



# 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**  
**Willie Ortiz Building**  
**2600 Cerrillos Road, Santa Fe, NM**  
**Friday, April 22, 2022**  
**MINUTES**

**I. Procedural Items**

- Chair Liswood, called the meeting to order at 9:01 a.m.
- Acting Director Serna led the Pledge of Allegiance and called roll. Chair Liswood, Vice Chair Cunningham, member Heyns-Bousliman and member Parker all present and a quorum was established
- Chair Liswood stated the public comment list was available to those who wanted to address the board on an agenda item. The period for requesting time to address the board was now closed. She asked Ms. Forlizzi if there were requests and who advised that no requests were received via email as posted in the notice and one request was made on the sign-in sheet today.
- Chair Liswood stated there was an agenda in the binder and moved to approve as presented. Member Cristin Heyns-Bousliman second. Roll call by Acting Director Serna. Agenda approved as written.
- Chair Liswood stated she had reviewed the minutes of the March 4, 2022 meeting and Vice Chair Cunningham moved that the minutes be approved as written. Member Cristin Heyns-Bousliman second. Roll call by Acting Director Serna. Minutes approved as written.

**II. General Public Comment**

Chair Liswood asked Corporal Logan Vanlandingham to give his comment. Corporal Vanlandingham stated he represented many in the New Mexico Game & Fish agency who support Agenda Item 6.

### III. **Director's Report**

Acting Director Serna began his report by thanking the team who worked diligently to create the meeting including the meeting tech team of Denise Forlizzi, Drew Lovelace, Ernest Lucero and Nichole Medina-Stone who managed the live stream. Serna highlighted the following:

#### **Training Team**

- Delivered 30 instructor-led trainings for approximately 685 learners
- Completely revamped and delivered the 2022 Summer Internship Training for about 130 training attendees
- Developed and began delivering two new, ongoing, instructor-led courses for managers (Interpersonal Leadership Skills and Hiring the Best Candidate for the Job)
- Completed and deployed 9 new eLearning modules on ELM that will form the basis of the "Essentials of Supervision and Management" program certificate

#### **Recruitment**

- As of May 11th, the SHARE Recruiting module accepts resumes in lieu of applicants entering their work experience on the application.
- The Recruiting Bureau started a monthly bulletin for Recruiters to share information such as interview tips, technical system tips, and reminders.
- The Recruiting Bureau held a Recruiters Unite meeting for all Recruiters for system overview and an opportunity for recruiters to ask questions.
- Proceeding with the Train the Trainer program for large agencies to be Subject Matter Experts (SME) and trainers within their own agencies.

#### **Marketing Initiatives and Activities:**

**Social Media Outreach -- Ongoing objective:** to increase our following on all social media platforms to gain the largest reach throughout New Mexico.

- LinkedIn: Initiated use of LinkedIn platform; increased our following on the platform by 21% over the previous month. Total of 7,807 followers.
- Twitter: Increased following by 2.4%. Total of 377 followers.
- Instagram: 1,200% increase in followers vs. previous month. Total of 131 followers.
- Facebook: 170% increase in following vs. previous month. Total of 1,949 followers.

#### **Rapid Hire Event Promotion**

- DVR Virtual Event- 4/27
- EMNRD- Carlsbad 4/19-20
- HSD- 4/12
- DHSEM- 3/31
- CYFD- 3/29
- Cannabis Control Division, NMRLD- 3/17

### **Summer Internship Program**

- Training/Roll Out for HR Managers- March 23
- Positions submitted by agencies- April 4
- Posted to website <https://www.spo.state.nm.us/internship-opportunities/> (currently awaiting positions to be posted in Careers and then we will promote out to the colleges and high schools)

### **Benefits & Perks Page**

- Tina Tawater and team were thanked for the initiation of this page which is now listed on our website. Benefits and Perks Page finalized; Next phase - will begin working on centralizing this page as a “landing page” for applicants to take them through the “user journey”, initially viewing the benefits and perks, then the “how to apply” information and then finally the Careers site.

<https://www.spo.state.nm.us/about-us/new-mexico-state-employee-benefits-and-perks/>

- **Round the Roundhouse Spotlight on NM Leadership**

SPO is feature in the April 4-May 1, 2022 edition.

Member Cristin Heyns-Bousliman commented about the benefits of the online application process being shorter due to the ability to upload a resume.

Vice Chair Cunningham asked how are we doing on vacancy rate? Serna stated we are at 23% currently, a decrease of 1% from the last report. He will highlight during the budget presentation.

Chair Liswood reinforced Member Heyns-Bousliman’s comments about shortening the application process. A reminder about the group of summer interns being as diverse as possible. Liswood also issued a resume caution about the many different approaches to resumes and stressed the importance of non-bias when reviewing.

Acting Director Serna commented on intern program and that we addressed diversity with the three Harvard summer interns who will be at SPO for 10 weeks. One of the interns will focus on DEI issues, another on human rights and the third will head up the State Summer Intern program. Chair Liswood would like the Harvard interns join the next board meeting if possible.

#### **IV. FY23 SPO Budget Request**

Acting Director Serna presented the budget review and request. The review included the Strategic Plan and the budget category review.

##### **Revenues**

- 111 – General Fund Transfers
- 112 – Other Transfers – HR Shared Services and Compensation Increases

Expenses

- 200 – Costs for employee salaries and benefits
- 300 – Contracts and professional services (audit and legal services)
- 400 – Operating costs (office supplies, travel, training, IT and telecom services)

Acting Director Serna referenced the budget documents and handouts and stated what we are requesting is inclusive of general fund transfers from House Bill 2 and projections of compensation for HR services. SPO tried to eliminate HR services, but we haven't found an alternative for the smaller agencies to receive those services, so SPO continues to provide that support. The \$173K increase reflects an increase in SPO's rate for providing those services.

This amounts to a total FY23 budget of \$4.2M

FY23 shows the largest increase to the 111 category which reflects revenue to provide for the upcoming salary increases.

Serna reviewed the changes to expenditure FY23 estimated increase by \$400K, primarily due to adding a position from funding received in Junior bill. With this addition, SPO will top out at 38-39 FTE.

He reviewed the detail page on FY23 budget. 3.9M\$ includes an additional FTE as legislative approval for the Chief Diversity Officer did not materialize, so we will utilize a current FTE to fill the spot for now.

Includes general fund transfers from HB2 plus projected revenue of HR services.

To address Vice Chair Cunningham's question, in the handout, he highlighted a total of 16,402 authorized FTE positions as filled and 5,059 as vacant, together totaling 21,461 total FTE.

SPO FTE declined over last several years, in FY22 SPO had 44 authorized positions and 39 are currently filled. We have \$20,300 left in our 200 category which is our budget for staff and is the highest since FY18. We don't have enough money to hire anyone else. We encounter this challenge of forced vacancy rates which right now is 11% for SPO, which appears high, but factually, we can't afford anyone else. We are at peak capacity at 39 FTE given our budget. You can see the budget detail does not contain a lot of "fluff" but essentially what is needed to operate as an agency.

Serna outlined FY23 agency priorities as follows:

- Reclassify existing FTE to expand training opportunities that encourage diversity in the workplace.
- Increase the impact of Talent Acquisition efforts through paid marketing and agency coordination.

Establish models for worker pipeline development that address critical vacancies.

This will open possibilities for workers that are currently not available due to lack

of the education requirements or experience requirements and the priorities are for both Human Resources and Budget and Finance.

Automate the process through which actions are routed and processed across agencies. we are working with the Department of Information and Technology (DoIT) to automate these actions, help track actions, and move in more organized way to shorten the time in the recruitment process.

- Implement strategies that allow for stakeholder feedback and process improvement measures. From the perspective of an agency and the applicant and work to understand the applicant experience, the interview process and how we can better serve our agencies. SPO is the clearing house for personnel actions getting back to agencies and back and forth with DFA. We need to figure out how well we are doing. Is there something in our interview process or application process we can improve and places we can save time. We have implemented a statewide exit survey so data can be used as a HUB for understanding why someone leaves state government.

Acting Director Serna stand for questions.

Member Parker comments on how well he addressed things in the past. She encourages all agencies to move funds where possible to help fund positions where needed.

Member Cristin Heyns-Bousliman – no questions.

Vice Chair Cunningham asked about the budget detail – what are the material changes? Acting Director Serna stated that payroll increases \$400K; the marketing budget is new in FY23; shared contract with Indian Affairs is also new. Those are the big changes, nothing else substantive.

Chair Liswood thanked Serna for the presentation. She commented that, slightly analyzed the outside contractor money replaces FTE positions. Across the state vacancies, we don't have numbers for outside contractors to see how that impacts the budget. Acting Director Serna agreed and stated this Administration has been paying close attention to this as well, so we are assured that agencies are not somehow using contractors to replace FTE in some way. To be sure our union partners are active in ensuring this is not occurring as well.

Vice Chair Cunningham asked who is keeping track of this. Serna stated that the clearing house is DFA, which acts as a hub when contracts are moving through, the agency checks that it doesn't replace a worker opportunity. Agencies are focusing on leadership, mid-level management development and team building trainings and we are asking if the training team at SPO can satisfy those training needs? We created a survey to cabinet members to assess what training needs exist.

Chair Liswood stated that client feedback from agencies and applicants is very important. Chair would like exit data once a year to get a compilation of the result of the survey and leaves it to Acting Director Serna's discretion about when that happens. Serna agreed and thought twice a year would be even better.

Vice Chair Cunningham commented that the city and county complains that they are having trouble filling positions as well.

Acting Director Serna agreed there is a sense of urgency about filling these vacancies. We are looking to create a formula to help us determine how many of the 5,000 vacancies are affordable for each agency. We need to keep a pulse on that. Number of positions they can afford may go down based on budget and higher salaries and they will need to have their own internal plans to fill those vacancies. Rapid Hire events are being used in several agencies with success. A recent event in Carlsbad filled 10 of the 11 vacancies in 3 days.

Chair Liswood stated she reads the headlines about worker shortages in the state, don't have people to pick up litter. Serna stated that the State is getting competitive and now city and counties are needing to become competitive with State salaries. Compensation is impacting local government work streams.

Acting Director Serna said he could have Department of Workforce Solutions (DWS) do a presentation on the DWS tour around the state. The agency is trying to understand from the local perspective what is impacting the local employment and economy.

Member Parker asked how often are the job descriptions of open vacancies reviewed? Perhaps some of the positions are no longer needed or are not as relevant as it can be. Acting Director Serna answered not often enough, we need to do a better job for agencies to request those descriptions be updated. What do agencies do in the space of onboarding and take capacity and move into another job appropriately. We do that in class studies, revisiting minimum qualifications, to see limitations. DFA positions have broadened degree acceptance in an effort to attract more candidates. Chair Liswood asked is there a better process that can be set up to address that? Serna answered that agencies can tell us that. A good think tank/focus group would be helpful. We could begin by looking at what are the most widely used classifications or look at where the highest vacancies are and start there. Chair Liswood moved to approve the FY23 budget request, Vice Chair Cunningham second. Roll call. Motion carries. Chair Liswood thanked the team for the work that was done.

V. **Request for Approval - SPB Salary Structure Adjustments 3%**

Max Cordova presented the FY 4<sup>th</sup> quarter adjustments and requested approval. Earlier this year, a bill was passed and approved granting 3% salary increase effective the first full pay period in April. Salary structure was adjusted accordingly at 3%. Additionally, the legislature plan change includes measures to address compaction once minimum wage is increased to \$15/hr. Request the increase to ensure compa-ratios remain at the appropriate rate and remain steady.

Stand for questions – Member Parker, none; Member Heyns-Bousliman none, Vice Chair Cunningham none. Motion to approve the 3% Salary Structure adjustment made by Chair Liswood, Member Heyns-Bousliman second. Roll call; motion carries. Chair Liswood thanked Mr. Cordova and his team for their work.

**VI. Request for Approval of the New Salary Schedule Peace Officer**

Max Cordova requested board approval for Peace Officer Certification Salary Adjustment. Mr. Cordova and his team met with agencies stating we had a unique opportunity to identify issues and quickly realized peace officer's certification are competing with police officers. What we were seeing in classified service we have positions such as wardens, special agents and these positions are requiring peace officer certification, but agencies are not able to effectively recruit. Increases in pay are growing at exponential rates, so many agencies are often losing employees to police departments.

This was an opportunity to look at this group, and we identified 250 positions at various agencies such as special agents, trainers, wardens, state police. Currently, this classification is in the peace officer category. Those positions have statutory authority to carry a weapon, they can make arrests, so they are operating as a police officer in classified service with respect to their targeted occupational line. What we saw is that some agencies had a 40% vacancy and were not able to effectively recruit or retain. They were onboarding, moving them through cadet school, then they would go to other places. We feel this will be a great tool to help agencies get to where they need to be. The Attorney General's office made a formal request for a class study, so SPO looked at the whole picture. Worked with agencies and gave them the opportunity to give data and input. Compared with internal data, external data for other public entities, sample data across the country, illuminated the data and we saw what they do and how they do it. We used this data to look at new salary structure which will help agencies by giving them tools for recruitment. Ultimately, this is a great opportunity for this sector. This will be 10<sup>th</sup> occupational salary structure implemented by the State Personnel Office.

We want to be able to measure – compa-ratios; turnover, so this will be more of a long-term measurement. The measures will be looked at annually to be sure it is being used appropriately in terms of budget. Gives agencies the opportunity so they can go to their legislators to campaign for funds to support their appropriate placement goals.

Mr. Cordova asked Subject Matter Experts (SME) to come forward. Colonel Tim Cimball from NM Game and Fish thanked the board for the opportunity. Approval will help address the problem. We have lost 39 employees over 8 years, most leaving the department for other jobs. In October 2021, we established a working group to focus on recruitment and retention and found pay was the driving reason for high turnover. The state is not competitive when it comes to pay. Recently, some have turned to social media to trash talk about pay. The agency invests \$120,000 in training new officers, so there is a big impact with this turnover. With 25 vacancies, nearly half the state doesn't have an officer in that district. This means less patrol for

wildlife, less interaction with public, less teaching about safe and ethical hunting, lower job satisfaction. Officers are spread thin and yet held responsible for the requirements of the job. Measure impact of the change so there is no need to look elsewhere for work, allows for better training, more involvement to improve job satisfaction, create patrol plans, expand education so we are less reactive and more proactive. This will create success with retention and recruitment of officers.

SME Major Ray Sanchez introduced himself and said he has been a commissioned officer for 23 years and sees his peers on food stamps or WIC over that time. There have been huge strides made and it is time for another movement. Officers are topped out in their pay band, and it is important to be able to make progress by approving the occupational salary schedule and said he was speaking on behalf of many agencies. DGF game protection fund so the money is available to support the salary schedule. Appreciate the time today.

Mr. Cordova followed with the next step if approved, we will do this structure a bit differently. Typically, we have moved everyone at one time. In certain situations, it does work however, based on budgetary issues, in this case we will have the approved structure first and then move agencies on to the structure as they are ready.

*Stand for questions*

Member Parker had no questions

Member Heyns-Bousliman, thanked the presenters for the problem solving approach to the important work you do. Want to be sure we aren't swapping one problem for another by just matching law enforcement. Max agreed that it wouldn't be feasible for some agencies to make that move right now. Solution is aggressive and it will allow us to review and examine yearly, make the adjustments as necessary.

Vice Chair Cunningham – did you look at the comparable salary? Is there overlap in these positions; Mr. Cordova said they looked at other federal positions and other states for positions that were similar.

Vice Chair Cunningham some positions have been historically have been retired cops who may “double dip”. He stated there is a big difference between state police and this category. Hard to compare jobs, have you taken that into account? Mr. Cordova replied that the structure was designed to create a more competitive environment to allow specializations they pursue. Mr. Cordova spoke about a conversation with the Livestock Board which wants to attract someone who is passionate about livestock and ranching, the structure is created so they don't have to move. Want to attract people who care about what they're doing.

Colonel Cimball stated that this is a focused group which generally does have an affection for wildlife and resources and the desire to protect that. Not apples to apples with state police. Game warden, for example, is out in the woods alone with everyone who is armed. They need to enforce drunk driving, approach campsites with open containers, people who have been hunting, officers put their lives on the line each day.



Chair Liswood asked for a point of process as she is a law enforcement officer and asked AAG Joe if she needs to recuse herself as she is subject to recall. Chair Liswood stated she feels she can be objective.

Acting Director Serna recognized Michael Sloane, Director of NM Game and Fish and appreciates his presence here today. Director Sloane thanked the board for the opportunity and stated the agency invests heavily in training and getting ready for the season. He appreciates the hard work Max and his team put into this and knows this will make a significant difference to keeping and attracting employees.

Chair Liswood moved to approve police officer salary schedule as presented, Vice Chair Cunningham second, roll call; motion carries unanimously.

VII. **Request for Approval of the Attorney General Office (AGO) Special Agent and the AGO Special Agent-In-Charge Classification**

Melanie Morgan presented the AGO special agent classification and requests board approval of the new class specified by AGO rule cited. When positions were formally cross walked to classified service, there was not an ideal classification for this category. This request better describes the category. Ms. Morgan highlighted the enforcement specialty and variety of special skills required. SME JR Rael, Ms. Gallegos were on hand. Mr. Rael gave the presentation stating that in the transition to classified sector, there was not a proper classification for these positions. More akin to authority of NM state police. Task force has a command center which deals with things such as internet crime against children; human trafficking; women murders. Important to designate differently with more accuracy, and better clarity for applicants the broad range of areas covered. This classification typically works on all crimes except traffic citations.

Member Parker asked under what circumstances are cases referred to the special agents is there specific criteria? Mr. Rael replied in a variety of instances such as public complaint, law enforcement referrals from smaller municipal agencies, public corruption, money laundering, crimes against children and more.

Member Cristin Heyns-Bousliman thanked the team for the work they do.

Vice Chair Cunningham – current case load? Mr. Rael stated it depends on the unit – agency wide investigating hundreds of cases a month with 22 FTE and 9 vacancies.

Chair Liswood asked will this help fill the 9 vacancies?

Mr. Rael stated yes as we are in active recruitment, and this will strengthen recruitment and allow recruitment from across the country.

Ms. Morgan stated this is the first classification we looked at for this new structure.

Chair Liswood moved to approve the classifications as presented, Member Heyns-Bousliman second. Roll call: motion carries unanimously.

**VIII. Request for Approval of the Classifications Data Analyst I, II, III, and IV**

Lora Olson requested approval for new classifications and explained the purpose is to clean up the category and organize the information that will support the divisions. This will allow agencies to rethink their internal organization to better fit their needs. This will be used to create the new classifications statewide.

Stand for questions.

Member Parker observed mid point for Analyst 1 has qualifications of bachelor's degree and 4 years' experience noting all classifications seem to have quite long experience attached to them compared to the rather low pay band. Ms. Olson explained that Data Analysts are not entry level positions. Agencies are finding when they want a true data analyst, and we don't have them to offer. Ms. Olson researched and analyzed Data Analyst data, determined what information was pertinent, cleaned it up and reorganized to a "story" which is the descriptor that will support agencies. Data Analyzation allows agencies to find where their needs are and to establish a strategic plan leadership can utilize. Max Cordova further explained DA series is not meant to be a typical family lower to higher. The positions are meant to be a full performance series and pointed out that experience substitution tables are available for all positions.

Member Heyns-Bousliman asked what is the entry level? Max Cordova answered based on market research, there is a variety of education requirements, and this is a new and emerging field relative to the State. We interacted with agencies for information and to see what their needs are. Course work is required, and they are on the broader scope of data scientists. Heyns-Bousliman asked Max if he felt 4 years' experience will be limiting and observed she understands what they are doing to apply to many agencies as it initially looked entry-level.

Vice Chair Cunningham no questions

Chair Liswood pointed out a typo on the DA 1 maximum annual salary which reflects the minimum and stated that DA is more and more essential for diversity purposes and glad you are doing a deep dive into this relatively new field. Thank you for the presentation.

Chair Liswood moved to approve the Data Analyst classifications as presented, Member Heyns-Bousliman second - roll call motion carries unanimously.

**IX. Request for Approval of the Healthcare Support Classifications: Direct Care Supervisor, Nursing Level Support III, Care Partner I, Care Partner II, and Care Partner Supervisor**

Cliff McNary requested approval to adopt the new classifications for Healthcare Support. He explained some facilities use supervisors at that level and others do not. This gives agencies the flexibility and ability to utilize as needed. Knew that

when the results of the Health Care study would lead to clean up, follow-up and consolidation of 3 levels of work to 2. Nursing support will need to be added in the series. Care Partners was an initiative to create a non-medical will involve 77 to 92 FTE. Mr. McNary introduced SME HC Hawkins who can answer more technical questions. Request approval to adopt these classifications.

Mr. Hawkins explained the initiative to Care Partner Classification Series is an innovative approach to decentralizing long term care facilities in ToC and is completely new to New Mexico, but not to the US. Going from an institutionalized needed a new classification to encompass the jobs they are doing Adopting a home model of 12 beds in 6 different homes with 3 levels and individual care is intended for a improve quality of life for residents, creating more of a bond between residents and staff and they develop relationships. Thank you for your consideration. Hawkins made a note of correction 3 different supervisors; will be a level 3 in the lead roll and the manager will be called "guide".

Member Parker referenced this model is innovative for veteran population in ToC but in the summary, it talks about other types of facilities, will this be used as a model in other facilities?

Mr. Hawkins replied that direct care supervisor and nursing support, those will be used at psychiatric hospital pilot program at veterans' home. Care partner classifications will be specific to veteran's homes. Going from big annex to smaller homes.

Member Parker asked is it necessary to become more specific as to the placement of new employees?

Mr. Hawkins answered yes, currently we are using a more generic classification and positions such as food service, housekeepers, cooks will be absorbed in this classification.

Acting Director Serna furthered member Parker's question and asked is there an intent to use direct care series in psychiatric facilities or in hospitals? Mr. Cordova answered Direct Care will be leveraged in many and various settings. Care Partner will be used in veteran settings

Member Parker asked Acting Director Serna if he feels this is appropriate utilization of the job descriptions and pay bands. Serna stated based on the explanation Care Partner and Direct Care, yes it makes sense to him.

Member Cristin Heyns-Bousliman – commented that the board materials were out of order in the binder, so it took a bit to flip back and forth. She understands the 3 different classification families.

Vice Chair Cunningham - no questions

Chair Liswood commented that these are crucial jobs and Mr. Hawkins agreed that they are the most important jobs in the DOH. Chair stated that philosophically, the State should look at the compensation based on the kind of work they do.

Chair Liswood moved to adopt the Health Care Support Classifications, member Heyns-Bousliman second. Roll call motion carries unanimously.

X. **Request for Approval of Alternative Pay Bands for the Department of Vocational Rehabilitation (DVR) Disability Adjudicator Level I and Level II Classifications**

Cliff McNary presented the request the adoption of the alternative pay bands which allows agency to pipeline qualified candidates into some of the lower pay bands. Once they get into the adjudicator role, caseloads are high, turnover is high. In the short term, we would apply alternative pay bands to retain those who top out in the pay band. SME Tina Tawater from DVR and Charles Hamlin Bureau Chief were introduced.

Mr. Hamlin stated this is an opportunity to continue to recruit qualified candidates with the results seen in long-term retention. We are a completely Federally funded agency. As a smaller state, we need to compete with Texas for candidates based on funding and how it trickles down. With the vacancy rate being so high, we have had to farm out the work to other states. We are outperforming states nearby in terms of performance and accuracy and want to be able to recruit, provide long-term training, and we believe we can retain these candidates.

Ms. Tawater added DVR we work diligently and what we find is losing candidates often within 6 months after training, having APB will allow us to retain many who are leaving for other agencies or leaving the state for opportunities nationwide. We appreciate the consideration.

Member Parker has no questions.

Member Heyns-Bousliman thanked them for the presentation. These are intended to be curious career path – min qual; educ is stepped up over time; is there an equivalency option. Will they go to school while working?

Mr. Hamlin answered the intent to bring in qualified candidates for a year train them on SSA, policy knowledge and experience will substitute as they move up. There is no degree equivalent, no certification. On the job knowledge only. Long term training is critical, and the education is being replaced by experience.

Member Heyns-Bousliman asked if equivalency is explained somewhere?

Mr. McNary stated answered generally, it is posted for candidates to view and lists substitutes for the minimum qualifications stated on job descriptor; the substitution table is applied there.

Member Heyns-Bousliman asked if the can we see substitution table on future requests.

Vice Chair Cunningham no questions

Chair Liswood thank you for the presentation today and moved to approve alternative pay bands request as presented, member Parker second. Roll call, motion carries unanimously.

Chair Liswood thanked Mr. McNary for his 26 years of exceptional experience; professionalism, dedication and passion and spoke for the board in wishing him the best.

Mr. McNary thanked the board and SPO for the opportunity to serve 6 administrations, brought 600 class studies, and changing 9 or 10 salary structures to implementation with the help of his team. This is so long for now.

**XI. Discussion Item: Adjudication Litigation Update**

Janelle Haught gave the following presentation for 3<sup>rd</sup> Quarter

- New Cases – 7
- Open Cases – 35 in the docket
- Cases Disposed -16
- Recommended Decisions pending Board review - 2 today
- Pending Exceptions - 2
- Pending Recommended Decisions – 4 in progress
- Pending Motions -2
- Pending Settlements - 2
- Mediation -3
- Pending District Court Procedural Issues - 4
- Appeals Hearings Scheduled – 19 through mid-October

Member Parker – no questions

Member Cristin Heyns-Bousliman – no questions.

Vice Chair Cunningham asked about the pending District Court procedural cases in the procedural issues category. How many are there and what are the issues?

Judge Haught answered 4, the appellant for one is the same appellant and has 2 cases that were consolidated; having to do with a policy agency does not want to disclose.

Another is regarding comparable discipline which the agency does not want to disclose.

The third case is similar to the AG case and was taken directly to district court before we had the opportunity to hear it.

Vice Chair Cunningham asked about contracting out for a 3<sup>rd</sup> judge. How is that decided?

Judge Haught replied If there is a conflict in our office or if one of the ALJ's is disqualified, they contract out to a 3<sup>rd</sup> ALJ.

Where do you get that judge from?

Judge Haught replied that this judge is retired and is now a contract counsel for agencies.

Vice Chair Cunningham asked if she is the go-to?

Judge Haught replied she is the only one we've used.

Chair Liswood, no questions. She thanked Judge Haught for her report.

**XII. Executive Session**

Chair Liswood moved to enter Executive Session Vice Chair Cunningham second. Roll call. Off the record at 11:13.

*Back in session and on the record at 11:50 am.*

**XIII. Motions on Administrative Appeals**

*Vergara, Jr., Juan v. New Mexico Corrections Department, Docket No.19-050*  
Member Heyns-Bousliman read the motion to adopt ALJ recommended decision affirming the 30-day suspension; Vice Chair Cunningham second, roll call. Motion carries unanimously.

*Munoz, Donna v. New Mexico Department of Health, Docket No. 20-020-S*  
Member Heyns-Bousliman read the motion to adopt ALJ's Recommended Decision to overturn the medical separation; reinstate and award back pay; Member Parker second, roll call. Motion carries unanimously.

*Landau, et al. vs. AGO, Docket No. 20-002*

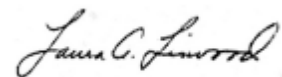
AAG Joe stated she had recused herself from any discussion on Landau. Chair Liswood stated the board decided that there is nothing for them to decide at this point.

**XIV. Other business and next meeting**

No other business from board members. The next meeting is currently scheduled June 10, 2022, we will post any changes to the next meeting date as soon as confirmed by board administrator.

Vice Chair Cunningham motion to adjourn Member Heyns-Bousliman second. Roll call. Chair Liswood extended thanks to the public, SPO staff, and those who made presentations today. Meeting adjourned at 11:57 a.m.

**Approved by:**



**Laura Liswood**  
Board Chair  
State Personnel Board

**Attest:**



**Ricky A. Serna**  
Acting Director  
State Personnel Office