



New Mexico State Personnel Board State Personnel Office

SUSANA MARTINEZ
GOVERNOR

Justin Najaka
Director

Nivia L. Thames
Deputy Director

State Personnel Board Meeting
State Personnel Office
2600 Cerrillos Road
Santa Fe, NM 87505
July 28, 2017
Minutes

State Personnel Board
Christine B. Romero, Chair
Jerry Manzagol, Vice Chair

Megan Muirhead Carmen V. Chavez

I. Procedural Items

Call to Order

The meeting of the State Personnel Board (SPB) was called to order by Chair Romero at approximately 9:00 a.m. on July 28, 2017, at the State Personnel Office (SPO), Santa Fe, New Mexico.

Invocation David Berry

Pledge of Allegiance Michael McEuen

Roll Call

Director Justin Najaka called roll and a quorum was established with the following members present:

Christine B. Romero, Chair
Jerry Manzagol, Vice Chair
Megan Muirhead, Board Member
Carmen V. Chavez, Board Member

II. Director's Report

Director Najaka provided the following updates:

1. Agencies Reduction in Force (RIF) update

Director Najaka gave the Board an update on the employees who have been affected by the Reduction in Force. There has not been a change in the number of candidates;

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there are currently eight employees that are seeking re-employment with the state. SPO continues to work with these individuals in placing with other state agencies.

2. Engineering Study

Director Najaka stated that the Engineering Study was implemented July 15, 2017, and has been going well. There are 1013 engineering positions affected by the study. There has been a lot of positive feedback by the agencies.

3. Human Resources Consolidation

The HR Consolidation is going well. SPO is working with agencies and Department of Finance and Administration to assure that the consolidation will not affect any federal funding sources. Meetings will be set up with the individuals that will be on the various management teams.

Chair Romero asked where employees will be housed. Director Najaka stated that a location in Albuquerque has been found and SPO is working with GSD concerning the location and logistics. GSD has placed the upgrade construction project at the Willie Ortiz building out for bid. Chair Romero asked what the timeline is for the consolidation to be completed. Director Najaka stated that he hopes to have all employees working together by September.

Approval of Agenda

Vice Chair Manzagol moved to approve the July 28, 2017, State Personnel Board Agenda; seconded by Board Member Trujillo. Motion carried.

Approval of Minutes – June 16, 2017

Vice Chair Manzagol moved to approve the June 16, 2017, State Personnel Board minutes, seconded by Board Member Muirhead. Motion carried.

III. General Public Comment

No individuals signed up for General Public Comment.

IV. Coordinator-Classroom Technology Classification Update

Cliff McNary, Classification and Compensation Testing Manager, presented the request for approval of the Coordinator-Classroom Technology Classification Update. This classification is currently used by SPO. The request is to approve the classification update that will remove the wording that is exclusive to SPO. SPO recommends the adoption of the updated job descriptor so that other agencies who provide technical leadership in the planning development, maintenance, implementation and evaluation of classroom technology may utilize this classification for their instructional needs. This classification was established by the State Personnel Board at its June 10, 2011 meeting.



Director Najaka informed the Board that the classification was originally created to be utilized exclusively by SPO. Since the creation of the classification, several agencies have requested approval to utilize this classification. Because the verbiage in the classification descriptors refer exclusively to the position at SPO, it is necessary to make changes. This position does not actually teach the courses; it handles the technical work on creating the courses and works with NMDOIT to set up the courses.

Board Member Chavez moved to approve the Coordinator-Classroom Technology Classification Update; seconded by Vice Chair Manzagol. Motion carried.

V. Homeland Security Specialist Classification Update

Cliff McNary, Classification and Compensation Testing Manager, presented the request for approval of the Homeland Security Specialist Classification Update. Mr. McNary introduced Edwin Quintana, Human Resource Manager and Colonel Jamison Herrera, DMA Anti-Terrorist Unit Manager from the Department of Military Affairs (DMA). SPO recommends adoption of the updated job descriptor for the Homeland Security Specialist so that other agencies such as the Department of Military Affairs, who engage in counter-terrorism activities, can use it to meet their business and operational needs. This would include any agencies that also conduct vulnerability assessments, site surveys, and manage federal and state transactions to ensure their requirements are met. This classification was established by the State Personnel Board at its June 10, 2011 meeting.

Vice Chair Manzagol moved to approve the Homeland Security Specialist Classification Update; seconded by Board Member Trujillo. Motion carried.

VI. Executive Session

Board Member Muirhead moved that the State Personnel Board meeting be closed. The authority for closing the meeting is under the Open Meetings Act NMSA 1978, Section 10-15-1(H) (3), for deliberations in connection with an administrative adjudicatory proceeding, for the matters listed on the agenda; second by Board Member.

Director Najaka called roll and all members voted in the affirmative. **Motion carried.**

The Board met in Executive Session from approximately 9:18 a.m. to 9:50 a.m. For the record, the matters discussed in closed session were limited to those specified below in the Motion to close.

1. *Barboa v. New Mexico Corrections Department*; Docket Nos. 15-064 (tabled)
 - **After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Barboa v. New Mexico Corrections Department*; Docket Nos. 15-064 (tabled), the Board moves to table the Administrative Law Judges' recommended decision and will present modified findings and conclusion at the next board meeting in *Barboa***

v. New Mexico Corrections Department; Docket Nos. 15-064. **Board Member Muirhead moved to table. Motion seconded by Vice Chair Manzagol. Motion carried.**

2. *Velarde v. New Mexico Secretary of State*; Docket No. 16-010

- **After careful consideration of the proceedings and the Administrative Law Judges' recommendations in *Velarde v. New Mexico Secretary of State*; Docket No. 16-010. The Board moves to adopt the Administrative Law Judges' recommended decision in *Velarde v. New Mexico Secretary of State*; Docket No. 16-010. Vice Chair Manzagol moved to approve. Motion seconded by Board Member Trujillo. Motion carried.**

VII. Litigation Update – Jessica Cooper, Administrative Law Judge, Adjudication Bureau

Jessica Cooper, Administrative Law Judge, presented the Litigation Update. In Fiscal Year 17, the Adjudication Division received 42 new appeals and disposed of 50.

So far in July 4, 2017, additional new appeals have been received and there are currently 32 appeals pending.

There is also a new development in the district court appeals.

On June 23, 2017, Judge Singleton upheld the Board's decision in the matter of Trujillo v. Department of Cultural Affairs. You will recall that this past January, the Board upheld the dismissal of Ms. Trujillo on the basis of her threatening behavior, reference to ethnicity at a meeting, and insubordination. Judge Singleton found that the Board's decision was not arbitrary or capricious and was in accordance with law. On July 6, 2017, Ms. Trujillo filed a Motion for Rehearing or Reconsideration. And on July 14, 2017, Judge Singleton issued an Order denying Ms. Trujillo's Motion.

Additionally, the Board's decision in the case of Martinez v. CYFD has been appealed to district court. At its June meeting, the Board upheld Ms. Martinez's dismissal, on the grounds that she was required to drive with an ignition interlock device and therefore could not perform an essential function of her job. The appeal was filed by Appellant Martinez and has been assigned to Judge Mathew.

There is no dispositive action to report in the remaining eight (8) appeals.

VIII. Other Business – Next Meeting Date: August 25, 2017

IX. Adjournment

With no further business, **Vice Chair Manzagol moved to adjourn the State Personnel Board meeting at approximately 9:54 a.m.; seconded by Board Member Trujillo. Motion carried.**

Approved by:


Christine B. Romero, Chair

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Attest: 

Justin Najaka, Director

