



# 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, December 10, 2021 MINUTES

#### I. Procedural Items

- Chair Liswood introduced herself and called the meeting to order at 9:02 a.m.
- Acting Director Serna led the Pledge of Allegiance and then called for a Moment of Silence – in remembrance of Mittie Runyan, a worker for DOT who died Monday 12.6.21 while working with a maintenance crew for DOT in Artesia
- Acting Director Serna called roll – Chair Liswood, Vice Chair Cunningham and member Parker present, member Heyns-Bousliman absent.
- Drew Lovelace launched a poll as a Call for Public Comment and asked those attending via phone to unmute and state their name if they were going to make a comment – No requests for comment
- Chair Liswood stated she reviewed the items on the agenda and moved the agenda be approved as presented. Member Parker second – Acting Director Serna roll call. Motion to approve agenda carried unanimously. Approval of Agenda Chair Liswood motion; member Parker 2<sup>nd</sup> roll call – motion carries
- Approval of Minutes –October 29, 2021 – Chair Liswood stated she reviewed the minutes and offered a motion for approval as written. Member Cunningham asked for clarification on page 04 of the material under the Safety Sensitive review. He questioned the context of the minutes as it related to the admin position located in the Albuquerque office. Acting Director Serna clarified and Vice chair Cunningham feeling his question was answered, seconded the motion. Acting Director Serna Roll call motion to approve minutes as written carries.

II. Chair Liswood asked Mr. Lovelace if there were any requests for public comment.  
Mr. Lovelace stated there were no requests for public comment.

III. *Discussion Item:* Acting Director Serna offered the following report:

- SPO is working with other state agencies to assess the childcare gap for State of New Mexico workers. Survey was sent out to all classified employees to identify trends and

- needs. This is a worthy project that will help employees as well as increase the capacity for recruiting those who may see childcare as a barrier to working with the state.
- Exit Survey is being rolled out for all agencies so that we can gather information while incorporating what agencies need to know to create a universal survey intended to bolster recruitment and retention. Can generate reports on reasons why people are leaving state jobs across the board.
  - SPO and SHARE are working together to create an electronic onboarding system with standardized forms. This is a virtual process, and the testing period will begin with the first pay period of January.
  - December 3, 2021, an updated Executive Order (EO) was issued with new guidelines for those who are not fully vaccinated. To date, the state has 85% of work force fully vaccinated. Weekly testing will be required for those who have not received booster. We are working with DOH and the Governor's office on the final draft, which we anticipate will be sent out this afternoon. We are also working with SHARE on a parallel module within the system to track data and generate state-wide reports.
  - Last month, we worked with ECECD to borrow a member of their marketing staff. We have executed a short-term arrangement for her to work on some platforms. SPO has created a request for a marketing position to be an in-house assistance on the social media (SoMe) platforms. We have also entered contracts to boost SoMe advertisements.
  - Benefits and perks – inventory all perks to centralize/promote on SPO website, thank you to the team and they continue to research additional perks available. Working on post-secondary institution for CE; enterprise purchases for additional discounts, and more to help identify added benefits and create opportunities and additional resources to help with retention and recruitment.
  - Working with the Governor's office on FY23 compensation recommendations. Working with union partners so recommendations reflect their input; bottom line \$15/hr minimum pay and addressing compaction of pay bands. LFC presentation addressed that last month.
  - DWS to coordinate a rapid hire event on December 15, 2021, with 10 agencies and more than 50 vacancies. The event will be held at La Fonda on the Plaza. DWS will process on-site applicants with initial screening and interviews with the direction to get offers out within 24 hours. Promotion of event ongoing on website and news media as well as social media (SoMe) platforms.
  - Lastly, survey results on a quick poll for SoMe policies for agency and personal use will be used to get an overall sense of how agencies are administering the policies.
  - Working on a strategy to expedite the process of appeals on disciplinary actions.

Stand for questions

Vice Chair Cunningham has a couple of questions. 1. Issues of childcare – employees may need to stay home; Acting Director Serna stated long-standing telework (TW) agreements. 50% of work force has some form of Non-emergency TW. Survey indicates ongoing childcare needs; short term (winter break); long term – after school, summer, etc. ECECD and GSD identifying buildings owned by state to extend capacity to allow space for childcare that they would not otherwise have. 2. Vaccination rates - 85% SoNM vaccinated and the rest on weekly test protocol. Last poll was done November 9, 2021,

so data does not include booster data. Vice Chair Cunningham - Is there a policy that says the booster needs to happen? Acting Director Serna noted the Public Health Order (PHO) issued December 3, 2021, issued by the Department of Health (DOH) Secretary which requires those working in hospital and congregate care settings (5 agencies) to have the booster. The Executive Order (EO) provision requires testing for all without boosters beginning January 17, 2022. Vice Chair Cunningham – is guidance provided by SPO? If so, he would like the board to review guidance document. Reviewed changes on December 3, 2021, with HR feedback being incorporated. These are available on SPO website, and we will get links to the board.

Vice Chair Cunningham asked for more information regarding the rapid hire event. Serna stated it is a strategic 4-hour event. Agencies identified hard-to-fill positions; specialized or not specialized along the spectrum. Across the state, there are 1340 active positions available, so 10 agencies will bring specific positions to the event with the goal of filling them from applicants attending the event.

Member Parker has no questions.

Chair Liswood began with congratulations on focusing on quicker hiring as well as uniform offboarding. Will we have the state data to see trends that run through the survey? Question about business processes will the results come to SPO and be disseminated to agencies. Will be able to use the data with recruitment and retention?

Chair Liswood commented on Social Media (SoMe) policies – findings and overview. Acting Director Serna stated that SPO asked state agencies for their policies on agency SoMe accounts. 36% have policies for agency accounts. 33% of agencies have a policy for current employee use of SoMe accounts suggesting provisions that address how employees engage. General Counsel, Jessica Cooper has researched best practices nationwide. We will recruit a group to determine if we can get to a uniform policy or determine if what we have in place is sufficient. Chair Liswood asked is it adequate that over 60% of agencies do not have a policy? Acting Director Serna has reservations about getting a little too specific on engagement off work hours. Feels like we are straddling a fine line and as long as it does not adversely affect employee's ability to perform duties, it's working for now.

Vice Chair Cunningham – commented why does the state needs to have a uniform policy or non-policy. Why do we want to get involved in personal lives? Different agencies with different policies could be in conflict. General Counsel should review and is something we need to watch.

Chair Liswood – please continue to monitor and board will have input further down the line. Asks that AAG Joe and others help the board understand the code of conduct and watch universal practices. Please provide another report during the next board meeting. member Parker asked as we begin to formulate and ask questions, wants to be sure that there is some way that a whistle-blower policy regarding SoMe. Seen recently in private sector as an area of concern. Agree that employees should have personal interaction. But we need to watch for red flags – origin of SoMe need not be counted as a non-applicable. Chair Liswood asked that we please look at best practices both in the national level and private sector.

Vice Chair Cunningham agreed regarding violence. Don't want to shut down a tip that something may happen. Chair Liswood asked about collaboration and cooperation with law enforcement

- IV. Annual Safety Sensitive Review – Ms. Vigil-Clark, currently serving as Safety Sensitive coordinator; presented the review. Pointing the board to their binder and the memorandum which includes definitions. Excel or pages of data – look at additions 2022 Safety Sensitive and read the definition. In summary, there are 4,347 Safety Sensitive designated positions; 106 omnibus and positions that are designated as both total 1,103. New Mexico State government maintains a total of 5,575 Safety Sensitive and Omnibus designated positions. After review and analysis, Ms. Vigil-Clark recommends SPB approval of the 2022 annual review of Safety Sensitive and Omnibus designated positions.

Stand for questions – Chair Liswood clarified that Omnibus positions are out of the board's control; there is federal criteria listed in the memo associated with the act of 1991 with five criteria that are federally recognized by law. Commercial motor vehicles, Railroad, aircraft, etc. Omnibus removal or addition is not under purview of SPO board. Not approving but notified the board of the changes is informational only.

Chair Liswood asked about the raw data on spaceport authority – A/O I or Gen-1 why added? Ms. Vigil-Clark explained the AO I is a manager position, and the Port authority utilizes the position to oversee the aircraft and the airfield. Air Traffic control as example – this position ensures there are no other air activities/vehicles – safety component for those in the air and on the ground. Gen I oversees employees' safety activities of Spaceport place – environmental factors associated with flight, launch, test. They determine if that can go forward. Affects health/safety in that way.

Vice Chair Cunningham had a couple of questions and asked 1. are the numbers 5,423 total, 5,557 total, 4,347 specific to Safety Sensitive current? Ms. Vigil-Clark confirmed the totals on page one of the Memo are current totals and do not include the additions/removals/inactivations requested.

2. Attorney General's Office had an addition of 34 – what do lawyers have to do with public health and safety? JR Rael – answered that the AG's office employs certified law enforcement officers as special agents, internet crime, children safety. Investigators only. Member Parker no further questions.

Chair Liswood - Motion to approve Safety Sensitive review as presented. Vice Chair Cunningham second- roll call. Motion carried as presented

- V. 2021 Annual Compensation Report – Acting Director Serna stated that while SPO submitted the report in advance of meeting, the team is working on an updated version. Revised report will be submitted prior to December 31, 2021. Chair Liswood asked for discussion. Vice Chair Cunningham requested a redline of last year's report against the updated report, stating there is a great deal of detail and wants to understand a bit more about what the board is supposed to be doing here. We need a short working session on the report, since the board are co-authors. Member Parker agreed. Vice Chair Cunningham is available but will not vote for something he knows nothing about.

Chair Liswood – AAG Joe was asked about the process – what format can the board have? Vice Chair Cunningham provisions mentioned about a working session – a public meeting where report reviewed, but no action is taken. Notice to public is not necessary in the same way. Schedule with enough time to post 10-day notice on the website and front door.

Chair Liswood – when does this report need to go to legislature? Board rule is that we submit by end of calendar year. We can review the report, provide red-line version. Can do 10-day notice to review. Chair Liswood asked if we have enough time on the calendar to do this? Can we approve after the report is sent to the legislature? Acting Director Serna stated we would call a special working meeting – in-depth review of red-line changes. Act at the January board meeting. Want to present in such a way that the board has a clearer understanding of what they are voting on. Figure out timing, given the holidays.

Member Parker asked if the meeting needed to happen before the end of the year or the start of session. Action is not necessary until before it goes to session. Chair Liswood asks Acting Director Serna to respond based on timing.

Chair Liswood motioned to table the agenda item to the next full board meeting, Vice Chair Cunningham second – roll call; unanimous approval to table the report.

- VI. Annual Classification Plan – Max Cordova, Operations Manager of QADA, Compensation & Classification presented the plan. Mr. Cordova asked the board to look at specific information on page 3 for the philosophy and objectives, which are a realistic in view of the charge. Cordova stated the plan is adaptable to change, recognizing positions do change and evaluation of the needs are an ongoing process. We rely on agencies Subject Matter Experts (SME) for the development process. He then referred to Appendix 1 – diagram developed by team. Show inputs/processes that need to occur that go in to developing a new classification. Appendix 2 – identifies list of all current classifications in the classified system for state government. Wide range of duties, responsibilities and expertise associated with classification and the work being performed at the family of class. Append 4 – in the plan, we distinguish the class studies/occupational group studies. There have been 7 class studies in the past, with more coming. Largest class study to date was the Department of Health (DOH).

Stand for questions. Chair Liswood thanked Mr. Cordova for the comprehensive and detailed report and asked, “if you were a member, what should we be asking?” Mr. Cordova stated he would refer to appendix 2 and 4 and ask why we have so many classifications? That speaks to the amount of work State Personnel Office has performed to accurately reflect the duties being performed at the specific agencies. Chair Liswood asked if this creates confusion for those who want to apply to jobs in state? Mr. Cordova answered that at first glance, it can feel overwhelming. With tools available, we are able to develop class descriptors. Through recruitment process, we are able to utilize the descriptors to ensure applicants understand the job and minimum qualifications related to the functions of that job.

Chair Liswood asked for an example class descriptor developed for each class/family. Cordova referred to Conservation Scientist – basic, operational and advanced constitute a “family”. Each position shows the high level; pay band, an overview of what position is and may do and recommended minimum qualifications needs to perform job as well as the essential duties and responsibilities the applicant may be asked to perform. Chair Liswood asked if Mr. Cordova thinks we are getting a robust diversity of applicants. Cordova answered that it depends on the classification and agency. Some classifications are better suited to the applicant pool they are targeted for versus a specialized applicant pool.

Vice Chair Cunningham described the need to do class studies and used the example of “Attorney” and why not just have 2 categories instead of 7 or 8? He is more interested in pay bands. How do you decide what number to label a given pay band? Please explain how that all gets done. Cliff McNary, Classification and Testing Manager was called to answer. He explained the point system used to identify a pay band; each pay band associated with a basket of points. Each basket does not overlap in a pay band, points are used to identify pay band and classification and referred to the table in section 8.

Member Parker referenced the Health Care study and classifications in that study to be implemented December 11, 2021 and asked if that is on-track? Mr. McNary stated, yes, it will be effective December 11, 2021. Mr. Cordova stated that everything is on track and SPO worked diligently with DoIT to make changes to the system. Chose the date as it is the beginning of the pay period, giving us time to cross-check before the next pay period. Chair Liswood suggested to Acting Director Serna that there is a lot of new research/data around job descriptions and interview techniques which discourage diverse candidates or unlevel the playing field. Liswood asked that we do some research on that.

- VII. Chair Liswood motion to approve the Classification Plan as presented; Vice Chair Cunningham second; roll call – motion to approve the plan adopted unanimously Motor Vehicle Division (MVD) Operations Generalist for the Taxation and Revenue Department (TRD) Classification Study – Cliff McNary, present the proposal stating it has been a long journey, the last Class Study was done in 2013, but it was not implemented. McNary gave some background and recommended approval of the MVD Operations Generalist classification and assigned pay bands. Implementation will affect four FTE but will have no cost impact. SME introduced to answer questions. Chair Liswood noted the microphone issues and Vice Chair Cunningham also had difficulty hearing, no questions on the memo; member Parker no questions.
- Chair Liswood motion to approve the class study; Vice Chair Cunningham second; roll call; motion to approve class study carries as presented.

- VIII. Alternative Pay Band (APB) Renewal Request – Melanie Morgan, Compensation and Classification Analyst recommended approval for renewal of APB based in the team’s review and recommended extension until 2023. Assignment of APB is to be renewed annually. There are 305 APB for renewal; 2 were added last year and the APB for DOH related to the health care study will be removed tomorrow as they move into new salary structure. 30-50 APB will be removed. APB’s are allowed for a variety of reasons - high

vacancy rates due to hard-to-fill jobs; based on salary surveys and regional/national studies. Stand for questions.

Chair Liswood – asked about page 6 and the line 1 position. Delta change of 33, the largest of all. Ms. Morgan stated the class reviewed some time ago before the health care study was approved. Cliff McNary added that typically there are some classifications that do require 3 or 4 pay bands. Chair Liswood asked if we no longer have a good pool of applicants? Ms. Morgan stated that at the time of the study, we review all positions with point factor system. Where the position lands, is not necessarily where the position should be. The APB was introduced with class study. The increase is needed to recruit regionally in addition to the entire state. McNary also added that we apply APBs with the implementation/approval of new classification, it is not random. If an agency is having a lot of difficulty with recruitment and retention APBs become a factor and stated we look at accommodation of the target population. Acting Director Serna asked at what moment of time do we re-review so that an APB becomes the pay band? Mr. McNary answered that a job review is done at the request of the agency. Assign points appropriately and determine if the total point moves the needle. Why not just make it the pay band? McNary stated that the Job process addresses that.

Vice Chair Cunningham asked why an APB is needed to fix pay band, that is a moment of time. He stated there are numerous positions here – how often do we review to be sure this information is current? Mr. McNary answered that they are reviewed throughout the year. Trying to solve the issue, thereby reducing number of pay bands. Capture work and create a unique salary structure for that occupation. We want to come in at or above the market. APBs are still out there, and we are addressing this with class studies.

Attached to jobs on general salary structure which is behind the market by up to 40%. Occupationally based class studies to set at market. Salary structures adjusted by the same amount of legislative increases. The sooner we move things up, the sooner we get rid of pay bands. Vice Chair Cunningham asked are we trying to keep more current? McNary said the State hasn't come up with a budget to do a class study. Up to this point, we had to hire contractors/consultant. As with the health care study – we get to a reactionary state. Only cost incurred is agencies make an effort to raise employees to the maximum of pay band with DFA approval.

Member Parker asked if performing these studies, when we have financial resources to do so, are we attempting to eliminate a pay band in the formulating a new salary structure without alternatives? Where are the financial pressures with new levels? Why have APB for multi years if it can be solved within the identification of new pay band levels? Mr. McNary answered that the goal of a new occupationally based salary structure is to replace dollar values in those pay bands where employees are currently at with the APB. Not the goal to get rid of APB, but to bring employees up to market for recruitment and retention. APB is not attractive as this can be seen as a temporary fix, which has gone on for so many years, and we are behind, so it has been too long to push ahead to get class studies done to eliminate need for APB. General salary structure is Achilles' heel in state government. Ms. Morgan stated that the cost of the class study is to bring the class study to minimum. Member Parker asked about the cost

- factor in a study. Mr. Cordova stated this is a great question, initially cost in most cases, is minimal. Since current APBs are close to where they are performing, there is not too big of an impact on agency. Agency may not have sufficient funds to implement, however. We are following cost to minimum in the pay band and need to work with budget counter parts to ensure appropriate placement. Ensure current employees are placed appropriately in addition to new hires. Acting Director Serna stated we can have 1 classification grouped in an APB. We can ask to look at it, move it and a fix may not be cost prohibitive. Sum may be too costly to budget with the group it will affect. We are looking at approaching this to shift pay bands to the right to accommodate where everyone falls. Chair Liswood offered a motion to approve as presented; Vice Chair Cunningham second; roll call – motion to approve carries unanimously. Chair Liswood thanked all who participated.
- IX. Adjudication Litigation Update – Ms. Haught presented the update for the second quarter. Adjudication had 7 new appeals and disposed of 16. We have 21 cases scheduled through March. Three cases had final decisions appealed to district court. Valencia – Notice of Inactivity issued 10/26/21; Landau motion for reconsideration heard December 3, 2021, and motion denied; Madrid – no movement to date. Vice Chair Cunningham asked about those pending district court was it the attorneys for employees, not SPO? Ms. Haught replied 1 case appealed for discovery issue. Once it goes to district court, it is out of our control. Department is represented by AAG Joe or General Counsel, Jessica Cooper. 16 cases disposed of – Haught stated a majority were settlements or were withdrawn. Vice Chair Cunningham stated he didn't schedule hearings where settlement was on calendar. Did you adjust? Ms. Haught replied that when an appeal is processed, it is immediately set for hearing. They may vacate the hearing. Vice Chair Cunningham asked about the Landau case the hearing was held Monday with Ms. Haught about damages. District court – prevailed in front of board and was adopted. Could not agree on damages. Member Parker – no questions. Chair Liswood asked AAG Joe for input with respect to cases at district court, she is handling those cases, unless monetary issues are included, and she will inform the board and recommend they retain other counsel for those matters. Vice Chair Cunningham asked about the 4 cases now – How does district court have jurisdiction? AAG Joe will defer answers to closed session.
- X. Executive Session – Chair Liswood moved the board enter executive session to review administrative appeals. Vice Chair Cunningham second; roll call, moved into executive session at 10:56 a.m. and are off the record. Chair Liswood stated the board is back in session, the time is 11:43 am
- XI. *Action Item: Motions on Administrative Appeals –*
1. *Jeremy Rodriguez-Ortega v. NM Department of Health, Docket No. 20-028*
- Vice Chair Cunningham moved to adopt ALJ recommended decisions; member Parker second. Roll call, motion to adopt carries unanimously.



2. *Krystal Maynes v. New Mexico Corrections Department*, Docket No. 20-036

Member Parker moved to adopt ALJ Recommended Decision including proper findings of fact to overturn NMCD 3-day suspension and a letter of reprimand be issued. Vice Chair Cunningham second; roll call, motion to adopt carries unanimously.

XII. *Discussion Item*: Any other Business – no other business from Vice Chair Cunningham or member Parker. Chair Liswood requests we add for discussion, the Adjudication memo beginning with the next meeting January 14, 2022.

Vice Chair Cunningham moved to adjourn; member Parker second; roll call. Meeting adjourned 11:47 a.m.

Approved by:



Laura Liswood, Board Chair  
State Personnel Board

Attest:



Ricky A. Serna  
Acting Director