

NEW MEXICO

STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

Dylan K. Lange
Director

State Personnel Board

Laura A. Liswood
Chair

David F. Cunningham
Member

Carol A. Parker
Member

Sandra D. Lopez
Member

Fred Radosevich
Member

State Personnel Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Friday, August 30, 2024 – 9:00 AM

MINUTES

Chair Liswood called the meeting to order at 9:00 am.

Director Lange led the Pledge of Allegiance and conducted roll call where a quorum was established with all board members present:

Laura Liswood, David Cunningham, Carol Parker, Fred Radosevich, Sandra Lopez

Chair Liswood asked if we had received requests for public comment. Ms. Forlizzi replied that no one had signed up for in-person comment, and she had received one comment via email prior to the deadline and noted that all members had received a copy today.

Member Cunningham moved to approve the agenda; member Parker seconded; Director Lange called roll. Agenda adopted.

Member Radosevich moved to approve the minutes of the June 21, 2024 meeting; Member Cunningham seconded; roll call. Minutes approved with Member Lopez abstaining.

Chair Liswood mentioned that Cristin Heyns-Bousliman had resigned her board post and called for nomination for Vice Chair. Director Lange thanked former member Heyns-Bousliman for her service and appreciated her contributions during her years of service.

Liswood nominated Carol Parker. Member Cunningham moved to approve Parker as Vice Chair; Member Radosevich seconded; roll call; motion carried.

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Public Comment

Ms. Forlizzi confirmed that the public comment received electronically was provided to the board prior to the meeting today and would be included with the minutes.

Director Lange introduced Sandra Lopez who had been recently appointed to the board and read her bio after which Member Lopez said she is honored to be appointed and sit on the board, as she knows SPO plays a vital role and thanked everyone present noting what you do makes a difference. Chair Liswood welcomed Member Lopez.

FY26 Budget – Jaime Trujillo, SPO ASD Director presented the FY26 appropriation request noting with board approval, he will submit the request this afternoon to DFA. Trujillo explained there was a small last-minute adjustment which added 25K to the presentation they have in hand. \$1,090M is being requested, representing an increase of 23% which is significant relative to state government. SPO is asking for the increase to address the challenges noted in the Deloitte study. We want to hire a full staff of 44 which will afford us the ability to innovate, be dynamic, nimble, and be able to strategize in a new way with the goal of making the State of New Mexico an employer of choice. We already have the positions; this is asking for them to be funded. \$778K to hire for these 6 positions. \$134K for the general fund 3% increase and \$87K to fund an appropriate placement increase for current staff.

Contractual services has an additional \$5K in FY26 so we can provide more language access services such as sign language interpreters. \$82K will be earmarked for certifications required to implement the compensation strategies outlined in the Deloitte survey. SPO has received positive feedback thus far from Governor's Office, DFA and LFC. Stand for questions.

Rotary Wing Pilot Class Study

Austin Basham, SPO Comp & Class Specialist presented the request for approval. Sgt. Kevin Killpack, SME said this addresses the absence of appropriate classification duties and what is needed in the field.



Chief Troy Weisler said it is a difficult time to be recruiting in law enforcement. This request is an attempt to remedy the situation. We are lucky that the state has the most advanced helicopter available, and we need additional pilots to fly it. Search and rescue missions, hoist rescues are part of the duties, but not in the classification.

Sgt. Kevin Killpack is the chief pilot and the only pilot. These positions are very important. Priority is to have commissioned pilots, but it's been difficult to get the experience we need with someone having to become a commissioned officer.

Maj. Lorenzo Aguirre added it's a challenge and this will help support the current pilot; recruitment is challenging based on the training required. Square mileage of the state is a challenge for one pilot. We have a lot of interest from veterans who are retiring, and they don't want to go through another academy to become commissioned.

Cpt. Hugo Munoz said he supervises special ops team including aircraft. There are 33 counties with 1 aircraft and we're not attracting civilian pilots currently. This request helps address that.

Motion to approve the class study made by Member Radosevich; Member Lopez seconded; roll call; motion carried.

Out-of-Cycle Safety Sensitive

Kassidee Lemon, SPO Data Analyst presented the request for approval to remove 21 positions from the Safety Sensitive (SS) list.

Angelina Quintana, CYFD HR Operations Bureau Chief explained they have a lot of positions that are vacant and not being utilized. CYFD asked the LFC for more positions who suggested they consider reclassifying positions they already have. This would repurpose 21 of those positions based on critical needs of the agency. By reclassifying these positions, pre-employment and random drug testing would not be mandatory.

Vice Chair Parker asked if there a possibility that these positions be reclassified to be SS?

Quintana said no, the positions have been removed and repurposed to other divisions, most in protective services division.



Member Radosevich asked if these positions have contact with victims and juveniles? Director Lange reminded the board that if you are impaired and show up at someone's house, that is not allowed, SS or not, and the employee will be disciplined based on agency policy. Any direct care agency decides which positions are SS and which are not. We rely on agencies to determine this.

Member Cunningham asked why do they need to come to us for approval? Lange said we don't have a standardized way other than relying on the SME's and by statute, the board does need to approve.

Vice Chair Parker asked if they vote against it, what are the ramifications? Lange said they will have to list SS on all postings, which hampers recruitment.

Quintana added CYFD would need to work with SPO to determine if potentially 2,100 positions need to be reclassified as SS.

Member Lopez mentioned that random drug testing and reasonable suspicion are already in the policy along with full background checks. Given SPO board rules and agency policy regarding reasonable suspicion, these are no longer positions we require to be SS positions.

Lange said they are happy to look at the process; if we say we are not willing to remove the SS for these positions, uniformity would probably be jeopardized. Many of the same positions are used throughout state agencies and would not be uniform if we allow SS for CYFD and not subject the same standards to all agencies.

Lange reminded the board that SPO provides guidance as to what is SS and what isn't, which has been the process all along.

Member Cunningham moved to table approval of any positions with CPS in the description; all others approved. Member Radosevich seconded; roll call; motion carried.

Learning and Development Work Plan

Jaime Phillips, SPO Learning and Development Manager presented the summary of learning and development from FY24. She then presented the FY25 work plan and goals, with strategic collaborations in support of achieving agency goals. Identified areas of



opportunity, clarified what staff needs, and to be as responsive as they can be. Onboarding program documents is a goal. Significantly increased course catalog and identified a need for better access because roughly 3,000 state employees don't have access to the online courses.

Chair Liswood said she is always impressed by what the division is doing. Why do the 3K not have access?

Phillips explained that those State employees do not have access to the SHARE system because they don't use that system to enter their time. The learning management system is tied to SHARE, so they have not been granted access to the Enterprise learning management side. DFA and DoIT are actively working on implementing access.

Director Lange added that we are undertaking a credentialing metric and how to count it for qualifications and pay. We are just starting the process. Creating new and revisiting the current offering. We would like to follow industry standards.

Lange acknowledged the training team is in attendance; their energy and knowledge of material is infectious, and he invites the board to participate in a training as they are available so they can experience that for themselves.

SPO Updates – Director Dylan Lange gave the following updates:

We continue to do well with HR Services – added SOS for a short time; team works tirelessly; they are currently reviewing agency policies.

WFP – 4th quarter report showed over 6,000 actions and approvals.

Performance measures:

- SPO-led trainings: 174
- Probation completions: 64%
- Statewide vacancy rate: 22.7%

Staff updates:

- Melanie Morgan was promoted to Compensation & Testing Manager
- Austin Basham was promoted to Comp & Class Specialist II



- Kassi Lemon was hired in QADA department

New Hires:

- Sonia Gomez – Recruitment
- Alyssa Flores – Program Coordinator
- Josh Bobick – Recruitment and PR Coordinator
- Debra Poulin – ALJ beginning in September
- Currently Recruiting for Comp & Class I

Other Updates/Information:

- We are engaged with the HR community more; HR Council meetings are in-person and we are supporting them in what they need; a holistic approach to job architecture.
- The Job Architecture project from the Deloitte Study was not supported in the special legislative session. We will be requesting full funding during the session in 2025. This will support the state in following a more modern approach to compensation. DFA and the legislature are still behind the prospect.
- Repealed the COVID mitigation policy
- Union updates – SPO is the chief negotiator for CBAs, and we are entering negotiations in 2 weeks with CWA. This happens every 4 years and Lange will be updating the board as negotiations progress.

Member Cunningham asked what we are doing from the Deloitte report.

Director Lange said we identified the challenges in the budget request. We are taking what we can from the study where we can do better and requesting budget to make the adjustments. We are already starting the process of job architecture even without the budget to speed this up and have a jump start on the anticipated budget increase. Using this as an opportunity to realign and ask for support. Utilizing what is useful and making it better by being more proactive and innovative. Being as positive as we can and using the report to move things forward. How do we utilize the report to benefit the state.

Chair Liswood thanked Lange for the update.



Adjudication Update

Janelle Haught, SPO ALJ gave the following report:

Started fiscal year with 20 appeals; finished year with 22 appeals. Thirty-four new appeals were filed; we disposed of 32 appeals. Presently we have 26 appeals.

Fourteen cases are scheduled for hearing through April 2025. Three recommended decisions are pending, two will be presented at the October Board Meeting. One case is being mediated, four are pending settlements and three cases are stayed pending District Court issues. One case is being presented to the Board today.

Member Cunningham inquired about the District Court Cases. Judge Haught replied that an employee with two appeals also filed whistle blower lawsuits; his appeals were stayed pending the adjudication of his whistle blower lawsuits. The third case is the matter in which the employee recused me and the Board and has been pending in District Court for over two years.

Cunningham asked how many Final Decisions had been appealed to the District Court. Haught replied that there were seven Final Decisions presently appealed to the District Court.

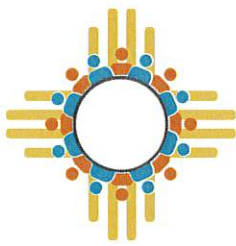
Executive Session

Chair Liswood moved to enter closed session for Administrative Adjudication exception NMSA 1978, Section 10-15-1(H)(3); Vice Chair Parker seconded; roll call; board moved to executive session and were off the record at 11:50 a.m.

Motion on Administrative Appeal

The board reconvened at 12:14; back on the record.

Pursuant to 1.7.12.22 NMAC, and after careful consideration of the record, the Administrative Law Judge's findings of fact and conclusions of law, analysis of the relevant legal authorities, the recommended decision, and Appellee's exceptions to the recommended decision, in *Cynthia Santistevan v. New Mexico Corrections Department, Docket No. 23-013*, Member Cunningham moved to adopt the Administrative Law Judge's Recommended Decision. The Board further makes a non-binding recommendation to the Department to engage in additional supervisory training of this appellant, and of supervisors generally; Member Radosevich seconded; roll call; motion carried.



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STATE PERSONNEL OFFICE

Next meeting to be held in person on Friday, October 11, 2024 at 9:00 am.

Adjournment

Member Cunningham moved to adjourn; Member Radosevich seconded; roll call; meeting adjourned at 12:19 pm.

Approved:

A handwritten signature in black ink, appearing to read "Carol A. Parker".

Carol A. Parker, Vice Chair
State Personnel Board

Attest:

A handwritten signature in blue ink, appearing to read "Dylan K. Lange".

Dylan K. Lange, Director
State Personnel Office

From: Chris Mechels <cmechels@q.com>
Sent: Thursday, August 29, 2024 1:23 PM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] Public Comment to the 20 August SPO Meeting

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To the SPO Board,

This comment relates to three items needful of the Boards attention.

1) The SPO 1.7.13 NMAC on Rulemaking is not compliant with the NM Rules Act, and its default Rulemaking Procedure, 1.24.25 NMAC. This means that any Rulemaking by the SPO can be legally challenged, due to the non compliant policy. It appears that 1.7.13 NMAC should be deleted, or brought into compliance with the NM Rules Act.

2) The SPO Rulemaking of 12/6/2019 approved a change to 1.71.14 NMAC, shown below. The approved change, due to an error, was not made to the NMACs.

1.7.1.14 AGENCY HUMAN RESOURCE POLICIES: Each agency shall provide a copy of their human resource policies to the office by July 1 of each year and these policies must conform to the provisions of these rules and other statutory requirements as required by law and include, among other things, policies regarding diversity in the workplace. [1.7.1.14 NMAC - Rp, 1 NMAC 7.1.14, xx/xx/20xx]

3) In the 16 February 2024 Board Meeting, based on a gratuitous input from AAG Rubin, the Board eliminated the, long standing, Board Operating Procedures, which contained significant public access provisions. This was done with NO public input on the matter. I suggest that the Procedures be restored, and public input sought on the matter. The SPO Board seems very insular and resistant to public input, in part due the influence of the AAG Counsel.

Regards,

Chris Mechels
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