

NEW MEXICO

STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

Dylan K. Lange
Acting Director

State Personnel Board

Laura A. Liswood

Chair

David F. Cunningham

Vice Chair

Cristin M. Heyns-Bousliman

Member

Carol A. Parker

Member

Fred Radosevich

Member

State Personnel Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Friday, December 8, 2023 – 9:00 AM

MINUTES

Procedural Items:

The meeting was called to order by Chair Liswood at 9:00 a.m.

Acting Director Lange led the Pledge of Allegiance and called roll. Chair Liswood, Vice Chair Cunningham, Members Heyns-Bousliman, Parker and Radosevich present; a quorum was confirmed.

Chair Liswood asked Ms. Forlizzi for a list of those who signed up for public comment in person which was provided. Ms. Forlizzi then confirmed she received 6 public comments via email prior to the deadline noticed.

Vice Chair Cunningham moved to adopt the agenda as presented; Member Heyns-Bousliman seconded; Acting Director Lange called roll. Agenda adopted.

Member Parker moved to approve the Minutes of October 13, 2023; Member Heyns-Bousliman seconded; Acting Director Lange called roll. Minutes adopted with Vice Chair Cunningham abstaining.

General Public Comment

Chair Liswood asked Ms. Forlizzi to read the public comments received via email noting the allotted 2-minute time limit. Chair Liswood then called those in attendance up for their comment. Four individuals gave public comments to the board.

Attorney Classification Study and Salary Schedule - Request for Approval

Melanie Morgan, SPO Compensation & Classification Analyst presented the request for approval.

Morgan stated staff from agencies including OAG, HSD, PED, DOT, SLO, CYFD, OSE served as subject matter experts (SME's) on the committee for this class study. This study gives agencies the ability to simplify the attorney

Address:

2600 Cerrillos Road
Santa Fe, NM 87505-3258

Phone:

505-476-7759

Fax:

505-476-7949

Website:

www.spo.state.nm.us



classification and provides flexibility, reducing the number of pay bands and providing a wider salary range.

Carla Martinez, Chief of Staff at the OAG said she appreciates the initiative SPO took with this class study as recruiting has been challenging with a 50% vacancy rate.

Max Cordova, SPO Systems and Quality Director, added that a trend the committee observed was that the classes were not being used efficiently. Agencies are looking at the professional duties of applicants and trying to put them in a category. If this request is approved, beginning attorneys can be hired at the lower part of the pay band and as they progress, can move up in the same pay band. As agencies compensate accordingly, administrative costs are reduced as agencies will have to make one compensation adjustment rather than reclassing an employee to accomplish the same thing. The committee felt this was the right way to go with attorneys. What SPO does is create classifications and salary schedules, but we do not have control over budgets. DFA gets copies of pay bands, classifications and agencies are encouraged to review with their budget analyst to ask for the money. Often there is a delay between the request and the allocation.

Vice Chair Cunningham asked Cordova if they employed an expert in this study?

Cordova said they looked at salaried attorney and non-salaried attorney data from the US Attorney General, the District Attorney office along with the courts and local pueblos. He feels confident with the data.

Member Heyns-Bousliman asked about the public comment made previously stating that the agency attorneys were not invited to participate.

Cordova said SPO reached out to agencies for subject matter experts (SME's). That agency did not send an attorney but did send a representative.

Acting Director Lange emphasized the agency in question did show up, they just did not send an attorney. He also stated this was presented to all General Counsels during their last meeting and was well received.

Member Heyns-Bousliman asked about adding "in good standing" to job postings.

Member Radosevich asked if we pass this, how do we ensure that every department follows the same plan?

Cordova said he doesn't have a definitive answer. SPO is engaging DFA more actively as well as the LFC financial analyst. SPO is setting the bar they requested, now they need to supply the budget. Budget availability impacts all agencies. Some are effective in securing funds



while others have more challenges. SPO sets the model, so we drive the change which gives greater agency autonomy.

Member Radosevich – does this cover all attorneys?

Cordova explained this does not cover NM Courts and the governor exempt employees.

Acting Director Lange added this proposal gets past the current model and gives flexibility, so the agencies are not bound by these tiers. Changes nothing in the current structure. If we adopt this, the agency can compensate the attorney based on budget.

Chair Liswood requested a review in 1 year to see how the model impacts vacancy rates.

Member Heyns-Bousliman moved to approve the request; Member Radosevich seconded; roll call; motion adopted unanimously.

Request for Approval – Annual Safety Sensitive Review

Max Cordova, SPO Systems and Quality Director, introduced Christopher Brownlee, SPO's newly hired Data Analyst, to present the review.

Cordova then stated that every agency has certified their positions and proposed additions, which is reflected in the documents. The total in this request is 5,688 positions in the Safety Sensitive (SS) category for 2024. Of that total, 4,486 are designated SS; 1,106 are designated SS and Omnibus, and 95 are solely designated Omnibus.

Chair Liswood asked why the auto service technician and mechanic positions need a SS designation. Kiki Arellano, DPS HR Manager, explained that mechanics work on state police vehicles. Also, they audited the positions and found when some were reclassified, they had not been included, so the increase reflects those corrections.

Vice Chair Cunningham said every year we get this and he asked to explain the process.

Cordova explained that the review process begins in late October. SPO sends all positions with current SS designations to all agencies and reiterates the definition. Agencies certify each position. Each agency is accountable in this method.

Member Heyns-Bousliman suggested we include definitions of safety sensitive and omnibus in the next report and Chair Liswood asked if a summary could be included.

Member Radosevich moved to approve the 2024 Annual Safety Sensitive Review; Vice Chair Cunningham seconded; roll call; motion carried.



Request for Approval – Alternative Pay Band Renewal

Melanie Morgan, SPO Compensation and Classification Analyst presented the renewal of the Alternative Pay Band (APB) stating these are reviewed annually to determine appropriateness. This year we have 157 APBs to renew which is 1 less than 2022. There are no additions.

Chair Liswood asked why a pay band would change from a 20 to a 15.

Max Cordova, SPO Systems and Quality Director explained that APBs are employed with high vacancy positions and with high turnover and were highly leveraged before the class studies; they are utilized in recognition of the critical nature of the job, the market and the pay discrepancies. A valid tool to lower the APBs is occupational salary schedules.

Chair Liswood asked about the scientist salary schedule and if the goal is to reduce APBs, will we potentially see a reduction next year?

Cordova stated the class study process is multi-phased and is initiated at the agency level.

Chair Liswood asked Acting Director Lange if the strategy is to reduce APB's?

Acting Director Lange explained they are a mandate, but they are one-offs, and we would like to address these as a class study in a broad stroke to help reduce the number.

Cordova stated it is a complicated task; speaks to one of the challenges of managing tools, finding the right solutions, and creating balance with the right number of salary schedules.

Vice Chair Cunningham moved to approve the Alternative Pay Band Renewal; Member Heyns-Bousliman seconded; roll call; motion carried.

State Park Law Enforcement Ranger - One- Year Review

Max Cordova, SPO Systems and Quality Director, said last year the board approved the State Park Law Enforcement Ranger series which, at the time, was an important class study that helped put those positions into the police officer schedule and represented the job they are actually doing.

Toby Velasquez, Director of State Parks for EMNRD, thanked the board for supporting the new classification.

Manuel Overby, EMNRD Law Enforcement Bureau Chief reported on the impact of the reclassification. Overby summarized the applicant data received for 2022 and 2023 not a significant change, the number hired in 2022 was 14. So far, this year, they have surpassed that already with 16 new hires and a handful of applicants in the process of being hiring. They also had 9 academy graduates; and have more officers that don't have to go to the



academy so they can more quickly be in the parks serving as a park ranger, ultimately benefiting the public. Some positions are filled that haven't been filled in 4 or 5 years which is significant. Last year the 50% vacancy rate is down to 36% to date; retention has improved with some applying for promotions because they want to stay. The biggest hinderance and challenge is budgetary.

Director Vasquez added that they went through the process to right-size the positions; now they need to fund the positions. Challenges the board to message LFC and DFA for financial support. They must be competitive and funded to make these compensation requests real. They see the potential to grow, but if they can't fund it, it defeats the purpose. He thanked the board and SPO for a well modeled plan.

Member Radosevich offered congratulations, he realizes salary is not everything and glad to see the improvement.

Vice Chair Cunningham offered congratulations.

Member Parker stated it was nice to see the board's actions in conjunction with the agency's efforts have resulted in this improvement.

Chair Liswood asked when an agency goes to the legislature, does it indicate that the SPO Board has approved this action?

Cordova said we encourage agencies to use the packet in discussion with their analyst; the executive team can communicate this to their analyst.

Acting Director Lange stated that the 3 times he has presented to legislature, he highlights the board in approving these tools for all agencies to use.

2023 Annual Classification Plan – Request for Approval

Max Cordova, SPO Systems and Quality Director, presented the plan for approval. SPB rule 1.7.2(A) requires the SPO Director to establish, maintain and administer a classification plan for all in the classified service. The document is developed and reviewed annually describing the philosophy and is the foundation used to ensure consistency in the upcoming year. We are continuing with the occupational based salary schedules; currently we have Architects, Attorneys (which the Board just approved), Business, Corrections, Engineers, Health Care and Health Care Physicians, IT, Peace Officers, Scientist and Social Services Salary Schedules in place. Looking forward to 2024, we continue to audit the classifications to correspond with the markets and reevaluate other classifications that have demonstrated misalignment. The committee wants to move forward with what's comparable to the market. Job evaluation is



the standard for establishing these jobs and that will continue to be implemented going forward.

Cordova pointed to Page 7 which shows the complicated process, and it is important to show all the elements that go into establishing what a job is.

Chair Liswood asked Cordova to respond to the public comment from the CWA member about classification.

Cordova replied that most of the comments were related to the compensation report, and he will address those at that time. Cordova went on to say that DCA has not submitted a class study request since he has been here and cannot say if that was submitted under a prior manager. Our process begins with talking to the right people to ensure we give the right strategy and recommendation.

Vice Chair Cunningham asked what goes into the process, where in the process do we have the power, and when there's an agency that is not responsive, what do we do to enforce it. Cordova agreed we have a lot of classifications to maintain and monitor. We understand it's not absolute. Agencies that engage us are successful, they are invested. A class study is an in-depth process. When agencies are not invested in the process, there is not much SPO can do. It is a challenge, those that understand it can move the process along quickly.

Member Heyns-Bousliman agreed that it is not the setup that is flawed but more the application. She requested that Mr. Cordova reach out to the individual who made the comment and update the Board at the next meeting.

Cordova replied he is happy to address this and acknowledged it's not a one size fits all. We present the elements and the agency exercises options.

Acting Director Lange stated it is an issue that individuals feel strongly about - pay and fairness. We provide guidance to the agencies and how they implement that is up to the agency. When we get the actions, we process them internally.

Member Radosevich asked if we have a meeting with all HR directors to explain the changes or details so they can pass that on noting this is not a suggestion, but a requirement.

Cordova agreed and his team has taken steps to ensure that executive management is on board. Will not start a class study without executive approval.

Acting Director Lange added that our office does hold strategic planning meetings with every agency; announcements are made to cabinet secretaries to participate in these situations, and to get their buy-in. Those conversations are already happening.



Vice Chair Cunningham moved to approve the 2023 Classification Plan; Member Radosevich seconded; roll call; motion carried.

Chair Liswood called for a 10-minute recess; off the record at 11:05 and back on the record at 11:15 a.m.

Request for Approval – 2023 Annual Review and Adoption of the Pay Plan and Compensation Report

Max Cordova, SPO Systems and Quality Director, noted highlights from the report and explained that many factors go into this detailed report including experience, education, certification, licensure, internal pay equity and budget availability. Cordova defined internal alignment and spoke to compa-ratios which is one factor relating to mid-point. The State continued to apply the 6% legislative increase across the board for all classified employees which was helpful in getting us closer to where the market was. Cordova discussed consistent application with legislative increases to address member Radosevich's concerns. Cordova emphasized that there is a process, and all must adhere to that process. We work with agencies to ensure that any employee who is eligible, receives that increase, so we are proactive. Prior to the minimum wage increase, the average annual salary was just above \$30,000 and now ranges between \$50 – 60,000.

Salary schedules provide what is needed to ensure we stay competitive.

Chair Liswood asked about public comments from CWA members urging the board to not approve mainly about appropriate placement and internal alignment.

Cordova explained that to ensure consistent application we create classifications and pay bands and ensure all classifications are paid according to their pay band. Gives agencies room to pay employees based on these models effectively and is not a one size fits all.

Acting Director Lange explains that the rule directs the office to publish a report with results, which is what is provided.

Cordova replied that when C&C reports, it is based on data on what is actually being paid, they do not go to agencies for this information. The assessment is real-time for that pay band.

Member Heyns-Bousliman asked what Cordova thinks drove the reaction and public comments and to confirm this is a confirmation of data.

Cordova said this report is in alignment with other reports we publish annually. We have been fortunate in state government to get increases annually over the past 3 years. When



we spoke 3 years ago, the minimum wage was \$7.50/hr. and thanks to the Governor, it is now higher than \$15.00/hr. (based on structure adjustments), which is a great leap. This also creates opportunities for compaction at certain levels. What we're seeing is agencies may not be updating the compensation metrics fast enough which is tied to budget. He believes if an agency needs staff, they will get staff and will pay what is needed. If not, they can communicate with SPO to properly initiate the class study.

Member Heyns-Bousliman asked for confirmation that this approval is based solely on what actually occurred. Cordova confirmed that.

Member Radosevich said this is a great report. Compaction is complicated and potentially a long process to move through, with the plans we are approving, we are making headway. Must be sure the individual agency is doing their part.

Member Parker said in listening to reports based on an incredible amount data and work, what comes to mind is how in any large organization, often one hand doesn't know what the other is doing. Can the board write a letter that will support the work we've done so the legislature can really consider supporting the departments with the budget, recognizing these are well-vetted numbers and as a board, we come back each year to review and see if there's been improvement in retention, etc. She applauds the efforts.

Chair Liswood asked board counsel to draft a letter in accordance with this request. Rubin agreed to draft the letter to LFC and budget committees for the senate and the house.

Member Heyns-Bousliman moved to approve the 2023 Pay Plan and Compensation report as presented; Member Parker seconded; roll call; motion carried.

Chair Liswood thanked those for their written comments which helped open and broaden the discussion.

AAG Rubin requested a motion for board counsel to draft a letter to the appropriate LFC and heads of both the Senate and House budgetary committees for signature. Vice Chair Cunningham moved; Member Heyns-Bousliman seconded; roll call; motion passed.

Discussion and Potential Adoption of Rule Changes 1.7.8 NMAC Drug and Alcohol Abuse specific to cannabis from the October 13, 2023 meeting

AAG Rubin, the hearing officer, asked the board to pick up where they left off at the last meeting. Based on comments and concerns of the board, Rubin prepared the updated draft with assistance of SPO staff. Drafted proposed changes as noticed which will reflect the concerns raised by the board at the last meeting, the red (original) and purple (additions)



items which were made after he reviewed each of the new comments and were a logical outgrowth of the board's concerns as stated in the previous meeting. Points of emphasis:

1.7.8.11(E) – Member Heyns-Bousliman asked that we go back to 1.7.8.11(E) she feels strongly that we need to be absolute for a test of impairment and there is no reason to exclude marijuana from that test. Vice Chair Cunningham agreed it doesn't make sense not to test. Rubin understands and he will step back for board to make a policy decision. Heyns-Bousliman said paragraph E is not necessary. Parker agreed that it should be struck, and that paragraph (D) contains the guidance. Member Radosevich said there are serious problems to begin with and he supports deleting paragraph E. Heyns-Bousliman moved to delete paragraph E; Vice Chair Cunningham seconded. Acting Director Lange asked to be able to speak and said the reason for rule change is to protect employees who test positive for marijuana from harassment of any kind. AAG Rubin said he is concerned that since public comment is closed Acting Director Lange is offering new testimony, it would be problematic for the board to deliberate. Roll call; motion passed.

Member Heyns-Bousliman believes some of the concern around section E is adequately addressed in page 7 on non-Safety Sensitive positions and that reasonable suspicion addresses this concern.

Member Heyns-Bousliman had a previous commitment, so left the meeting at this point.

1.7.8.13 (B)(C) Rubin explained that references to opioids have been removed consistent with his advice at the previous meeting.

Acting Director Lange clarified that rule changes presented at the hearing are in red and the new additions are in purple. Other changes were not related to rulemaking, but State Records asked that we put the original rule in a chart rather than text.

AAG Rubin made changes based on comments at the hearing, but no clock ticking. If we are abandoning the rule hearing, we will need to begin a new process.

Member Parker reiterated the original intent was to address the change from illegal to legal cannabis in the state. However, if the purpose of this discussion is to just fine tune the approach that the employer takes toward now legal cannabis, we lose time and implementation of the rule change if we begin a new process.



AAG Rubin added that another point to consider is that the SPO staff feels strongly about the changes presented at the hearing and that there may be a more robust presentation by staff if we start over with a comprehensive change.

Vice Chair Cunningham asked Acting Director Lange for his observation about combining the two. Acting Director Lange responded that because of the motion just adopted, there is nothing added, and he is fine abandoning the rule change for cannabis.

Chair Liswood asked Acting Director Lange about his procedural opinion if the board wants to include fentanyl. If that is something we want to do, Acting Director Lange recommends that a member of the board be part of the process. Because adding fentanyl will require experts, we need to consider the goal here. This policy is really about discipline.

Chair Liswood will ask Member Heyns-Bousliman to volunteer as a task force member.

Member Radosevich commented there is a lot of redline that is not related to cannabis.

AAG Rubin is concerned that there is something else he may not have caught based on the previous motion to strike paragraph E. In an abundance of caution, it might be safer to redo this entire thing. He suggests that since this is getting complicated by the motion to reject a change and since the board has taken action, there might be something we are missing.

Member Parker commented that we haven't defined the scope of what we want to do. Do we want to clean up the cannabis portion or create an entirely new rule?

AAG Rubin said the constraint is the state rules act because there is a 30-day comment period made available to the public before we can have the next hearing. Based on the NM Register schedule, we would not be able to have a hearing much before the February meeting.

Member Radosevich states that considering the purpose of the board and rulemaking, we should have the ability to make the best judgements and recommendations. The way the rule making process is explained, we either adopt the rule as proposed or we don't.

Chair Liswood says if we are going to vote on the cannabis portion, she would ask for a task force with SME's on opioids to be convened. It seems necessary to get cannabis rule out. Should we go forward with just this and then move on to item 10.

Motion to table made by Vice Chair Cunningham; Member Parker seconded; roll call; motion to table adopted.



Request for Approval to initiate the rulemaking process to amend rule 1.7.8 NMAC - Drug and Alcohol Abuse to include opioids.

Acting Director Lange said based on the previous comments, this is more complicated. There are no regulations we can copy and paste so it will take more time and his request is that we get a member of the board to be a part of the rulemaking process.

Chair Liswood asked that we create a task force prior to rulemaking.

Acting Director Lange will get a task force together and the goal is to get a draft or a proposal to the board by the next meeting.

No action was taken on the request.

Director's Report

Acting Director Lange gave the following updates:

- The Comp & Class team has been very active and has many accomplishments.
- We hired two new people - Chris Brownlee who presented today along with a new hire beginning Monday.
- Leigh Messerer is the new Assistant General Counsel, and she is getting trained to be able to help in important places.
- We continue strategic planning meetings with agencies, so they have what they need, and continue with buy-in from the Cabinet Secretaries.
- Work Force Planning team, agencies request certain compensation or position actions, so far this year, we have approved 2,896 in pay band adjustments (IPB), a large portion particularly in the attorney classification. This is much higher than the last fiscal year, and we are focused on getting tools into the hands of the agencies that will help reduce these actions.
- Recruitment differentials are tools to pay appropriately, retain staff or hire new staff 673 approved 265 retention differentials.
- Training continues with a lot of leadership courses being provided and being well attended.
- Recruiting launched 3 speed hiring events and 28 rapid hires, resulting in more new hires than ever before. People outside of state employment are coming in.
- We are gearing up for the internship program for next summer after having 104 interns in 2023, doubling the previous year and we hope to double that again in 2024.

- Deloitte will have a report in April after a visioning session about what SPO could be. HR managers really praised SPO, in particular the Workforce Planning and Comp & Class teams. How attentive they all are, report that the standards set by former Director Padilla are moving forward. Things at SPO are generally healthy.

Chair Liswood said she is pleased with the direction SPO is going, thanked him for taking on acting director at this point.

Vice Chair Cunningham offered congratulations, good job.

Chair Liswood asked Ms. Forlizzi that going forward we have a conversation about what's going to be on the agenda so we can balance out the items and time.

FY23 Audit Update

Jaime Trujillo, SPO, Administrative Services Director, gave a brief update on FY23 audit. Axiom informed him of a good audit with no findings. A draft copy is being finalized and will be completed within a week or two. He will report back at the next meeting.

Chair Liswood offered congratulations on the clean report.

AAG District Court Update

AAG Dan Rubin said there are no updates from previous report.

Adjudication Litigation Update

Judge Haught presented the adjudication stats for Q1 and Q2 of Fiscal Year 2024.

The fiscal year began with 20 appeals. In the first two quarters of the fiscal year, 13 new appeals were filed; 14 appeals were disposed.

Presently there are 12 appeals scheduled for hearings thru June 2024, three scheduled for hearings will attend mediation first. One appeal is pending settlement, and one appeal stayed pending a Dist. Ct. procedural issue. Judge Haught is working on three Recommended Decisions, which will be submitted at the February meeting. Today, two Recommended Decisions are being presented so at the end of the meeting, the Adjudication Division will have 17 Pending Appeals.

Vice Chair Cunningham asked if the Adjudication Division is using a contract Administrative Law Judge. Judge Haught replied that the division has two contract Administrative Law



Judges that can be relied on, but so far, no conflicts have arisen in which they are needed. Chair Liswood thanked Judge Haught for the work she is doing.

Executive Session - Administrative Adjudicatory Deliberations

Chair Liswood moved to enter closed session as authorized by NMSA 1978, Section 10-15-1(H)(3); Vice Chair Cunningham seconded. AAG Rubin recused himself from the Maddox case. Roll call; motion carried. Off the record at 1:10.

Chair Liswood called the meeting to order at 1:35 and back on the record.

Motions on Administrative Appeals

Regarding *Diaz, Jesse v. New Mexico Corrections Department*; Docket No. 22-031, Member Parker made the following motion:

- The State Personnel Board adopts and incorporates herein the Administrative Law Judge's proposed findings of fact (Section IV), principles of law (Section V), background (Section VI) and analysis (Section VII) in the September 19, 2023 Recommended Decision.
- Having analyzed the relevant law and/or policies considering the adopted findings of fact, the State Personnel Board agrees with, adopts, and incorporates herein the Administrative Law Judge's proposed conclusions of law (Section VIII) in the September 19, 2023 recommended Decision except for Conclusion No. 10.
- The State Personnel Board rejects the formal "Recommendation" in the Recommended Decision, i.e., the recommendation as to discipline in Section IX, and hereby imposes a modification to the discipline upon the Appellant consisting solely of a demotion to the highest available non-supervisory position. Member Radosevich seconded; roll call; motion approved as amended.

Regarding *Maddox, James Allen v. New Mexico Office of Attorney General*; Docket No. 23-004 Member Parker moved to adopt the ALJ recommendations; Vice Chair Cunningham seconded. Roll call; motion carried.



NEW MEXICO

STATE PERSONNEL OFFICE

Next meeting – February 16, 2024, at 9:00 am

Adjournment -Vice Chair Cunningham stated he will not be present for the next meeting and would like to participate in the drug commentary, can we change the date? Chair Liswood replied that these are approved dates so would like to proceed as scheduled. Member Radosevich moved to adjourn; Member Parker seconded; roll call; meeting adjourned at 1:47. Chair Liswood thanked the board for their work and the SPO office for their work.

Approved:

A handwritten signature in blue ink, appearing to read "Laura Liswood".

Laura Liswood, Chair

State Personnel Board

Attest:

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

Dylan K. Lange, Director

State Personnel Office

To: State Personnel Board
2600 Cerrillos Road
Santa Fe, New Mexico 87505-3258

c/o DeniseM.Forlizzi@spo.nm.gov

**COMMENT REGARDING PROPOSED ATTORNEY
RECLASSIFICATIONS**

HSD HR neglected to notify the managing attorneys within Child Support Services Division, ("CSSD") of the meetings about the proposed reclassification of attorneys and did not provide the input or insight that they would have as SME's. CSSD attorneys comprise a substantial proportion of the 260 classified attorney positions in state government. As a Regional Managing Attorney, with more than 40 years of experience, I offer my insights, which I did not have the opportunity to provide back in October.

Eliminating the several levels of attorneys is not the solution to the problem of recruiting, retention and proper pay for attorneys. The problem with the current compensation schedule is **NOT** with multiple levels of classification, but rather the lack of objective factors to rate attorney's abilities and determine proper levels of compensation. Eliminating different attorney classifications does not address this real issue and does nothing to promote fairness of compensation or solve the difficulty of recruiting attorneys qualified for the responsibilities of particular jobs. For instance, complex water law litigation should not be handled by an attorney with no experience in water law. A singular classification of "Attorney" provides no guidance for recruiting or setting pay on one big pay band.

One size does not fit all. New attorneys need mentorship and support from experienced attorneys to grow into their responsibilities as attorneys. Ability to handle greater responsibility comes with experience. Legal practice has also evolved from where a generalist can provide sound guidance, advice and decision making, and increasingly requires experience working in a particular field.

The foregoing only begins to delve into the complexities needed for proper classification of attorneys as professionals. Further inquiry and study with the proper involvement of SME's is required.

The proposed action on reclassification of attorneys should be tabled and returned to the SPO Compensation and Classification team for further study and consideration.

Anthony C. Porter
Regional Managing Attorney
653 Utah Ave.
Las Cruces, New Mexico 88001
Mobile phone (505) 372-8111
Telephone (575) 373-6005
e-mail: anthony.porter@hsd.nm.gov

Forlizzi, Denise M, SPO

From: Gardner, Sandra, WCA
Sent: Tuesday, December 5, 2023 8:04 AM
To: Forlizzi, Denise M, SPO
Subject: SPO Board meeting Dec. 8

Follow Up Flag: Follow up
Flag Status: Flagged

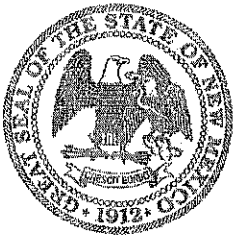
Good Morning,

I would like to comment on the agenda item: Classification Study and Salary Schedule

I have been an attorney with the State for many years in different capacities and at several agencies. I currently have 29 years of experience as an attorney in New Mexico. The current attorney salary schedule is frustrating to say the least. Despite my years of experience and education, I am still at midpoint for an Attorney 3, well below what I would be making in the private sector, as well as below other attorneys in the state with far less experience than I have. I support the proposed changes to the classification schedule, and urge the Board to approve the schedule going forward.

Thank you.

Sandra L. Gardner



Assistant General Counsel
NM Workers' Compensation Administration
505.841.6071 / 505.841.6000
Fax: 505.841.6813
Sandra.Gardner@wca.nm.gov
<https://workerscomp.nm.gov/>

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Forlizzi, Denise M, SPO

From: Monica Meehan <monica.meehan@cwa7076.org>
Sent: Thursday, December 7, 2023 8:00 AM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] Public Comment for December 8, 2023 SPO Board Meeting

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

Madam Chair and Board Members,

Thank you for the opportunity to comment on the SPO 2023 Classification Plan, Agenda Item 7.

My name is Monica Meehan and I work for the Department of Cultural Affairs (DCA). I'm making these comments in my capacity as a Union Steward.

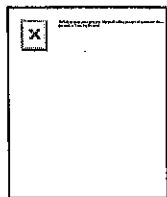
DCA management and HR are ignoring significant issues regarding staff compensation and classification. State museum professionals are paid well below market rates, and are misclassified in order to address these pay issues.

As a Steward, I have seen people hired into classifications that don't match their actual job tasks. For example: a collections manager at one museum might be classified as a Museum Technician and Conservator (I4013A, pay band 60) and another at a different museum as a Curator (I4012A, pay band 70). While this may help address recruitment issues at one institution, it masks larger mis-classification issues and leads to inequitable pay among workers doing the same job.

These issues were brought to DCA management and HR's attention, and classification studies were requested. They were denied by SPO and DCA HR, because the Union would be "upset." No one has approached the Union. In fact, our Stewards have been pushing for classification studies for years.

So many DCA workers — the stewards of New Mexico's cultural heritage — are underpaid for their experience, education, and specialized skills. People with Master's degrees qualify for food stamps. Highly trained staff must commute 2-3 hours round trip to Santa Fe to find affordable housing. All of this leads to decreased morale, increased turnover, and long-term vacancies.

Thank you for your time.



Monica Meehan

CWA Agency VP • Steward

NM Department of Cultural Affairs (505) 476-1170 office

(505) 699-3232 cell

she • her • hers

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PUBLIC COMMENT #4

December 4, 2023

To Whom it may Concern:

My name is Irma Cramins, I have been employed with the Department of Health (DOH)/Children's Medical Services (CMS), for approximately 9 years.

When I began my employment with DOH, I possessed over 30 plus years of customer service, insurance billing and accounts receivable/payable, and management experience. During my first interview with DOH, I was queried as to what my pay expectations were. My response being, "as close to what I was making with my current Federal employer". Considering my experience, the only offer of the maximum 2014 hourly rate of \$15.16, for the 40 pay band, was the outcome.

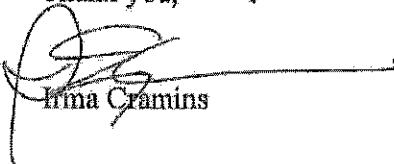
On August 2021 I left for a period of 4 months and returned. Again, I was given the current maximum amount of, \$17.80 for the 40 pay band. I have since performed my duties and have excelled as a clerk Gen-A. I was given my raise (negotiated by CWA in July 2022) one year from my hire date.

However, this was not the maximum of \$24.63, for my experience. How did I receive the maximum allowed for the pay band the 2 times that I was hired by State NM, and given only \$21.52 at my one-year anniversary of my second hire?

I do not understand the pay calculation formula for my experience. Honestly, many state employees that I have spoken with do not understand this, either.

Therefore, I am advocating for pay justification that will be commensurate with my work experience and ethic.

Thank you,


Irma Cramins

Forlizzi, Denise M, SPO

From: Diana Good <dianivy73@gmail.com>
Sent: Thursday, December 7, 2023 10:37 AM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] Public Comment for Annual Pay Plan and Compensation Report

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

Hello,

My name is Diana Good and I am a public employee with the State of NM and member of the CWA Union.

I am very concerned that we properly start new employees at equitable wages commensurate with individuals' experience, not just middle of the pay band regardless. Why are we even listing a range on a job listing if it's rarely, if ever applied? Additionally it is critical to retain our current skilled and valuable employees by adjusting long term staffs' pay to account for the under-valuation that has occurred in the past. Furthermore there are instances where employees' licensure wasn't calculated into their wages which, when rectified, should include back pay.

--

Diana Good
505-507-6532
dianivy73@gmail.com
Because I can :)
Because you can too :)

Forlizzi, Denise M, SPO

From: Dylan Pell <dylanjpell@gmail.com>
Sent: Thursday, December 7, 2023 12:44 PM
To: Forlizzi, Denise M, SPO
Subject: [EXTERNAL] Public Comment - 2023 Pay Plan and Compensation Report

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

Hi Denise,

I am asking that the following public comment be read during tomorrow's SPO Board meeting regarding the 2023 Pay Plan and Compensation Report. See below and thank you:

Re: 2023 Pay Plan and Compensation Report

My name is Dylan Pell. I am submitting a comment on the 2023 Pay Plan and Compensation Report as a union member of CWA 7076 and not as a representative of NMDOH. I work in the Epidemiology and Response Division within the New Mexico Department of Health as an epidemiologist. I have worked for New Mexico state government for over five years. According to the sunshine portal November employee data file, NMDOH currently only has 61 filled epidemiologist positions with 63 vacancies. In addition to having a higher than 50% vacancy rate for this position which serves an important role for the health of all New Mexicans, I had to go back to early 2019 to find a time when fewer epidemiologists were working at NMDOH. The state is not offering competitive benefits or compensation for these positions to either hire or retain staff at this time. There is an immediate need for attention to internal alignment. Spending a couple minutes on the careers website, I see a posting for an IT Business Analyst with similar job description and requirements as a separate open position for a Data Linkage Epidemiologist, but with a minimum salary which is a full \$20,000 higher than the epidemiologist. Both positions' job duties include programming, statistical analysis, working with specialized software, and developing reports. The only difference in the substitution table is that the epidemiologist must have a master's degree or PhD whereas the analyst can have as low as a high school diploma. External alignment is much worse. Presbyterian Healthcare listed a "Population Health Epidemiologist" position in Albuquerque with a minimum salary nearly double that of NMDOH with a full \$40,000 higher. My co-workers have left in droves over the past few years for greener pastures despite believing our work matters. Please address these pay discrepancies and at least solve the internal alignment disparity so that we can fill positions and meet the needs of New Mexico communities.

Thank you,
Dylan Pell
dylanjpell@gmail.com

(575) 652-0749