



**Pamela D. Coleman**  
Director

# **New Mexico State Personnel Board**

## **State Personnel Office**

**Michelle Lujan Grisham**  
Governor

**State Personnel Board**  
Christine B. Romero, Chair  
Laura A. Liswood, Vice Chair  
Carmen V. Chavez, Member  
Jerry Manzagol, Member

### **State Personnel Board Meeting**

#### **State Personnel Office**

#### **Electronic/Telephonic Meeting via ZOOM**

#### **Friday, December 11, 2020**

### **MINUTES**

- I. Procedural Items
  - Call to Order – Chair Romero called the meeting to order at 9:04 am on Friday, December 11, 2020
  - Pledge of Allegiance was led by Director Coleman who then called for a moment of silence honoring all those who have lost their lives to the virus, particularly in New Mexico.
  - Roll Call – Director Coleman conducted roll call –  
Chair Romero, present  
Vice Chair Liswood, present  
Member Chavez, present  
Member Manzagol present  
Chair Romero also welcomed Director Coleman, Secretary to the Board; AAG Valerie Joe, board administrator Denise Forlizzi, meeting moderator, Drew Lovelace from DOT and lead meeting moderator Prakash Bhakta, CIO.
  - Call for Public Comment – Chair Romero asked that a poll be taken for those who wanted to make public comment during that section of the agenda. Audience polled and one requestor, David Hadwiger, responded yes.
  - Guidelines for the meeting read by Chair Romero.
  - Approval of Agenda – Chair Romero motioned that the agenda be accepted as presented, Member Manzagol second; agenda was unanimously adopted
  - Approval of Minutes for the October 16, 2020 meeting; Member Chavez motioned and Vice Chair Liswood second; roll call Minutes from October 16, 2020 unanimously adopted.

II. General Public Comment – David Hadwiger was offered his 2-minutes allowed for comment and used the full time.

III. Director's Report

- Good morning and welcome. Thank you, all for being here with us this morning Secretaries and Deputy Sec welcome.
- This is now our SIXTH Zoom meeting. A continued thank you to Prakash Bhakta and Denise Forlizzi, for helping to orchestrate this electronic meeting. Special welcome back to Drew Lovelace who is helping to co-pilot today's meeting.
- We have a very full agenda today so I will keep my remarks brief.
- We all continue to navigate the public health emergency brought on by COVID-19 and are grateful to the Governor, our colleagues in State government, and health care professionals around the state for their dedication.
- In a continuing effort to help stop the spread of the virus, most State employees continue to telework.
- State Personnel continues to work collaboratively and flexibly with agencies on their hiring and personnel actions.
- We are extraordinarily close to finalizing both Collective Bargaining Agreements with our partners at AFSCME and CWA.
- We have a departure to announce – This is Board Member Carmen Chavez's last meeting. She is getting married and will be moving out of state. We wish her all the very best and thank her for her years of dedicated service to this Board. We will miss her.
- Thank you to the Board, the State Personnel staff and the entire HR Community for your continued work and professionalism always.
- We wish everyone a safe and healthy holiday season.
- Thank you. I stand for questions. No questions for Director Coleman.
- Chair Romero thanked Carmen Chavez for her participation on the board. She has learned a lot from her bringing her insights and experience to the HR community.
- Member Chavez thanked all and have learned much from everyone, the good participation from the community and is so impressed by the HR community in New Mexico.

IV. Annual Compensation Report – Cliff McNary, Classification and Testing manager for State Personnel Office, presented the report; and began by recognizing Director Coleman, Leane Madrid, Max Cordova, data analyst, Melanie Morgan for their contribution to the report. Mr. McNary highlighted the following and encouraged members to follow along from the copy in the board binder:

Page 11, Table 1: made note of missing data from four of the eight surrounding states

Page 13, Table 3: Pointed out the NM is perennially behind the competitive Labor market in salary and wages but much more generous in benefits.

Page 14, Table 4: Reconciled the merit increase projection reporting discrepancy from NCASG as the 2.4% was reported by SHRM much earlier in the fiscal year than what was reported at the end of the year in the NCASG salary survey at 0.94%

Page 15, Table 5: Surmised that the 2020 Consumer Price Index (CPI-U) for Urban Consumers might be anomalous in that there was almost three full quarters of strong economic numbers and record unemployment before the pandemic crisis. Then late in 3<sup>rd</sup> quarter and all of 4<sup>th</sup> the bottom dropped out of the economy, consumer confidence collapsed and demand for goods and services dropped the CPI to a net 1.4%. Had the pandemic occurred earlier in FY20 that index should have been in the negative, similarly to the great recession of 2008-09.

Page 16, Graphs 2, Page 18, Graph 3: pointed out that graph 2 showed no NM salary increase but graph 3 showed the 1% increase for employee making less than \$50K.

Page 24, pointed out that the average compa-ratio for all state employees across all seven salary structures is 103% which means that salary administration is good because employee are being paid well in their individual pay bands which is competitive with the comparator market.

Page 26, Graph 6, Page 28, Graph 7: Pointed out new hire compa-ratios are higher in the last couple of years due to the fact that the use of In-Pay band increases for incumbents clears the way for new hires to be brought in at more competitive salaries.

Page 33, Graph 16; Page 35, Graph 24: Made the point that an increase in overtime usage (Graph 24) can be due to high absenteeism (sick leave usage) where employees have to cover for the shortage of manpower. However Graph 16 shows a decrease in absenteeism year over year so the pandemic is probably responsible for high overtime usage due to employees manning hotlines at DOH and unemployment field office staffing around the state.

NCASG group; Table 1; perennial status as lower paying states with good benefits. 2 figures reported SHRM 2.4% merit increase projected for FY21. However, survey showed 36 state agencies that merit increase is less than 1%, due to the timing of year end and pandemic.

Stand for questions

Vice Chair Liswood offered congratulations to the team. Asked about the pay equity analysis - is it mandated? Last analysis was gender differences. Can make the report available. We file annually the report is by gender maintained on an annual basis. Top 9 summary of conclusion of report.

Chair Romero questions about the .94 over last year. What does that mean for NM state employees? Mr. McNary stated CPI % in change in price of goods/services only. Chair Romero - So is there a bump for employees compensation? Director Coleman stated that state employees will not receive a lump sum on 1.1.21 as a result of Legislation session. Do not believe that is applicable for FY21 based on the Legislature's budget- scheduled 4% increase was put on hold after COVID. The 4% was eliminated due to budget constraints.

Vice Chair Liswood moved to adopt the report as presented; Member Chavez second. Roll call – adopted unanimously. Director Coleman thanked the team for the comprehensive report.

V. Department of Public Safety Classification Study –

The State Personnel Office Classification and Compensation Division recommends the approval of the classification for the New Mexico Law Enforcement Academy Instructor and the market adjusted pay band of 75.

The new classification, specific to DPS and the Law Enforcement Academy, will better define the work being performed and the importance of its purpose. To aid with recruitment efforts, an Alternative Pay Band is warranted due to the 60% vacancy rate of DPS instructors. There are currently two Academy Instructors and three vacant instructor positions.

Mr. McNary introduced acting Cabinet Secretary for DPS, Tim Johnson, Deputy Secretary, August Fons and Dora Anaya, Human Resources Director from DPS. Also present, Kelly Alzaharna, director of the New Mexico Law Enforcement Academy.

History was given beginning with 2001 at that time, the description was generic and inadequate. In 2011, it was moved to Police and Sheriff Patrol officer class. 2-band APB, to allow for promotional activities. New administration did not like the structure; Classification study conducted and upgraded to meet the needs of recruiting for those positions; APB 75 Greater than 50% vacancy rate. Will speed up recruitment for broader pay range for 6 full time employees; at this time, there are 4 vacant positions.

Chair Romero commented on classified positions that a change in administration should not trigger a reclass for DPS or changing the classifications. Mr. McNary replied that the request to do class study was initiated by DPS to accurately capture the work being done by the instructors. Standards needed to be rewritten to capture accurate descriptions. 2011 reclass was approved but not approved by SPO. New descriptions in place with analysis made.

Mr. Johnson thanked the audience/board for the opportunity. News over the past 4 months, law enforcement has stressed with the training. The result is more professionalism and expertise as we train new officers down the road and how we police in the future.

Vice Chair Liswood asked about how New Mexico compares, given the changing nature of instruction on use of force; recruiting for that level of excellence that New Mexico deserves, requires us to be competitive.

Ms. Alzaharna replied that with lower pay band, we are not competitive; this helps us improve that position.

Motion to approve NMLEAI classification made by Member Manzagol, member Chavez second; roll call – all in favor, approved unanimously.

Chair Romero thanked Mr. Johnson and happy to give DPS tools and resources to conduct their business. Serious and committed to what they need by coming to the meetings. Deputy Secretary, Dr. Fons thanked the board and McNary for his work.

VI. Alternative Pay Bands (APB) Annual Renewal Request

Melanie Morgan, Compensation and Classification Analyst at State Personnel, presented the APB renewal request. On behalf of Comp and Class we recommend the approval to extend the Alternative Pay Bands until 2022. This is in accordance with rule 1.7.4.10

ASSIGNMENT OF ALTERNATIVE PAY BANDS: section D:

Chair Romero thanked Melanie –

Member Chavez asked about how long APB are standardly enforced. Mr. McNary replied that they are renewable for 1 year and must be renewed annually. This applies to the general salary structure only, 1146 occupations are included. State Personnel is looking to break out those APB's and as we continue the classifications, it will ultimately eliminate a number of APBs. Happy to know we continue to move people out of APB.

Chair Romero asked how many APBs there were for last fiscal year. Mr. McNary responded there are 302 right now; 301 from last year. The Department of Public Safety request, approved in this meeting, brings us to 302. Studies for ALTD resulted in a move to social services salary structure; able to move to a structure that was competitive. We do not want to add new pay bands, given structure and budget, we don't know what next year holds.

Director Coleman reminded the board of the health care study, which is currently on hold, will reduce the APB/classifications. Goal to reduce them over time.

Vice chair Liswood made a motion to approve the APB renewal; member Manzagol second; roll call – all in favor; motion unanimously approved.

VII. Aging and Long-Term Disability Ombudsman Classification Study

Cliff McNary stated The State Personnel Office Classification and Compensation Division recommends the approval of classifications for the Aging and Long-Term Disability Ombudsman Class Series.

The State Ombudsman program is designed to serve as an advocacy program for residents currently living in Long Term Care Facilities in New Mexico. The program services over 12,000 residents across 370+ facilities. The staff is currently comprised of 8 individuals who direct 8 regions and a large number of volunteers. The staff are tasked with supporting and creating a data set of complaints brought from residents, powers of attorney, and family members who either live in or do business with long term care facilities. The need to do a classification study for this position arose from the State Ombudsman identifying multiple needs and requests for support both before and after COVID-19. These needs are based out of data collection and tracking of complaints, management of care transition for residents leaving long term care facilities and supporting the state ombudsman for national reporting.

Mr. McNary introduced Cabinet Secretary Katrina Hotrum-Lopez and acting ALTSD ombudsman, Zackary Quintero; and Donna Vigil, HR Administrator.

Ombudsman is advocacy for seniors that are in 370 facilities that serve the needs across the state. Created 2 equal level classifications who report to newly created Deputy Division Director

Chair Romero asked Mr. Quintero, who is new to state government and whose classification is new to describe the organizational structure. Mr. Quintero described the

structure. There are Care transition specialists (outside facility) step down level care; advocacy, rights, financial exploitation. Both Ombudsman positions report to the Deputy Director and the Director;

Chair Romero asked if there are people in place right now? Mr. Quintero stated we have an interim deputy director and care transitions supervisors helping to fill the gap.

Chair Romero stated the agency must be one of the agencies that are very busy protecting our aging population and thanked all for their roles and their time and energy for this community.

Cliff shared a slide with salary structures

Chair Romero asked how this will impact the agency financially. Secretary Hotrum-Lopez responded that the agency will not be asking for additional money, even though the financial impact will be as minimal as possible.

Director Coleman commented that where we spend money shows what we care about and is proud that our state is focusing on these priorities.

Member Manzagol made a motion to approve the new classifications and assigned pay bands. Member Chavez second; role call – all in favor motion unanimously approved.

VIII. Temporary Assistance for Needy Families Intern Classification Study –

Cliff McNary introduced invitees from Department of Workforce Solutions. Executive Director, Markos Martinez; Deputy Secretary, Ricky Serna; Deputy Secretary Teresa Gomez; Human Resources Director Douglas Calderon and Human Services Department, Deputy Secretary, Angela Medrano.

Mr. McNary stated The State Personnel Office Classification and Compensation Division recommends the approval of the new classifications for the TANF positions for the Department of Workforce Solutions.

New Mexico Department of Workforce Solutions will be assuming the TANF grants starting January 1st, 2021. Currently, up to 100 participants can be enrolled into Wage Subsidy and up to 450 participants can be enrolled into Career Link – totaling up to 550 participants at any given time. There is not currently a state program with similar participants and there is no current classification to fit the needs of the New Mexico Workforce Career Link and Wage Subsidy positions. The State of New Mexico will be the employer of record for these participants. For the participants to be placed in employment, receive their subsidized wages, and accrue annual and sick leave required per regulations and statute, the participants will need to be assigned a classification in SHARE.

Wage Subsidy participants will be placed into full-time Government agency employment and Career Link participants will be placed into part-time private industry employment. These two programs are subsidized employment programs, whose wages which will be paid out of their perspective TANF grant. Both programs

Dept Secretary Serna thanked the board for the opportunity and voiced support of the action. Clarified – HSD contracts with Creative Work Solutions (CSW) that administers the TANF program for the New Mexico workers. They will continue to determine which

New Mexicans are deemed eligible; referred to CWS which determines candidates for the TANF to gain subsidized work experience. DWS career link and wage subsidies; HSD will administer benefits; referred to CWS; when determined the candidate will be sent to DPS. Hire on using these classifications to get subsidized work experience. Will be going to state agencies, local government and private employers. The classifications will give us the opportunity to bring people on board in secure positions.

TANF/CWS for board members – cash assistance and benefits eliminating the need for transition benefits. We will be working to eliminate transition benefits; but also provide supportive services for their family as well.

Chair Romero is excited for this; it is not new, but happy that in the transition is strong and includes public sector employers. Deputy Secretary Serna stated they expect to expand on the work experience opportunity that aligns with their interest and past experience, and where they ultimately want to be.

Vice Chair asked what is in place to ensure intern pool represents the historically underserved. Serna replied that participants are eligible by cohort. HSD deemed eligible. Sent to CWS through intake Subsidized work services. Under and unemployed find work that suits them. Connected with services with other programs that help with degrees, credentials, and provides a closer connection to those receiving TANF.

Deputy Secretary Madrano – commented that HSD and DWS have had an amazing relationship. They attempt to streamline services; expertise at DWS will benefit clients. Grateful to Serna and entire team for effort. Lowest of New Mexico will benefit from this program.

Chair Romero asked about the intern class; HSD and WFS? Request comes from WFS who is taking over administrative responsibility and we have seen more collaboration in this administration than ever.

Deputy Secretary Serna gave a shout out to Cliff McNary for his work. Transition will take place in January and with so much to do, this presentation was on a very short time-line. Thank you to Cliff and the SPO team.

Chair Romero thanked all at SPO.

Motion to approve the new classifications made by member Chavez; Vice Chair Liswood, second. Roll call; unanimously approved.

IX. 2021 Annual Review and Approval of Safety Sensitive/Omnibus Designated Positions

Cynthia Anaya. QA data analytics presented the annual review.

In accordance with Designation of Safety-Sensitive Positions, Subsection C of 1.7.8.9 NMAC, the State Personnel Board shall annually review and approve positions designated Safety Sensitive.

Not required to approve as federal entities; we request the following designation changes due to the positions being inactivated and no longer requiring a designation: 56 positions will have the Safety Sensitive designation removed.

2 positions will have the Omnibus designation removed.

6 positions will have the Safety Sensitive designation added.

Therefore, the total Safety Sensitive designated positions equal 4,435. The total Omnibus designated positions are 106. Positions designated as both Safety Sensitive and Omnibus total 1,103. Thus, New Mexico State Government maintains a total of 5,644 Safety Sensitive and Omnibus designated positions for 2021.

Ms. Anaya Recommends board approval in accordance with Subsection D 1.7.8.9 NMAC and subsection D 1.7.8.8. NMAC

Stand for questions –

Member Chavez asked if the positions added are in the memo in binder? Ms. Anaya stated they were on the summary of the memo. Positions are Game & Fish game wardens; 2 supervisors and 3 operational.

Chair Romero asked if and agency comes to SPO with change in designation; does the board receive them as they come in? Ms. Anaya stated that typically these changes are all done at the end of year. When changes in agency department happen, they request interim approval.

Vice Chair Liswood asked if there is any economic differential between Safety Sensitive positions and those not designated? Are there financial impacts or other effects.

Chair Romero stated she didn't think there was a financial impact.

Leane Madrid from State Personnel clarified that nothing is tied to financial, these are tied to the position only and the requirements of that position.

Motion to approve made by member Manzagol and second by member Chavez - roll call, motion unanimous approval

X. Climate Task Force Update – Sandy and Marko

Sandy Martinez presented the update starting with 2020 highlights – The Task Force consists of Cabinet Secretary or designate from each Agency

- The Task Force Leadership-Co Chairs is Secretary Propst (EMNRD) and Secretary Kenny (ENV)
- Working to integrate climate adaptation & mitigation practices into Agency polices

Work to Date

- Implemented specific policy directives
- Established 9 interagency Climate Action Teams
- Completed up-to-date inventory of NM Greenhouse gas emissions
- 116 new charging stations across the state.
- New building codes adopted in 8/2020 saving \$400 per household
- 10-yr forest action plan; climate adaptation and mitigation
- 2 reports are available ton EMNRD website for those who want to review

Marko Satarain discussed specifics at SPO; every agency has representation based on executive order from the Governor. Leadership team provides updated simplified survey; allow us to assemble baseline activities engaged in to reduce energy usage. Practical energy-saving methods; Passive energy drain.

Participating in collective bargaining agreements for the first time in 11 years; we manage printed version of that. Creating a hyperlinked view of the agreements. Printed versions



will be available as requested. Approved recycled paper, smaller format/version. Thrilled about being Zoomed in for reduction in printing; being able to use a searchable format  
Sandy Martinez recognized task force members and thanked Director Coleman for her support in SPO's active participation

Stand for questions

Chair Romero commented on the hard work on the initiative; during pandemic she has been watching a lot of documentaries about climate change and the earth. SFCC in an effort to reduce water bottles; no plastic is allowed in machines; asked if that is something that the taskforce is looking at. Baseline how many machines in state agencies have plastic containers? She was also happy to know of the CAT climate action teams.

Director Coleman stated that State buildings in general are actively looking for opportunities to make a positive contribution in reducing plastic and supporting energy-saving practices. When we return to our offices, you will notice Vehicle charging stations on the premises. She then thanked Sandy Martinez and Marko Satarain for being active participants.

XI. Proposed 2021 Paid Holiday Schedule

Director Coleman asked members to see the proposed holiday schedule for 2021 in their Electronic Binder. The document lists all state holidays; noting that President's day holiday is proposed to be moved to the Friday after Thanksgiving; recommend that again this year. Pretty straightforward. She has solicited ideas for new holidays, but no good ideas yet 😊  
Motion to approve made by member Chavez; Vice Chair Liswood second. Roll call – all in favor, motion unanimously approved.

XII. Proposed 2021 Board Meeting Dates

Director Coleman asked members of the board to review the proposed dates for 2021 board meetings, noting January 22, 2021 date is needed even though Legislature will be in session.

Motion to approve made by member Manzagol, member Chavez second – roll call – unanimously approved.

XIII. Executive Session

Administrative Appeal. *See* NMSA 1978, Section 10-15-1(H)(3)

**Landau, et al. v. New Mexico Attorney General's Office, Docket No. 20-002**

- *Appellant Smith's Motion to Present Oral Argument*
- *Recommended Decision on Summary Judgment Motions*

Chair Romero moved that the board enter closed session, member Chavez second; roll call – all present and in favor;

AAG Valerie Joe stated she is recusing herself for the executive session due to the conflict of interest posed by the Attorney General's Office being one of the parties to the matter being reviewed by the Board.

Chair Romero asked if that meant there would be no legal advice for exec session? Director Coleman affirmed that and encouraged the board to enter into Executive Session and work the process.

Chair Romero stated the time is 10:48 am. We are now off the record.

Board returned and was back on record at 11:23 am; Chair Romero stated she would entertain the Motion for Oral Argument in the Landau Matter discussed during closed session.

Vice Chair read After consideration of *Appellant Smith's Motion to Present Brief Oral Argument at the December 11, 2020 Board Meeting* and *Appellee's Response to Appellant Smith's Motion to Present Brief Oral Argument at the December 11, 2020 Board Meeting*, I move to deny the Motion. The Board finds that oral argument is not necessary for the Board's understanding of the issues in the Motion. Member Chavez second

Roll call – all in favor; motion to deny is unanimously carried.

Chair Romero stated she will now entertain a motion regarding the Recommended Decision on Summary Judgment Motions in the *Landau* matter discussed during closed session.

Vice Chair Liswood read After careful consideration of the proceedings and the Administrative Law Judge's recommendations in **Landau, et al. v. New Mexico Attorney General's Office, Docket No. 20-002**, I move to adopt the Administrative Law Judge's recommendations with the following additional directives:

1. No later than December 21, 2020, each appellant shall provide the Attorney General's Office with a sworn statement of gross earnings, unemployment compensation, and any other earnings, including but not limited to disability benefits, received by the appellant since the effective date of appellant's termination from the Attorney General's Office.
2. No later than January 8, 2021, the Attorney General's Office shall provide each appellant with an itemized statement of intended back pay and benefits.
3. Pursuant to NMSA 1978, Section 10-9-18(F), the appellants' reinstatement shall be effective within thirty (30) days of the Board's Final Decision.

Member Manzagol second; Roll call – all in favor, motion unanimously carried.

XIV. Adjudication Litigation Update

Janelle – Oct/Nov 9 new appeals; disposed of 8

Judge Mathew approved final decision based on board recommendation

Stand for questions. – No questions/comments

XV. Other Business

Next Meeting Date: Friday, January 22, 2021 @ 9:00

Adjournment

Final remarks made by Director Coleman to thank member Chavez for her service and participation; from her perspective, having the board expertise, especially from the private sector was most appreciated. Hearty congratulations and best of luck to her in this new chapter. Thank you to the board and staff of State Personnel who is scrappy and continues to serve in so many ways.

Member Chavez thanked all for the well wishes; she will miss us and encouraged the board to continue their efforts in 2021; she has been pleasantly amazed by the participation of so many HR professionals and likes to see the collaboration. Thank you so much for everything

Member Manzagol thanked member Chavez as well. Vice Chair Liswood stated that it was a pleasure to serve in this short time and wished her the best.

Being no other business, Member Manzagol moved the meeting be adjourned, Member Chavez second. Roll call – unanimously approved. Adjourned at 11:34 am

Approved by:



**Christine B. Romero, Chair  
State Personnel Board**

Attest:



**Pamela D. Coleman, Director**