

Michelle Lujan Grisham

Governor

Dylan K. Lange

Director



State Personnel Board

Carol A. Parker, *Vice Chair*

David F. Cunningham, *Member*

Kari Fresquez, *Member*

Sandra D. Lopez, *Member*

Fred Radosevich, *Member*

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State Personnel Rule Hearing and Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Friday, December 6, 2024 – 9:00 AM

MINUTES

Procedural Items

Vice Chair Parker called the meeting to order at 9:00 am

Director Lange led the Pledge of Allegiance and called roll with the following members present: Vice Chair Parker, Members Cunningham, Radosevich, Lopez and Fresquez – a quorum was established.

Vice Chair Parker asked if we had received requests for Public Comment. Ms. Forlizzi stated she had not received requests either via email or in person.

Member Cunningham moved to approve the meeting agenda; Member Lopez seconded; roll call; agenda approved.

Member Radosevich moved to approve the minutes of the October 11, 2024 meeting; Member Lopez seconded; roll call; motion carried.

Member Radosevich moved to approve the minutes of the October 23, 2024 meeting; Member Lopez seconded; roll call with Member Cunningham abstaining; motion carried.

General Public Comment

No requests received

Public Hearing: Proposed Rule Changes

- a) Appointment of Hearing Officer Parker moved to appoint Director Lange as the HO SL seconded. Lange called the hearing to order at 9:05 and read the names of the board

members in attendance. All present.

- b) Presentation made by SPO General Counsel Leigh Messerer who gave an overview of the proposed changes and introduced exhibits. #1-11 to show compliance. They were entered into the record along with the sign-in sheet reflecting no requests for public comment were received in person (Exhibit #12) and a sign-in sheet of attendees present during the hearing (Exhibit #13).
- c) Comment by interested parties – No requests for public comment received via email or in person.
- d) GC Messerer presented the proposed changes:
 - Rule 1.7.1, there were no questions or requests for public comment.
 - Director Lange invited members of the audience to make public comment as well after each rule change summary.
 - Rule 1.7.5 summarized by Messerer - Vice Chair Parker asked about 1.7.5.9 A and Director Lange asked her to hold the discussion for the general meeting.
 - Rule 1.7.8 summarized by Messerer.
 - Rule 1.7.9 summarized by Messerer.
 - 1.7.11 summarized by Messerer.

Closure of hearing – Director Lange closed the hearing which was adjourned at 9:21.

Discussion and Potential Adoption of Rule Changes

Returned to the general meeting and began discussion by rule.

- a. 1.7.1 NMAC – General Provisions – No questions or comments
- b. 1.7.5 NMAC – Recruitment, Assessment, Selection – No questions or comments
- c. 1.7.8 NMAC - Drug and Alcohol Abuse - No questions or comments
- d. 1.7.9 NMAC – Performance Appraisals – Member Radosevich noted the addition to 1.7.9.9(A) regarding the course of study and the phrase “or as needed” which was based on board recommendation.
- e. 1.7.11 NMAC – Discipline 1.7.11.10 Member Cunningham asked about just cause and the definition; saying there is no reference to progressive discipline with just cause. Lange said SPO did not contemplate making that change at

this time.

Member Fresquez brought forward non-substantive changes to 1.7.9.8a, 1.7.9.12 and 1.7.11.13c(1). GC Messerer thanked her and said we will make those changes.

Vice Chair Parker referenced 1.7.1ii and had a non-substantive change. 1.7.5.9(a), the director is to create establish do we need to include the word “state”? Messerer replied that we can make that change for clarity.

1.7.1 Member Lopez moved to adopt 1.7.1 as amended. Member Radosevich seconded; roll call; 1.7.1 adopted unanimously.

1.7.5 Member Lopez moved to adopt 1.7.5 as amended; Member Cunningham seconded; roll call; 1.7.5 adopted unanimously.

1.7.8 Member Cunningham moved to adopt 1.7.8 as amended; Member Radosevich seconded; roll call; 1.7.8 adopted unanimously.

Member Radosevich moved to adopt 1.7.9 as amended; Member Cunningham seconded; roll call; 1.7.9 adopted unanimously.

Member Lopez moved to adopt 1.7.11 as amended; Member Fresquez seconded; roll call; 1.7.11 adopted unanimously.

Alternative Pay Band Renewal

Melanie Morgan, SPO Compensation and Testing manager, requested approval for 124 Alternative Pay Bands, a reduction from the 157 last year.

Member Lopez moved to approve the APB renewal; Member Radosevich seconded; roll call; motion carried.

2024 Annual Classification Plan

Melanie Morgan requested approval for 897 Classification descriptions which will be significantly altered in 2025 with the job architecture model.

Member Cunningham asked if the board would have some type of guide with areas that will be changed. Director Lange stated he will keep the board updated at each meeting going forward with the Job Architecture project.

Cunningham would like a working session to look at this as the project progresses.

Director Lange agreed, saying this is a big task to validate Deloitte’s work and we will need the board’s input.

Motion to approve made by Member Radosevich; Member Cunningham seconded; roll call; motion carried.

2024 Annual Compensation Report

Melanie Morgan requested approval for pay plan detailing the compensation philosophy. Morgan referred to the report in the board documents saying there were no alarming shifts or changes from FY 23 to FY 24. The report reveals that we are in a decent position to continue to maintain a pay plan that is increasingly competitive with the regional and national market. Vice Chair Parker noted that private sector employees are moving away from the benefits packages and there is some movement at the government level. Have we examined our options regarding benefits and portability?

Director Lange said there will always be discussion of benefits, and the SPO board does not deal with benefits. Benefits will be discussed during the legislative session and the Governor is working hard to centralize benefits to make it easier to take them along. New generation wants benefits is the feedback from career fairs and other recruiting events we attend. Younger people are more excited to work for state government, coming out of college earning a package that has meaning today.

Member Cunningham asked if we are making progress in filling positions?

Lange said the funded vacancy rate is determined at the agency level. We are under 22% vacancy for the first time in several years. One of the goals of job architecture is to get rid of vacant positions, and classifications, because the legislature gives them money to fund those positions. We are doing better, and it's still high.

Member Lopez commented that the total compensation package is a selling point for recruitment; giving it some tangibility for potential recruits.

Member Fresquez moved to approve the Compensation Plan; Member Lopez seconded; roll call, motion carried.

SPO Update

Director Lange began by saying this is an exciting time at SPO, Job Architecture is a big project for the coming year and gave the following updates:

- Gen Z “handshake” data relayed. 42% of the next generation states retirement is their biggest concern, and this may bring more of this workforce to state employment.

- Welcomed our new board member – Kari Fresquez who introduced herself noting she is newly retired after a 25-year career in state government. She is a small business owner now and is excited to serve at this important time. Looking forward to the JA project.
- Thanked and acknowledged Laura Liswood for her service to SPO board. Noting SPO was able to touch all the salary structures over her term.
- Jaime Trujillo completed another clean audit, the report is with state auditor's office now, so we are celebrating that.
- ADA guidance has been provided to agencies; complying with federal law and keeping them updated.
- Vacancy rate is under 22%
- Lange reminded board members that they must file financial disclosures by the end of January.
- Hiring updates SPO is now posting all state jobs on Indeed giving our recruitment efforts more exposure and the ability to actively recruit and source new applicants.
- The Labor Relations Manager job was recently posted, and we already have 22 applicants on the list for that position.
- Staff update –
 - Micaela Apodaca joined the Comp &Class team
 - Taylor Brown filled the IT position
 - Labor Manager is in process as noted above
 - Training and Development position to be filled

Adjudication Update

Janelle Haught presented the update beginning with introducing Debbie Poulin as the new ALJ and gave a recap of her resume.

Haught gave the stats on hearings, mediations and settlement agreements along with two recommended decisions the board will be deciding today after which there will be 22 appeals.

Haught explained the adjudication process after a hearing occurs and before a case is presented to the board.

Executive Session: Administrative Adjudicatory Deliberations

Pursuant to NMSA 1978, Section 39-3-1.1(C)(2001); See NMSA 1978, Section 10-15-1(H)(3)
Vice Chair Parker moved to enter closed session; Member Cunningham seconded; roll call;
board entered closed session at 10:28

Back to open session and on the record at 11:01

Motions on Administrative Adjudicatory Deliberations

- a. *Ronda Lucero v. New Mexico Corrections Department*; Docket No. 22-010
Member Fresquez moved to adopt the Hearing Officer's report and recommendation;
Member Radosevich seconded; roll call; motion carried.
- b. *Matthew Ordonez v. New Mexico Department of Game & Fish*; Docket No. 24-027
Member Fresquez moved to adopt ALJ recommended decision; Member Cunningham
seconded; roll call; motion carried.
- c. *Michael diGrazia v. New Mexico Department of Game & Fish*; Docket No. 24-028
Member Lopez moved to adopt ALJ recommended decision; Member Radosevich
seconded; roll call; motion carried.

Next meeting is scheduled in person for February 7, 2025 at 9:00 a.m.

Member Cunningham moved to adjourn; Member Radosevich seconded; roll call; meeting
adjourned at 11:05.

Attest:


**Dylan K. Lange, Director
State Personnel Office**

Approved:


**State Personnel Board
Vice Chair**