

Michelle Lujan Grisham

Governor

Dylan K. Lange

Director

Cynthia Sandoval

Deputy Director



State Personnel Board

Sandra D. Lopez, *Chair*

Carol A. Parker, *Vice Chair*

Kari Fresquez, *Member*

L. Teresa Padilla, *Member*

Fred Radosevich, *Member*

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State Personnel Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Friday, August 28, 2026 – 9:00 AM

MINUTES

The meeting was Called to Order by Chair Lopez at 9:03 a.m.

Director Lange led the Pledge of Allegiance and called roll. A quorum was established with members present: Lopez, Radosevich, Padilla, Fresquez.

Absent: Member Parker.

Call for Public Comment – Ms. Forlizzi stated that no in-person requests have been received; the written comment received this morning was copied and distributed to the board.

Member Padilla moved to approve the agenda; Member Fresquez seconded; roll call; agenda adopted.

Member Fresquez moved to approve the June 12, 2026 minutes; Member Radosevich seconded; roll call; minutes adopted.

General Public Comment – no requests received

FY28 Budget Request

Jaime Trujillo, SPO Administrative Services Director, presented the budget and requested approval. He reviewed the highlights and referred to the documents provided, highlighting a few key additional programs - HR Apprentice Program, State Jobs are Great Jobs marketing campaign, State Internship Program and the Skills-Matching program, which is an enhanced recruitment tool.

FY28 is the final year of GRO funds – funding 6 SPO positions to support the Job Architecture program.

Trujillo took questions.

Member Fresquez referred to the HR apprentice program asking is that new.

Trujillo said yes, a new program where apprentices are trained at SPO to be HR-

ready employees for employment at other agencies.

Director Lange said the hope is to have success and replicate this model for other hard to fill positions within agencies and is generating a lot of excitement.

Lange then addressed internships saying we had 149 summer interns from 36 agencies; 15 interns were funded by SPO serving smaller markets. The legislature committed to the financing to support this cohort.

Member Radosevich moved to approve the budget request; Member Fresquez seconded; roll call; motion carried.

Law Enforcement Park Ranger Series Class Study and Park Operations Ranger Series Class Study

Micaela Apodaca, SPO Comp & Class Analyst, requested approval. Subject Matter Expert, Toby Velasquez from Energy Minerals and Natural Resources Department, State Parks Division Director, was present to answer questions.

Member Fresquez asked about the need for the 2 different families and why the need for 2 levels.

Apodaca answered it was for overall support and regulation of divisions; they are also able to step in as individual park rangers if needed.

Valasquez added there are 35 state parks in 25 counties; and these rangers provide protection for both the public and the natural resources. Responsibilities are equal in every county so it's critical to be able to hire people in rural areas.

Member Radosevich moved to approve; Member Padilla seconded; roll call; motion carried.

Microbiologist Series Class Study

Micaela Apodaca was joined by Subject Matter Experts from Department of Health - Human Resources Director, HC Hawkins and Michael Edwards, Scientific Lab Director asking for restitution of the 3 levels that existed prior to JA.

Member Padilla moved to approve; Member Fresquez seconded; roll call; motion carried.

Senior Grants Analyst Class Study

Austin Basham, SPO Comp & Class Supervisor, requested approval with DFA Subject Matter Expert Hallie Brown, Local Government Division Deputy Director present. Basham explained these classifications were created with JA although many were already performing those duties. Brown added DFA supported the results of the study and thanked the board for consideration.

Member Fresquez moved to approve; Padilla seconded; roll call; motion carried.

Supervisor, Behavioral Health Coordination Class Study

Austin Basham requested approval with CYFD Subject Matter Experts, Deputy Directors, Elizabeth Hamilton and Kristin Doellinger present. Basham said this realigns the supervisor based on expertise.

Member Radosevich commented generally that he doesn't have questions as the materials are very thorough, well written and commends Director Lange and staff for that.

Dep. Director Hamilton thanked the board saying this will be a great addition and allow staff to grow.

Member Radosevich moved to approve; Member Padilla seconded; roll call; motion carried.

Rulemaking and proposed changes

Director Lange gave some background saying rule changes are a process. He recapped the rule hearing and the documentation in the rulemaking record along with referring to the exhibits included in the Board material. Lange explained that based on public comment received, SPO is recommending the board not implement some of the noticed changes.

Member Padilla asked Lange to go rule by rule, so the board is clear and attendees are clear about what is being requested in the final form for board vote. Lange agreed and began.

1.7.1 – 2 changes that are more of a clean-up, gives employees more rights and clarifies the process. 1.7.1.8A added “classified service” and 1.7.1.12 amended and clarified that former employees and current employees can view their own personnel file.

1.7.4 – internal citation change based on other changes made. 1.7.4.13F – added a new ability to receive a temporary differential or pay increase based on a license or certificate that enhances their work even though the license is not required. Allows for a dollar amount in a skills-based world.

Chair Lopez asked if the differentials are tied to the individual or the position.

Deputy Director Sandoval stated it is tied to the person, not the position; tied to roles they play at a specific agency.

1.7.4.14D – removed reference to FLSA as this is federal with the Department of Labor. We want to reflect that is the proper review process that is already in place. Fresquez said this makes sense; in actual practice, it seems like SPO might informally help agencies figure things out.

Lange said we do have trainings related to federal law; will continue to pass along to support agencies.

Jaime Phillips, Learning and Development Bureau Chief added we also bring in experts from Federal Government for the training.

1.7.4.16 – eliminates requirement as redundant 1.7.1.14 requires this.

1.7.4.18 – set forth in statute; violates constitution; decided to leave it in but DFA did not want to be tied to it.

1.7.5 – 1.7.5.7 – definition of Rapid Hire. 1.7.5.12 – new language; recommend it not be added. Exceptions to standard recruitment; goal was to clarify the process and to bind future directors on what they can and cannot do. Public comment received worried about favoritism and determining critical business need. We'd like to flush it out a bit more, so an interpretive memo might be the better vehicle for this.

Member Fresquez commented on the recruitment waiver (RW) saying she respects the feedback as being generally leery of using one. The guardrail may not be clear enough and just because there are comments, there will continue to be RW, so why not have guardrails in a rule that explain when a RW is appropriate. "Critical Business Need" (CBN) maybe the definition can be clearer.

AAG Alsup said at this point in rulemaking, there is flexibility. This is intended to address public comment and balancing those with SPO flushing it out a bit more.

Member Padilla said it is impossible to define every situation of CBN which is why it is practiced currently. If board were to accept changes, SPO can issue an Interpretive memo, even with an administration change, this would give the current admin the opportunity to update CBN. Needs to have guardrails in place; that may be the best option to leave it in and address Public Comment.

Alsup added there are benefits to having it more clear in rule than in an interpretive memo.

1.7.5.13 – strike language around selection; this is done at agency level and SPO doesn't advise on selection; who is right fit. Request is to leave it in.

1.7.6 – requested due to confusion; not utilized. Will move to a general provision next rulemaking.

1.7.7. – 1.7.7.7 clarifies the definition of medical emergency to include "unexpected" to the definition and adds "may" to the definition of "Serious Health Condition."

1.7.7.8 allows an employee to request leave before it is accrued. 1.7.7.15 – Employee "may" be required to reimburse an agency for education costs if they leave the employ of the agency within one year. 1.7.7.21 – Paid parental leave added for classified employees. This reflects the current executive order; tentative agreed in CWA CBA bargaining.

Approval of rule changes:

1.7.1 NMAC Member Fresquez moved to approve; Member Radosevich seconded; roll call; motion carried.

1.7.4 NMAC – Member Padilla moved to approve; Member Fresquez seconded; roll call; motion carried.

1.7.5 NMAC

1.7.5.7(D) adding definition for Rapid Hire Event; 1.7.5.10 Recruitment waivers with definition of Critical Business Need – keep it out or keep it in with clarifying CBN with an interpretive memorandum.

Deputy Director Sandoval said WFP must do an analysis already required for a Recruitment Waiver including Critical Business Need justification.

Member Fresquez said she doesn't want CBN used to hire "friend, etc." how does SPO identify any misuse.

Sandoval said SPO is relying on justification from an agency. As part of our analysis, candidate must meet min qualifications; resumes are reviewed as are credentials. SPO ensures compliance with every other part of board rule; the biggest issue was timelines to comply with board rule.

Member Fresquez – if we remove .10 as proposed, RW will continue, SPO will draft an interpretive memo; there's no scenario where RW will not happen.

Lange said a RW is a hiring action and requires all justification for recruitment; we will know the person qualifies; we kick it back often to go through the full process. IM can be more collaborative; rulemaking identified a need for clarification and transparency on CBN.

Member Radosevich – SPO and director make decisions all the time. Cannot define everything.

Member Fresquez moved to adopt the entirety of 1.7.7.5 NMAC; fix reordering in .7 in definition; let proposed changes stand; .13C leaving it as noticed. Member Padilla seconded; roll call; 1.7.5 adopted as initially noticed. 1.7.5.13 Agency shall follow all established procedures.

1.7.6 NMAC No changes. Member Radosevich moved to leave existing language in place; Member Padilla seconded; roll call; motion carried.

1.7.7 NMAC – Member Fresquez; Member Padilla carried.

SPO Update

Director Lange updated the board saying the team is doing good work; excited about budget request to grow and maintain the robust progress we are making. He talked about the Henry Toll Fellowship a council of state governments including 47 public servants. Lange was in Lexington to participate in the cohort, learn about leading collaboratively and with civility. Felt grateful for the opportunity to represent the state.

Commended the data team Time-to-Fill metric went from 72 to 51 days. Celebrate that. The update report in your materials is very detailed and filled with good information. We are running on all cylinders.

Adjudication Update

Janelle Haught, SPO Administrative Law Judge, presented the summary; appeals continue to rise. 32 hearings scheduled through March 2027.

Member Fresquez asked Haught about current staffing.

Haught advised that Leigh Messerer will join the team sometime in September.

Executive Session

Administrative Adjudicatory Deliberations *See* NMSA 1978, Section 10-15-1(H)(3) *Administrative Appeal. See 1.7.12.8(C) NMAC.*

Member Fresquez moved to enter closed session; Member Padilla seconded; roll call; 10:43 off the record.

Motions on Administrative Adjudicatory Deliberations

Back on the record at 11:09 am.

1. Cheryl Tafoya v. New Mexico Taxation and Revenue Department; Docket No. 25-024 Member Radosevich moved to adopt the Hearing Officer report, amend the conclusions of law and Recommended Decision to include 5 days suspension instead of the 1 recommended. Member Fresquez seconded; roll call; motion carried.
2. Cheryl Tafoya v. New Mexico Taxation and Revenue Department; Docket No. 25-036 Member Fresquez moved to adopt Hearing Officer report; Member Radosevich seconded; roll call; motion carried.
3. Tooley v. New Mexico Regulation & Licensing Department; Docket No. 25-035 Member Padilla moved to adopt ALJ recommended decision; Member Fresquez seconded; roll call; motion carried.

Next Meeting Oct 23, 2026. Member Padilla moved to adjourn; Member Fresquez seconded; roll call; meeting adjourned at 11:12 am.

Approved:


Sandra Lopez, Chair
State Personnel Board

Attest:


Dylan K. Lange, Director
State Personnel Office