl stated that the position is at the facility and the corrections officer requires certification as they are around inmates all the time though they are not armed. Member Heyns-Bousliman asked about the change to the office administrator and why it is deemed safety sensitive. Ms. Pohl stated the office admin is located in the Albuquerque office, not the facility. No other questions. Chair Liswood moved to approve the request, member Parker second; Acting Director Serna- roll call. Motion carried unanimously.

V. 2022 Paid Holidays for approval – Acting Director Serna stated it was customary and the responsibility of the board to approve the holiday schedule. For 2022, you will see the inclusion of the Juneteenth holiday on June 20. No questions from board, roll call; Chair Liswood moved to approve the 2022 Paid Holiday calendar as presented, Vice Chair Cunningham second. Roll call - calendar unanimously adopted.

VI. 2022 Board meetings dates for approval – Acting Director Serna presented the calendar of proposed dates for 2022 beginning with Jan 14, 2022, to accommodate member Parker's service to the legislative session. Vice Chair Cunningham stated he was trying to work on backlog of appeals and asked if there was flexibility on the schedule should ALJ have decisions that need to be reviewed. Chair Liswood believes we should keep with the schedule and not allow flexibility at this time. Member Parker said the meeting schedule is appropriate under most circumstances. Interesting to look at speeding up the adjudication process. AAG Joe reminded the board they can have special meetings with 3-day notice. It is possible at the discretion of the board and special meetings could speed up the process. Member Parker would like the board to set criteria for when to hold a special meeting, a threshold that triggers a special meeting. Chair Liswood asked that the ALJ propose criteria for a special meeting for review by AAG Joe. Motion by Chair Liswood to approve board meeting dates as presented; Vice Chair Cunningham second. Roll call, schedule unanimously adopted.

VII. *Discussion Item:* Adjudication Litigation Update – ALJ Baca updated the board. In the 1st quarter, there were eight new appeals; nine appeals disposed of; currently 25 cases scheduled for hearings. Thirteen cases pending settlement. Two matters pending, one being presented today; one appeal withdrawn by the employee; one case pending, waiting for an in-person hearing; two matters are parallel matters pending in district court; 53 cases pending before adjudication division. Stand for questions. Vice Chair Cunningham asked if the 13 cases scheduled for settlement are part of the hearings pending. ALJ Baca responded that the hearings will be scheduled on those appeals pending outcome of the settlement. It is not the practice to set hearing dates while they are waiting for settlement. Nine cases are pending recommended decisions.

All are in various stages of drafting. No questions from other board members. Chair Liswood stated she appreciates the update.

Vice Chair Cunningham had an additional question about the materials the board received specifically if there are objections to the decisions by an ALJ, is it normal course that ALJ responds after the decision. How is it handled? ALJ Baca responded that it is not common practice for ALJ to respond as it may appear that the ALJ felt the need to amend the recommended decision. Objections are for board consideration and further adjudication within district court. Chair Liswood asked AAG Valerie Joe what options the board. Joe responded that by rule, after a hearing is concluded and after recommended decision is transmitted to both parties, they are offered time to respond. This goes to the board with findings of fact and the board has final say. Board could ask ALJ questions during the Executive Session and in a public forum as happened in the last meeting.

VIII. Executive Session

Chair Liswood moved the board enter closed session; member Heyns-Bousliman second. Acting Director Serna conducted roll call. Motion passed and ff the record at 9:53 am. Chair Liswood stated the board is back in session and on the record 10:57 am

IX. Motion on Administrative Appeals – Motion by member Heyns-Bousliman regarding *Renteria, Abel v. New Mexico Corrections Department*, Docket No. 20-034. I move to adopt the Administrative Law Judge’s Recommended Decision, Findings of Fact, and Conclusions of Law. Also, based upon the evidence in the record, including the Appellee New Mexico Corrections Department’s Exceptions to the Recommended Decision, I would like to include in my motion for the Board to find that there was no just cause for Appellant’s discipline.” Member Parker second; roll call – Motion carried unanimously.

X. Attorney General overview training – AAG Joe referred to the overview document in the binders and asked if there were questions. No questions. Chair Liswood thanked AAG Joe for the overview, stating it was very helpful.

XI. *Chair Liswood LL asked if there was other business, nothing additional.* She thanked the public for their attendance and all at SPO for their hard work, as well as the board members for their participation. Next meeting December 10, 2021. Move to adjourn, member Heyns-Bousliman second. Roll call: meeting adjourned at 11:02 a.m.

Approved by:



**Laura Liswood, Board Chair
State Personnel Board**

Attest:



**Ricky A. Serna
Acting Director**