



# NEW MEXICO

## STATE PERSONNEL OFFICE

Michelle Lujan Grisham  
Governor

L. Teresa Padilla  
Director

**State Personnel Board Meeting**  
**Live Streamed from the Willie Ortiz Building**  
**2600 Cerrillos Road, Santa Fe, NM**  
**Friday July 29, 2022**  
**MINUTES**

**State Personnel Board**

Laura A. Liswood

*Chair*

David F. Cunningham

*Vice Chair*

Cristin M. Heyns-Bousliman

*Member*

Carol A. Parker

*Member*

Fred Radosevich

*Member*

**I. Procedural Items**

- Chair Liswood called the meeting to order at 9:00 a.m.
- Pledge of Allegiance was led by Director Padilla followed by roll call – Chair Liswood, present; Vice Chair Cunningham present; member Parker present telephonically; member Radosevich, present. Member Heyns-Bousliman absent. Also in attendance, SPO Director and Board Secretary, Teresa Padilla, Board Administrator, Denise Forlizzi and technical moderators Ernest Lucero, Drew Lovelace and Nichole Medina-Stone.
- Chair Liswood asked if there was a list of those who would like to make Public Comment; Ms. Forlizzi, stated no requests were received online and submitted the list of in person attendees who requested time for public comment to Chair Liswood.
- Approval of Agenda - Vice Chair Cunningham moved to approve the proposed agenda member Radosevich second; roll call – agenda unanimously adopted.
- Approval of Meeting Minutes – June 3, 2022 – Vice Chair Cunningham moved to approve the June 3, 2022 meeting minutes as written; member Radosevich second; roll call – minutes unanimously approved.

**II. Approval of SPO Director**

Chair Liswood welcomed Director Padilla who gave a statement along with some of her professional background and stated her commitment to SPO and the citizens of New Mexico. Chair Liswood thanked Director Padilla saying she is delighted about the appointment and is impressed with her background. Chair Liswood moved to approve L. Teresa Padilla as Director of State Personnel Office; Vice Chair Cunningham second; roll call – motion approved unanimously.

**III. General Public Comment**

Chair Liswood called from the sign in sheet, Peace Officer Benjamin Baker, Deputy Secretary New Mexico Department of Safety, Interim Director of the Law

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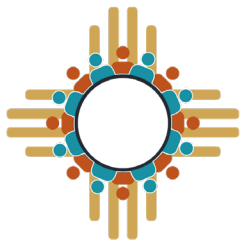
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## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

Enforcement Academy for his comment. Officer Baker congratulated Director Padilla on her appointment, saying it has been an honor to work with her over the years. Officer Baker stated he is a 25-year professional license holder and has a new understanding of instructors. The work SPO has done to integrate the pay schedule of the profession cannot be understated. He praised the team at SPO and said the agenda item will go a long way in correcting an at least 25-year problem as this will contribute to the department's ability to retain and recruit and more importantly, properly train the roughly 8,000 folks we put out there in our communities that share our goal of public safety. He stands before you with an almost 60% vacancy rate for 3 years. The department appreciates the board's support, willingness and commitment to public safety, and he looks forward to the time when he comes back to the board to report a 0% vacancy rate.

Chair Liswood asked about his background – interim director, what's the process to fill the vacancy? Officer Baker stated the position requires the appointment as a GovEx and confirmation of the Law Enforcement Academy board. Member Radosevich stated it is more like 40 years for the issues with the lack of instructors, he is glad this will help address the long-running issue. Hopefully this will resolve some of those. No questions from Vice Chair Cunningham or Member Parker. Chair Liswood stated he has the appreciation of the board for all their service. Stay safe.

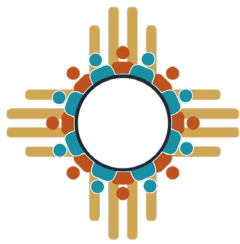
Roberta Baca, Criminal Division Director at OSI, first spoke about Director Padilla's grandmother and parents and how proud they would be of her, she has worked so hard during her career. It is an honor to work with her and her staff at SPO. Ms. Baca is a 23-year employee of state government. Her division deals with white collar crime with 6 police officers and 3 investigators specifically for insurance fraud and auto theft. Thank you for their support and consideration. Recruiting and retention issues for the specialized positions and they need to remain competitive.

Joseph Chavez, Special Agent Supervisor at OSI, criminal division – we have a hard time recruiting and retaining personnel. The area of auto theft and insurance fraud has very specialized training, it is intensive and expensive. Chair Liswood asked about the vacancy rate and Special Agent Chavez stated the agency is down 1 special agent and there is a lot of turn over, people jump from state agency to state agency. This will help retain staff.

Vice Chair Cunningham asked about the volume of cases. Mr. Chavez stated there are 6 agents/investigators who work the 1,300 – 1,400 referrals for insurance fraud per year.

Chair Liswood asked what the average time to process cases was. Mr. Chavez stated it depends on the case - it can take weeks, months, even years to complete.

Member Radosevich commended director at OSI who has done a tremendous amount of work and has a strong team. He is confident it will continue going forward. Member Parker had no questions.



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

Chair Liswood commented on the volume of work and the challenges faced by the agency and thanked everyone for their comments.

#### **IV. Director's Report – L. Teresa Padilla**

Over the next several months, I expect to continue to work towards building and reinforcing the SPO team. We have been monitoring and maximizing our budget to fill critical vacancies as they arise. Our goal is to provide great customer service to the State Agencies by assessing and revising our processes to assist in reducing the time that it takes to fill vacancies. I'd like to share these updates from the SPO team:

#### **Training:**

- The SPO Training Unit of four, completed over 2,400 live, instructor-led classes. This is more than triple the amount for FY21. This includes the launch of 5 new courses now part of our regular monthly catalog
- Over 11,000 eLearning completions, more than double that of FY21. Including 24 new courses that are now part of our catalog.

So far, in the first quarter of FY23 the team has:

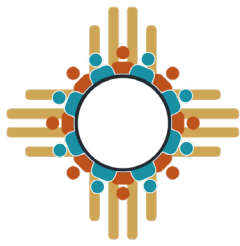
- Created and facilitated our first Capstone class for the new “Essentials of Supervision and Management” program, graduating our first cohort of managers representing 11 different state agencies
- Created and facilitated a new course for agency HR in collaboration with HR Services on Employment Records Retention, Transfer and Archive procedures
- Continued leading the Summer Intern Program and mentoring two SPO interns who are assisting with coordination of the Intern Program and creating their own trainings for statewide delivery.
- The summer internship program concludes August 5, 2022 with an Intern Summit giving the 50 interns the opportunity to present their internship reports to their peers.

#### **Labor Relations:**

- Completed Contract with AFSCME – In the process of obtaining the signatures from the parties
- Negotiated GPS language for AFSCME Agencies to add to existing State Vehicle Use Policies
  - Deployed to CWA agencies to negotiate with CWA on the same GPS language
- Continued virtual Living in a Union Environment (LIUE trainings)
  - Trained 174 employees across the State
  - An 8% increase over the previous quarter

#### **Agency Shared Services:**

SPO provides HR services to the smaller agencies who don't have an HR professional on staff.



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

- We are currently working with the Secretary of State are onboard for shared services temporarily. There has been a lot of clean up but they are about to make an offer for their HR position. We will be working with the new HR person with training and getting them up to speed with the organization.
- Beginning work on SPO policies review and revision to be sure they are current and in good order. Many agencies use our policies as templates for their own agencies. It is important that we get them updated.

#### **HR Operations**

Highlights since the last board meeting:

##### **Comp and Class:**

- 5 Classification Studies completed
- 9 Classification Studies in progress
- HR Classification Series Study in progress

##### **QADA:**

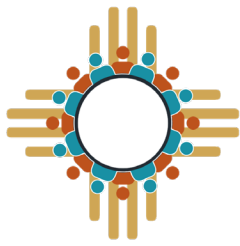
- Worked with agencies to address data entry errors for FY23 legislative increase processing
- Over 90% of increases have been inserted, the remaining 10% are predominantly being probationary employees.

#### **Workforce Planning**

- WFP Provides review and recommendations of approval for all transactions requiring SPO approval. The team processed 4,712 actions in FY22. 1,146 of those were hire actions.
- In the last three months we processed a third of the volume of actions that we processed the entire fiscal year
- Still with the increase in actions, during this quarter, we have been able to reduce the overall processing time by one week compared to Q2 last year. We are now at an average of 7-10 days to process an action.

#### **Other Projects**

- Continue to work with NM Edge to create a certificate program for individuals interested in Human Resources jobs with the State. We will revise our minimum qualifications for the HR classification to allow recipients to receive credit toward meeting the minimum qualifications to better fill vacancies.
- Through the Santa Fe Public Schools Internship program, we are exploring opportunities to provide internships for high school students to agencies that have offices in the Santa Fe. City of Santa Fe funded student internships for agencies located in Santa Fe.
- Working closely with DoIT over the next couple of months to implement upgrades to the State's HR System with the latest version of the PeopleSoft program. The last system



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

update in the system was in 2017. We are taking a huge leap in the technology. They will apply all the upgrades all at one time. Working to roll out to the community. The training to the HR community will begin in late August, Early September, with projected “go-live” in early October.

- Our Marketing and Media coordinator is working on the style guide for branding for the State Personnel Office. This will include new logos, consistent formats and colors and new letterhead, so when you look at something produced by SPO, you will know it has been produced by the State Personnel Office.
- Over the last few months, SPO has been undergoing a Program Audit by the Legislative Council Services. Their report will be final on August 10, and there will be a Legislative hearing in Chama on August 17, where they will present the report to the Legislative committee. We expect the report to include possible changes to the legislative performance measures that are assigned to the State Personnel Office.

Stand for questions.

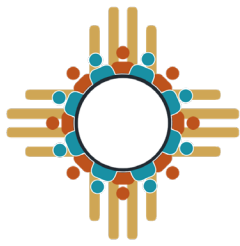
Chair Liswood asked how the state vehicle policy language changed. Director Padilla explained that GPS was installed in all state vehicles, she asked Drew Lovelace, Labor Relations Administrator, to help explain. Main thrust that came up here was AFSCME stated the NMAC required agencies to discipline based on GPS data and some agencies did not have a policy. Missed link between NMAC and policies at agencies – we negotiated 1 policy that was rolled out based on what CWA already had and were able to roll the language out with AFSCME. The biggest thing was to make sure the agencies met the Administrative Code to have a policy to allow discipline employees based on GPS data.

Chair Liswood brought up the social media (SM) policy discussion from a previous meeting where the board discussed the idea of SPO makes the policy for other agencies and asked AAG Joe if she remembered the discussion. AAG stated she recalled the discussion, and it was discussed to do a survey of the agencies to see who had a policy and who did not.

Chair Liswood did remember that discussion and asked if the agency survey was still in the works? Or do we need to re-investigate and then what you think should be appropriate – if SPO should create a template. Director Padilla will look into more detail; she will research specifics and report back at the next meeting.

Chair Liswood asked about the branding and wanted to know the cost for that? Director Padilla stated there is no direct cost as our media coordinator is working on this, it is related to changing our look, so really about optics both on the website and in our correspondence.

Chair Liswood pointed to Mr. Baker’s comment and the 60 % vacancy rate and asked what is SPO doing to help that? Director Padilla stated the State police officers are not part of the State Personnel Act so State Police do their own recruiting, and we can help by giving them the framework - the right classifications, the right pay structures and other tools they need to recruit



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

and retain. Work with them on issues, but none of their hire actions come through the State Personnel Office. Chair Liswood encouraged Director Padilla to give them the help they need as they can.

Vice Chair Cunningham stated that in prior meetings there was an explanation in the difference between what agencies could afford and what positions were allowed. He asked what the vacancy rate is for state employees when the agencies have money. Director Padilla stated that former Director Serna had developed a tool he shared with DFA to help figure out what the actual funded vacancy rate is versus the published vacancy rate. He shared the tool briefly with Director Padilla and the transition was swift when Ricky was reassigned. Director Padilla will follow up with Director Serna about the tool. Vice Chair Cunningham stated we will want the information for agencies.

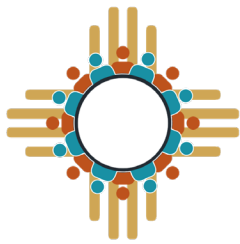
Vice Chair Cunningham said while we are looking at HR policies, during executive session, many cases are for things that happen off-duty and SM is one of those. In his years of practice, this is an area where there is a ton of litigation right now. As the leader of HR, SPO should go beyond SM as there are many things that happen off duty that impact work. Suggest that we give guidance to the agencies on these types of things.

Member Radosevich stated he hasn't worked for the state, so doesn't know how state works but he has worked for municipalities, and they set up general policies. When we create a policy, do we allow an agency to amend or supplement? It seems that there is no state-wide policy. State should have a generic/general policy and other agencies would be able to supplement that. Director Padilla said the State Personnel Board rules set the framework for what agencies are allowed in their policy. It all comes back to rule. If there is no statement about policies in the rules, SPO creates a policy and sends a template to the agencies, after it is approved and negotiated with unions. This is fairly new, so right now, there is a handful of those policies. We collect the agency policies once a year, and we will have a team look at the agency policies to see if we could standardize the more general policies. Chair Liswood would like to see more standardization with policies.

Member Parker said she appreciates the questions of fellow board members so we can make the policies really clear particularly when employees transfer from one agency to another and need to know the expectations in regard to behavior.

Vice Chair Cunningham stated that in his personal experience on the board, we hear cases in executive session and make decisions that are employee issues; often in these cases, there is manager issue in the case gap if there is a manager issue, there is not a vehicle for the board to address the manager issue. Cunningham asked when you think about the policies, think about the ways we can address the managers. We don't have the power to address all the issues. Case comes to trial; the manager is as much on trial as the employee, and we do see cases





## **NEW MEXICO**

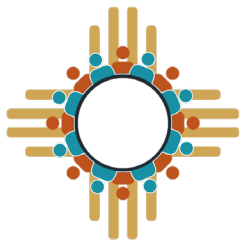
### **STATE PERSONNEL OFFICE**

which point those issues out. Chair Liswood said what we are looking for are creative ideas about how SPO can reach these issues at the agency level.

Chair Liswood asked if there were any other questions and when there were none said congratulations Director Padilla, you have survived your first director report!

#### **V. Request for Approval of Transfer of Classifications to the Peace Officer Occupational Salary Schedule**

Max Cordova gave the presentation and said he was pleased to present the request. He asked the board to look at page 11, appendix 2, there is a list of classifications that will be transferring over. These classifications are already established in the general salary structure. With board approval the classifications will move to the pay band. One of the great things about working with this group is they did a great job at presenting the case and demonstrating the difficulties they have in recruiting, retaining and maintaining the duties the officers provide at the agency. With the change, we expect to see agencies better equipped to handle the challenges. With these changes, we expect this will stop the leap frogging and hopping/shopping around with these positions, not only internally, but externally these agencies compete with at the State Police, municipalities, and county levels. Mr. Cordova invited Director Belinda Garland, Deputy Director Sean Davis of the New Mexico Livestock Board (NMLB) to present. Director Garland stands before the board with 31 years as both a state and local employee. During her career, she has worked with or been in a law enforcement agency. It was early in her law enforcement career; she realized law enforcement did not get the recognition it deserves, and she saw that over all the years she worked. Thank you and commend you to move forward with the pay bands and the citizens they provide protection to. Former Director Serna made forward movement with this; we're excited for Director Padilla to continue the movement. We feel this is progressive and a very good thing for law enforcement forces in the state. She agreed with what Mr. Cordova said and has seen a lot of hopping around for advancement, pay and duties. Director Garland commented on going to the legislature, she has seen they go to the legislature asking for more money to hire more people. The legislature looks at this and says they are not filling the positions they have why are you asking for more? She has worked very hard on the vacancy rate and now, there is a 5% vacancy rate and hope to have that down to 1 position open in the next month. They have focused on doing that and they have more grounds to justify their request. need more investigators in the industry. Have a tool to go to legislature and say we need the funding for these reasons, we are at bottom of pay scales. Garland says they don't get things from SPO to back up data, so they can expect them to ask for that soon. Pay increases and pay bands for all officers is a very good thing, they work very hard and are dedicated to their jobs and to the agencies they serve. Director Garland introduced Deputy Director Davis who has been with the agency for 22 years and he can tell you what this will do for the agency. Davis said the NMLB oldest law enforcement agency in the state, it was created in 1887 and sometimes he feels their wages were kept there. Inspectors they have right now are



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

dedicated to the community they serve and livestock industry. This keeps those of us who are there to stay tied in. Happy to be able to tell folks that State Personnel Board worked to get their wages where they need to be, and they will be happy to hear it. He was at a meeting last week in Ft. Worth at a livestock meeting with the western states who have livestock boards and livestock tracking capabilities and law enforcement. New Mexico was recognized as a leader in the industry. We are the best at traceability, best in law enforcement industry and the inspectors deserve all the credit. They train hard, work at it and what you folks are doing will enhance their ability to do that.

Director Garland thanked Max and his team saying in her experience in working with SPO, this has been the easiest. Max has been very open, willing to give guidance to their questions, listen to their suggestions and he and his group really need to be commended.

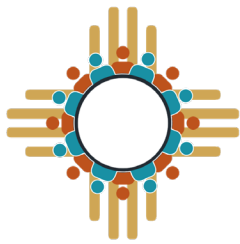
Chair Liswood asked what the metric is to indicate that they need more budget. Director Garland stated in the 2019 legislative session (she wasn't on board at that time) granted 2 new FTE for special investigators, however, they did not give NMLB funding for those 2 positions. So we worked around, cut corners and tightened their purse strings in order to fill as many positions as they can. What they want now is 2 more investigators so all 4 quadrants in the state are covered by an agent and they will be asking for the money for these positions during the next session. This is not widely known – we don't see a lot of livestock crime in the state, because we are the best at law enforcement. That said, crime is elevating, and we are seeing more of it. We are seeing more animal cruelty cases increasing. Starvation of horses, pigs, cattle. Those are the crimes we work hard on Investigating, prosecuting and preventing.

Deputy Director Davis said they have 34 law enforcement officers and 2 special investigators where all they do is investigate. The other 34 do investigations but also inspections and other duties. Investigations pull them away from inspections - their case loads are big, and investigators are vital and have been a real success.

Vice Chair Cunningham asked so how many inspections per year? How many real cases in a year? Davis reported they have about 170 incidents per year investigated statewide and about 70-80 of those are animal cruelty cases. They inspect 2.5 million head of livestock per year with 50 inspectors they inspect barns, feed lots, dairies, etc. The 34 law enforcement officers do the investigations. We make about 800 traffic stops a year, vital in controlling movement of livestock people trying to move livestock and without those, they wouldn't be able to stop very many thefts at all.

Director Garland added they also handle state veterinarians, so in the traffic stops we are also looking for health papers of the livestock. We will begin the meat inspection program soon and are beginning to set up, hire a director and train inspectors. Law enforcement is crucial to our livestock industry not only for animal cruelty, but the health of the industry.





## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

Chair Liswood asked what other law enforcement agencies do you coordinate with? Davis answered all of them, they work closely with state police, community law enforcement officers. Even this week, they pulled over a drunk driver. Work with FBI, NMDA on agriculture health issues. We work with all local agencies including Game and Fish. Most don't know that New Mexico is the largest land livestock cattle port in the nation – over 600,000 head of cattle cross the Mexican border every year, we have an inspector there full time who works with the USDA to insure they come in disease-free, and those cattle end up all over the United States.

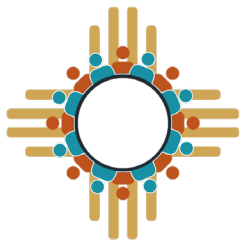
Chair Liswood asked if they provide briefings to the other agencies and let them know what they should be looking for when making a traffic stop? Deputy Director Davis answered yes, we go to community law enforcement meetings, meet regularly with state police to discuss whatever they run across. Their inspectors pull over vehicles hauling dope, marijuana, and cash and other illegal activity and often use and using livestock to cover up that activity. They have made many of these stops and work closely with drug task force and other agencies to make sure they have the training they need.

Vice Chair Cunningham asked do you work with the pueblos and rangers? Davis said, yes, they work closely with the pueblo and tribal affiliates. Rangers work closely with their inspectors. They are in open discussion on cross-commissioning to see if it will be effective or not. 2-3 thefts were recovered last year and returned the livestock to Navajo Nation and the Zunis and got the livestock back where they belong. Director Garland mentioned that if they do get the additional 2 investigators, it will allow them more time to work with the tribes.

Chair Liswood asked if there were different licenses for law enforcement. Officer Baker replied there is only 1 type of law enforcement license, only one kind of police officer and that is the kind that is certified by the New Mexico Law Enforcement Academy. The academy curriculum developed contains a huge array of different specialty subject matter topics. NMLB law enforcement not only are they members, but they are also adjunct instructors, they are students, and they are certified. Chair Liswood asked if the training is adequate for the Livestock Board? Deputy Director Davis answered yes.

Max Cordova stated that members from OSI are present and available for questions.

Chair Liswood come to the board for these increases indicating that they will help in recruitment and retention. She asked what are the follow-up metrics and how will that play out? Max Cordova stated it varies by classification and by agency. Every classification and agency has its own issue or problem. As you see from the Livestock Board, their next step is getting funding, other agencies the issue may be finding applicants. Creating equitable measure must be established at the agency. Chair Liswood asked if we get proof that these changes have done what they said they will do? Cordova replied yes, we see it in the retention reports. We see improved retention rates and recruitment when agencies are fully empowered to do so. If agency struggles to get budget, they still strive to get there, but it may take longer to get there,



## **NEW MEXICO**

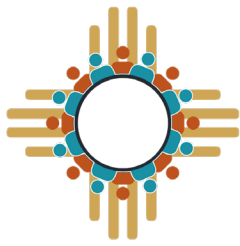
### **STATE PERSONNEL OFFICE**

other agencies that have traditional resources can respond quicker and may get there quicker. Agencies that are more limited, it may take them longer.

Vice Chair Cunningham reiterated what the chair was asking for the future, is that you come in asking for these changes, and the board would like to know if it made a difference? You come in asking for more money and we would like to know the results of the additional funding.

Roberta Baca from OSI stated that she might be able to address the question of metrics as prior to working at OSI, she worked with the legislature for 5 years. Part of the metrics would not only be the quality of candidates recruited, but the retention. At DPS, they have an appropriated retention fund, and they can apply for retention bonuses based on time of service. If they receive the bonus, they are required to stay 1 year. Metrics are turnover and quality of recruitment candidates and retention. Many applicants say they have the experience, but they aren't even certified law enforcement officers.

Chair Liswood stated she is hearing several metrics that can be presented - retention, (not sure how to track) quality of applicants, vacancy rates, turnover, etc. Max responded definitely, right now we have our annual report coming up, a lot of these metrics are presented at the higher level, and as we continue to develop occupational salary schedules and other avenues that will be presented to the board for approval, it will be beneficial to present those metrics to the board at that level of the annual report. Director Padilla agreed with Max that we need to include metrics in an organized way as we present the classification study. Will include that type of metrics in our annual report which we can use as a benchmark then next year we can report on the results in next year's annual report. Vice Chair Cunningham stated the legislature will probably ask these questions, so it will be good to be prepared. Chair Liswood while the board is sympathetic to the argument you are making, and understand the dynamics that are going on, so now what? Are there other things needing to be done in addition. Max Cordova answered definitely, some of the other things we are looking at that are indirectly affecting situations such as this and recently had communication with the Legislative Finance Committee on how agencies can better request additional funding. Benchmark for agencies is when they want more money, they ask for more positions. This indirectly and adversely affects vacancy rates because that money is not going to a specific position and when we arbitrarily add more positions to meet that need and get more money, we unintentionally add more vacant positions to our role, which ultimately increases our vacancy rate. So basically, the discussion has been - can agencies better request money they need and be able to target the request to meet that need? The LFC recognized that what state police did last year was proof of that model and they can go ask using a different concept and be able to get the money. This model does put a lot of work on the agencies they must put in the work to justify the request to meet that need and address the LFC justification. We are partners and as agencies come to realize that need, SPO can provide guidance as appropriate.



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

Chair Liswood asked for a motion to approve the Transfer of Classifications to the Peace Officer Occupational Salary Schedule – motion made by Vice Chair Cunningham; Member Radosevich second; roll call motion carried.

#### **VI. Request for Approval of Department of Public Safety Classifications: Investigator Series, Crime Scene Investigator and Evidence Technician**

Melanie Morgan, SPO Comp & Class analyst asked for approval of the new Department of Public Safety classifications under the authority of State Board Rule Subsection B. of 1.7.3.8 NMAC. These new classifications are civilian positions meant to support New Mexico State Police. As noted in all three of the reports, the results will help recruitment efforts, create career paths, attract more applicants and aide retention efforts.

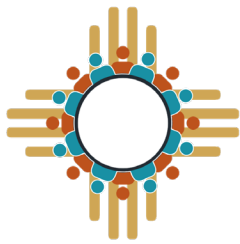
The applicant pool for all these positions will open-up for a broader more diverse field of applicants, that do not need to be a certified law enforcement officers to fulfill the qualifications. There will be a pathway for growth for the DPS investigators series and more specifically outlined essential duties for the crime scene investigator and evidence technician.

For all three class studies the impact of the new classifications will be measured by tracking the ability to fill and retain the new roles with qualified applicants.

Subject matter experts (SME) from DPS were called forward. Deputy Chief Broom first offered congratulations to Director Padilla on her appointment and then thanked Max and Melanie and how much he appreciated them and their efforts. How did we conclude that we needed these positions. How can we better use these resources. We were missing the mark on applicants' crime scene investigators and evidence technicians who did not want to be officers but have the education and experience to do the job. Thank you for your time and service.

Lt. Richard Matthews spoke from the intelligence unit, who after the legislative approval for more personnel, went from 100% occupancy to 50% vacancy, essentially doubling their unit. The unit is expanding its roles, working with National Integrated Ballistic Information Network (NIBIN) which connects firearms, casings from scenes, linking the crimes across the country. Forensic work and a lot of investigative resources. Goes beyond class descriptors for investigator. We now have a pathway for growth to bring in people at different levels, research, analysis, advanced technical training, cell phone analysis, metrics will be that in about 6 months we will be back to 100% by recruiting for a variety of positions.

Investigative Supervisor Danette Brown began by thanking the board for their time. She stated that the DPS investigator and supervisor position are all we have now. No room for career path or growth. In the last 4 years, the department lost 6 investigators for other state agencies, for more money, federal agencies or private sector to have career growth. Her team is incredible. Their mission is to identify, arrest, and prosecute criminal suspects. We work hand in hand with various bureaus; assist all NM State Police on details, including governor security. Over the past



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

years, the case load averages 500-700 cases with 3 criminal investigators; 2 investigators are grant funded, so they are limited to cold case and sexual assaults investigations only. As they assist all agencies, the team is vital as it connects all the dots; firearms, cell phones, protests - providing real-time intelligence. In the current social culture, we deal with threats against law enforcement officers, social protests and more. It would be incredible to have the addition of this career path. As we add these positions, it allows us to expand and grow the mission of the agency. Another issue when new additions come in at higher pay bands, we now see morale issues due to new employees making almost what experienced officers make. With the support of the board and department, this will help retain the incredible, talented people we have now. Thank you and congratulations to Director Padilla.

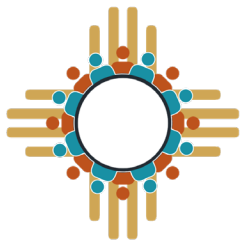
Lt. Alvarado of the crime scene team which consists of 5 agents and 2 sergeants we handle 120 cases a year which equates to 24 cases per agent. Would like to get that down to 13 cases per agent to maintain the high quality. We supplement other agencies in crime scene investigation. Agents spend on average 13 hours on crime scene itself. Recruiting is an issue. Trying to pull now from other sources; civilian positions will help supplement the crime scene team.

Member Radosevich asked if these positions were Safety Sensitive? Yes

Chair Liswood asked about the training of civilians in law enforcement? How will you coordinate the training. Mr. Baker responded that the law enforcement academy will adjust to these needs for the support roles. All training is designed to increase public safety and reduce crime, so any and all things are being contemplated. As we know, we are all pulling from the same pool of water so have to innovate at every level to get more people with less applicants and be able to add training.

Needs to be proposal to board to train civilians in conjunction with law enforcement – these are the folks who will get a case to the finish line in terms of analysis. Doesn't matter where the weakness is in the process, we must adjust. There is a significant metamorphosis happening in law enforcement in the nation as there are fewer people entering the industry. Chair Liswood hears the commitment and asked are you comfortable with the level of support you would get to get these people trained? Yes, he does. Supervisor Brown also stated that we do various technical training now and foresee that expanding.

NMSP authorized satellite academy 1 of 9, and they will be able to integrate and support and have unique advantages as a successful satellite. Chair Liswood asked if based on the size of NM State Police to population – is this a best practice? Deputy Chief Broom answered yes, that's how we determined this would be helpful as we looked outside at several surrounding states and reviewed the job descriptions. Chair Liswood confirmed that he is comfortable that this is the state of the art, so we won't hear back in a year saying we missed the mark? He would hope not.



## **NEW MEXICO**

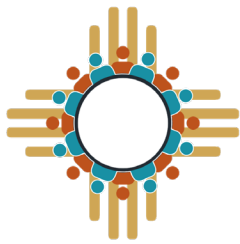
### **STATE PERSONNEL OFFICE**

Max Cordova explained they have received appropriations to create those positions. This was designed at an entry level so we could come back in a year and reevaluate the need. May need a career ladder, but it felt premature to create all that in the beginning. Because these are so new to state government, we wanted to see how this works out. Civilian equivalent has been established in other states as well.

Vice Chair Cunningham asked if the investigators who work in uniform are being recruited as well for these positions? Lt. Matthews answered yes, in terms of recruiting, we cast a very wide net. The DPS Investigator position was created roughly in 2017 and over the last few years, we realized due to the nature of the position, with the expanded duties, needed additional training and we are addressing it now and you won't see us again for this position. In terms of evidence technician, he imagines it may be changed somewhere down the road. State police is unique in relationship between law enforcement and civilians. Civilians enjoy almost an equal status to officers in the work they do, searching data bases, putting links together. In recruiting we look for 2 things: one, retired officers as they bring a certain level of knowledge; many don't want to do it anymore. We also look for knowledge of law enforcement as well as experience. We want all to be trained to the same standard. Applicants may not want to be officers, but they have experience, and they want to contribute. We have the ability to recruit from a wide variety of people with a variety of skills trained to a single standard.

Vice Chair Cunningham asked about Peace officers, private investigators and others and how do you get these groups to cooperate and how do you coordinate the information? Work very closely in a couple of ways. First, the law enforcement records bureau of DPS has a watch center, that does deconflictions which are critical and are not limited to state police. Of the 500-700 calls for service, significant percentage are from other agencies, not just law enforcement. It is usually the intelligence unit gets the second call, if there is a detective in Roswell or Phoenix for example, that needs information, needs someone found, we advertise our services as an investigative body to all agencies so they know they can call, and it allows us to be the center of the wheel. We also work closely with Fusion Center at Homeland Security so when BOLO's are issued, they are contacted so all information is communicated between the agencies.

Supervisor Brown also elaborated that investigators are also members of various task forces and groups. For example, we get together with retailers and their officers to know what they are seeing. We do a lot of outreach, participate in task forces, part of APB Gun Violence Initiative sharing program. We work very closely with other agencies including the DA's office – often called to testify, works with investigators. Networks local and nation-wide. Vice Chair Cunningham asked how they handle Tribal crime – how do you coordinate? Lt. Alvarado answered that anyone can call crime scene team and we will respond. Works with all agencies, including the Office of Medical Investigators (OMI) they work hand in hand. While the body is the responsibility of OMI, the crime scene is their responsibility. We understand each the roles.



Member Radosevich commented that Lt. Matthews teaches crime scenes at the community college and those students are a great pool for potential hire. Most don't want to be police officers, but crime scene investigators. Can't have commissioned officers doing research when they have other work to do.

Chair Liswood wanted to confirm that only one position requires an AA degree. Lt. Matthews stated yes, but the way these classifications were built, all positions are available with AA and work experience. Experience also makes them eligible for a basic level and creates the ability to advance as they go along. Member Parker no questions.

Motion to approve the DPS Investigators, Crime Scene Investigator and Evidence Technician Classifications made by Member Radosevich; Vice Chair Cunningham second; roll call; motion carried.

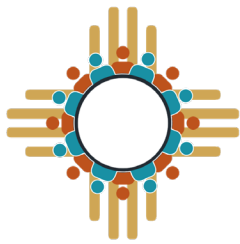
**VII. Request for Approval of the Job Re-evaluation of the Occupational Therapist and Occupational Therapy Assistant Classifications**

Max Cordova presented the reevaluation of the Occupational Health classifications. The health care study was one of the largest studies implemented and was approved by the previous board in 2019. It included over 100 health related classifications. The study was implemented late in 2021 due to budgetary constraint and upon implementation, we realized some markets had adjusted and were no longer appropriate. One of those being the Occupational Therapy group. The Department of Health came to SPO with their issue that current employees are paid way above the pay band. What we realized is that Occupational Therapists have additional education requirements to become licensed and certified. Revaluated and put in appropriate pay band. Look at Page 6 Item 4, see that there are not many filled positions, those that are there, are the market. Looking at item 10, the job evaluation results the committee established the jobs needed to be at a higher pay band. Look at page 7 to see the minimum – mid range – maximum salaries are captured more correctly within new pay band. Not only the job evaluated correctly, but it is now market appropriate. Department of Health is experiencing retirements in the near future, and this is a critical area and the need to recruit appropriately was urgent.

Chair Liswood asked, so are they having trouble recruiting? With retirements coming up, with the prior pay bands they would have had trouble recruiting due to pay. With the correction to the market, they will be able to pay and attract appropriately. Chair Liswood asked are you confident? Mr. Cordova said, he was confident that this will be helpful. When this was previously evaluated, a bachelor level degree and certification and today what we see, it is master level degree and experience that will qualify somebody to be licensed and certified at Occupational Therapist level.

Vice Chair Cunningham asked how many people in these categories? Mr. Cordova answered, right now there two in the Occupational Therapist assistants, one therapist at level one supervisor. They are with the Department of Health at a facility level. Cunningham asked if





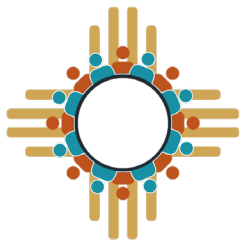
someone has a need for OT, how do they end up at a state facility? Cordova stated we don't have that information. He then said these positions work for DOH at a Veteran's facility which provides services for veterans. Director Padilla expanded and answered DOH runs a NM State veterans' home where there are Occupational Therapists. Occupational Therapists and Physical Therapists are also utilized in Roswell where there is a facility for medical rehab. Fort Baird Medical Center has a critical care veterans' hospital, so these therapists are scattered throughout the department. Padilla also stated this will help in the ability to recruit as now some of these positions are filled by contractors since we cannot always successfully recruit. This gives the department an opportunity to reevaluate non-contract staff. Chair Liswood asked what these contractors are being paid now and Director Padilla stated it is hard to determine what contractors are being paid in these positions since DOH spends a high amount of money on contractors. We will follow up as these classifications are approved and positions filled. No other questions.

Motion to approve the Occupational Therapists and Occupational Therapy Assistant Classifications, Job Re-evaluation made by member Radosevich; Vice Chair Cunningham second; roll call. Motion carries unanimously.

**VIII. Request for Approval of the Review and New Pay Band Assignments for the Physician I, II, and III Classifications**

Max Cordova presented for approval the new pay band assignments. The positions similar to the challenges in prior health care study. These positions were similar but exclusive to the market but pay was different. No utilization of Health Care physician I. We talked with the agency showed all compacted in level II and III, when we reviewed the market, we found there is a large range. There are general physicians as well as prescribing psychologists, so the range of pay varies and competitive industry as well. Proposed to increase pay bands at all levels and will work with agencies to get appropriate placement of current employees to correctly utilize each of the levels.

Chair Liswood asked if she correctly understood that currently there is no Physician I employed at the state. Mr. Cordova stated that is correct as the Physician I pay is too low and they would never be able to recruit any physician at that level. In general, any physician in the health care physician series, there are not many positions, but they are highly qualified and highly paid. Not being able to recruit is detrimental to the agency. Chair Liswood asked to explain how are we moving Physician I? Cordova pointed to appendix 3, Physician level I moves to a higher pay band, so the new pay range should allow the agency to make the appropriate adjustments and put positions in that classification. Level II and III will be moving up 2 pay bands and that will capture what current New Mexico average is. Liswood asked if these were the highest paid employees in the state? Cordova stated, no, they are not the highest paid, but they are high and said emergency room physicians are in the highest pay band primarily because the ER doctors require certain specialties to perform that service. He noted all classifications within this



## **NEW MEXICO**

### **STATE PERSONNEL OFFICE**

schedule are practicing physicians. These physicians are only found in the Miners Colfax Medical Center and DOH. Chair Liswood asked if there was a lot of turnover? Cordova said as the Occupational Therapist classification, there isn't a lot of turnover, but facilities have an equal amount of contract work, especially in rural areas which have challenges in recruiting. The new pay bands have helped this. Chair Liswood assumes the 6 vacancies are being filled by contractors. Cordova agreed that that is the case. Director Padilla answered in those facilities, there is not a great amount of turnover. Doctors choose to live in rural areas, so the challenge is getting them in the door. Chair Liswood Is there an incentive program of any kind to fill these positions? Director Padilla stated she was not sure.

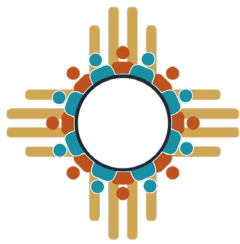
Vice Chair Cunningham said so of the 18 physicians in the state, when you can't fill them with an employee, you fill them with a contractor. That costs the state a lot of money. Director Padilla said yes. Another thing about contractors is you don't have same level of control over employees. You are contracting with a service, so you also don't have same longevity and doctors often don't know the patients. Especially in the long-term care facilities, there is no longevity, ultimately it affects the care of the patient.

Chair Liswood asked if one of SPO's missions to reduce contract work and fill those with state employees? Director Padilla answered that it would be a mission to give them the option with the appropriate classifications and appropriate pay structures to support that. In her view, agencies are not entirely equipped to eliminate contract workers. In many cases, contract workers are utilized in areas where there are recruitment and retention issues, and the agency doesn't have time to wait. Our goal is to provide with comparable option to contracting.

Vice Chair Cunningham stated there are at least 4 ICH hospitals in the state. How do the pay bands compare to the state? Max Cordova said for OBGYN and emergency room doctors, the state is paying higher. For other positions, currently New Mexico pays slightly higher than some of those facilities.

Member Parker had a couple of comments. First, she wondered if there isn't an environmental change that some of the contract workers are choosing to accept a contract, perhaps for a year in New Mexico or California as an example? The other is that she is extremely disheartened with the idea that the only changes we are making to try to attract workers in all these categories is financial. There must be some other factor of their work life that makes a position attractive or not. Maybe there are supervisory issues. She understands we would have to look at the whole system to find out, and is disappointed we are not able to figure out another way to attract people to these positions.

Motion to approve New Pay Band Assignments for the Physician I, II, and III Classifications made by Vice Chair Cunningham; Member Radosevich second; roll call, motion carried.



**IX. Adjudication Litigation Update**

Judge Janelle Haught presented the Adjudication Division Update:

For the fiscal year 2022, the Adjudication Division started the year with 54 appeals, received 34 new appeals and disposed of 50 appeals. Judge Baca, Judge Orth and I conducted 16 hearings and presented 16 Recommended Decisions to the Board. Of those Recommended Decisions, we modified or reduced 7 disciplines. The Board adopted 15 of those Recommended Decisions and modified one. One Final Decision issued by the Board was appealed to District Court.

We started fiscal year 2023 with 38 appeals. At the conclusion of today's Board meeting, the Adjudication Division will have 33 appeals, with 19 appeals scheduled for hearings through February 2023.

Chair Liswood asked Judge Haught if her department was adequately staffed? She replied yes, we have a great group and are a well-oiled machine.

**X. Executive Session**

Chair Liswood moved that the board enter Executive Session; member Radosevich second; roll call. The board entered closed session and are off the record at 11:15 am.

Chair Liswood announced the board is back in session at 12:15 pm.

**XI. Motions on Administrative Appeals**

Chair Liswood asked for motions for the following:

*Apodaca, Adrian v. NM Public Education Department, Docket No. 19-008*

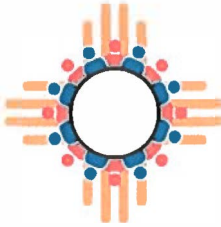
Vice Chair Cunningham moved to adopt ALJ recommended decision to affirm the dismissal; member Radosevich second. AAG Joe stated that Member Parker had to leave, there are 3 members present and the board still has a quorum. Roll call; motion approved unanimously.

*Bradshaw, Jacob v. NM Corrections Department, Docket No. 21-010*

Vice Chair Cunningham moved to adopt ALJ recommended decision to reverse the department's 20-day suspension. Award back pay and benefits; member Radosevich second. Roll call. Motion approved unanimously.

*Bazan, Marquez & Haines v. NM Corrections Department, Docket Nos. 21-005, 21-006 & 21-007 (Consolidated Cases)*

Member Radosevich stated they had separated the consolidated cases and in the **Bazan** matter docket 21-005, moved to modify ALJ recommended decision of a 3-day suspension to a 1-day



**NEW MEXICO**  
**STATE PERSONNEL OFFICE**

suspension and award back pay and benefits; Vice Chair Cunningham second; roll call; Motion approved unanimously.

**Marquez and Haines** consolidated cases, dockets 21-006 and 21-007 member Radosevich moved to adopt ALJ recommended decision to overturn the department's 3-day suspension and award back pay and benefits and to direct the department to issue a Letter of Counseling to the appellants; Vice Chair Cunningham second; roll call; motions on separated matters are approved unanimously.

*Waters, Joan v. NM Department of Public Safety, Docket No. 20-006*

Member Radosevich moved to adopt the ALJ recommended decision to overturn the 25-day suspension and suspend her for 15 days and award back pay and benefits. Vice Chair Cunningham second with a disclosure that he has encountered Ms. Waters in his practice over the years, the last at least 10 years ago and stated these encounters will not impact this decision; roll call; motion approved unanimously.

**Other Business:**

Chair Liswood asked if there was any other business from the board? The next meeting of the board will be September 16, 2022, at 9:00 a.m.

Motion to adjourn made by member Radosevich; Vice Chair Cunningham second; roll call – meeting adjourned at 12:25 pm.

**Approved:**

A handwritten signature in black ink that reads "Laura A. Liswood". The signature is written in a cursive, flowing style.

**Laura A. Liswood, Chair**

State Personnel Board

**Attest:**

A handwritten signature in blue ink that reads "L. Teresa Padilla". The signature is written in a cursive, flowing style.

**L. Teresa Padilla, Director**

State Personnel Office