



New Mexico State Personnel Board

State Personnel Office

Michelle Lujan Grisham
Governor

Ricky A. Serna
Acting Director

L. Teresa Padilla
Deputy Director

State Personnel Board
Laura A. Liswood, Chair
David F. Cunningham, Vice Chair
Cristin M. Heyns-Bousliman, Member
Carol A. Parker, Member

State Personnel Board Meeting

Electronic/Telephonic Meeting via ZOOM
Friday, March 4, 2022
Minutes

I. Procedural Items

Chair Liswood called the meeting to order at 9:00

Acting Director Serna led the Pledge of Allegiance and called roll. Chair Liswood, Vice Chair Cunningham, member Heyns-Bousliman, member Parker all present and a quorum established.

Chair Liswood called for Public Comment - Zoom poll launched and 3 people answered yes.

Agenda - Vice Chair Cunningham moved to adopt the agenda as presented; member Heyns-Bousliman second Acting Director Serna roll call and agenda adopted unanimously.

Approval of Minutes – January 14, 2022 meeting. Chair Liswood motioned to approve the minutes as written, member Parker second.

Questions - Vice Chair Cunningham asked about the social media follow up and asked if it was in director's report, Acting Director Serna stated yes, he will address. Cunningham then asked about the 23% vacancy rate mentioned in the minutes and asked if there is an update on vacancy rates for the funded vs. non-funded positions. Acting Director Serna clarified the vacancy rate stated in the minutes only reflected funded positions and he will provide an update within a week.

Vice Chair Cunningham also had a question about the math in the Litigation Division Update - Litigation 44 cases open 38 are noted in the minutes, not 44 from the update. Would like math to be correct. ALJ Haught addressed his question and explained the reason for that is that some cases are consolidated, and the number 44 included pending settlement and mediations, so the math is correct as stated in the minutes. No further questions.

Chair Liswood moved to accept minutes as written, member Heyns-Bousliman second. Acting Director Serna Roll call; minutes unanimously approved as written.

II. General Public Comment – those who answered yes on the poll did not identify themselves, no public comment received.

III. Director's Report – Acting Director Serna gave the following report:

Legislative Session Overview: The session is over, and we achieved great accomplishments. Compensation request that the Executive team worked on with Labor was funded. Raises include 3% increase in current fiscal year and at least an additional 4% in FY23. The compaction strategy implementation will address the increase to \$15/hr. minimum pay.

Rollout of uniform electronic onboarding packets: Thanks to HR Services and DoIT for the collaborative effort. We've developed a uniform onboarding packet which exists within DocuSign. This creates consistency across agencies and allows for electronic submission of hiring documents. The process lends itself to remote worker conditions.

Simplifying the job application process: Our team, along with DoIT has been working on a change to the application process which will allow an applicant an option when disclosing their work experience. They can either enter it into the application or attach a resume. This will reduce the application size on the back end and simplify the application process for applicants as well as hiring managers. This will go live in a week or so.

Social Media (SoMe) policies: At the request of the Board, we huddled around the topic of social media policies in state agencies. When we polled agencies, we learned:

- Seventeen (17) agencies (35.42%) have a policy that addresses use of agency social media accounts.
- Sixteen (16) agencies (33.33%) have a policy that addresses employee use of personal social media accounts

We have determined that variance among agencies will make it difficult to establish uniform policy. Nonetheless, we believe SPO can play a leadership role in the exchange of existing policies and national best practices. Historically, we have identified only two instances when SPO issued statewide policies – Paid Parental Leave and Fitness and Wellness Leave. We have created a shared drive and have asked agencies to make their current policies available to others. SPO has created a resource page on the drive that provides policy samples, relevant statutes, content on discipline, and other considerations.

Staffing Updates:

- Lora Olsen – Joins the Comp and Class team
- Cynthia Anaya – Returns to the QA team
- Ernest Lucero – Joins as our IT Administrator
- Nicole O'Shea – Joins the Recruitment team
- Desiree Garcia – Joins the Recruitment team
- Raymond Gallegos – Joins the Training team
- Theresa Sherman – Comes on board as our Web and Media Marketing Coordinator. This is a new position at SPO and one that is going to be essential in establishing a strong recruitment and retention strategy. The Marketing Coordinator will help bolster our talent acquisition efforts and communicate the benefits of working for the state.

Stand for questions – Chair Liswood thanked Serna for SoMe policies initiative and welcomed the new additions to the agency.

Vice Chair Cunningham asked Acting Director Serna to send a SoMe report to the board.

Member Heyns-Bousliman – No comments, echoes Chair Liswood

Member Parker asked about social media and if the agencies without policies have been encouraged to create one? Acting Director Serna answered that all managers have been notified that the policies exist which is prompting conversations across agencies. We anticipate that those agencies not yet on board will draft policies to address social media. This method allows for diversity in agencies and gives them what they need to get the ball rolling and tailor their policies to their agency.

Chair Liswood - SoMe can you strongly recommend an agency have a policy or highly encourage them to? Serna stated we will follow up once agencies have posted their policy and share across agencies, so they know they have this resource. Encourage frameworks for all agencies. Reminders that the board has heard cases surrounding SoMe and guidelines may be referenced going forward.

IV. Training and Development Work Plan

Jaime Phillips shared a presentation to walk the board through some of the main points of the work plan in their binder. She stated this is a board rule requirement for a Training and Development Work Plan annual review. Dr. Phillips recapped points in the plan - HR discipline of organizational and employee development and performance-based training strategies. Method is to first analyze training needs, then strategically plan training solutions. The bureau designs, develops and delivers learning opportunities and partners with statewide training professionals. The bureau has 4 staff members. There are five areas of strategic focus for 2022:

1. Create a Leadership Course series based on identified leadership development needs. This will support succession planning and form a pathway to certificate completion. They are working on a strategic plan for the program to ensure continuity and success of the program.
2. HR Training for 2022 – designed to support agency compliance, work within collective bargaining agreements, improve outcomes, and help develop and retain valuable HR professionals. Training helps them navigate the process of submitting actions to the Work Force Planning team to achieve organizational goals. Employee discipline process training. Development programs designed to retain our valuable HR staff.
3. Increase our presence. Share enterprise learning to administer courses available state-wide. Currently, we do not have those resources. Delivery capacity increased and do in a way that is flexible, on demand. EX – harassment course. Soft opening 400 have already been trained in just over a month. Employee benefit – learning and development. Tool that is important right now. Recruitment and retention
4. Emphasize Diversity, Equity and Inclusion (DEI) – Dr. Phillips assured the board this was not an omission in the first draft, but original draft was put on hold to see the outcome of legislation to establish a DEI officer and when that was not passed in legislation session, we are taking new ownership on this matter. Hope to add curriculum that addresses DEI and equal opportunity in the leadership program and provide additional curriculum to state work force as a whole.

5. Process -oriented goal, instructional design model for learning opportunities we develop. Essential to show what we do are addressing the needs of the workforce. More intentional in developing models, guidelines and QA of those courses. Research based as well.

Stand for questions – Chair Liswood thanked Dr. Phillips for the comprehensive report and asked if there were any questions. Vice Chair Cunningham no questions, member Heyns-Bousliman no questions, member Parker no questions and well done!

Chair Liswood asked if there is a cohort for those eligible for leadership training, what is the goal, how many have enrolled in 2022? Phillips stated that at this time, we are in process of rolling out and developing the courses. Entire series is not developed yet. Primary goal is to have program in place by the end of 2022 and done to the point of saying we have a cohort that has at least begun the process moving into 2023.

Chair Liswood stated based on that timeline, asked Acting Director Serna to send out a letter to senior leaders of agencies to actively encouraging them to encourage their teams to have people engage in this program.

Serna stated we polled agencies and the results are inclusive in those priorities. Asked QA team to use our metrics to help us focus where we want to focus.

Chair Liswood stated there seems to be a resounding sense of support for what Dr. Phillips is doing.

Dr. Phillips introduced the training staff of Nichole Medina-Stone and Martha Kunkel, both valuable training specialists and we are adding a new member to the team next week.

Chair Liswood thanked the entire team for their effort.

V. Firefighter's Academy and Instructors Update from DHSEM

Chair Liswood asked John Kondratick to give the update. Mr. Kondratick stated the adjusted pay classification has greatly affected the recruitment success as 4 positions have been filled. Currently the agency has 2 vacant positions and are working on another pool of applicants – 20 who are in the screening process for the 2 vacancies. Big picture, we have focused on and provided training in regional areas and in the field. When live burn trainings are necessary, more departments can participate.

Chair Liswood was encouraged to know 4 positions were filled and that they are conducting interviews so by the end of the month, they should have all positions filled. No questions from Vice Chair Cunningham or Member Heyns-Bousliman.

Member Parker asked if those 4 employees are assigned to particular regions?

Kondratick stated they report to Socorro and are assigned regional areas on the map to give trainings regionally. Parker followed up asking if the 2 current vacancies are in a particular area? Mr. Kondratick stated they are spread out to regional areas at this time and when the 2 positions are filled, they will create 6 regions.

Chair Liswood asked how do you keep instructors up to date? Mr. Kondratick stated they are members of the National Fire Protection Association, and we send the team for training in Maryland. They are following the most recent guidelines and procedures. There is also ongoing continuing education.

Chair Liswood thanked Mr. Kondratick for making progress over the past 6 months.

VI. Adjudication Division Update

Janelle Haught, Administrative Law Judge gave the following report:

- 39 Open Cases
- 12 Cases Disposed in the 3rd quarter
- 5 New Cases
- 25 Hearings Scheduled
- 7 Pending Recommended Decisions
- 2 Mediation
 - Pending Settlement and
- 4 pending District Court Procedural Issues

Stand for questions.

Vice Chair Cunningham asked about the 4 cases pending District Court procedural issues: what are the procedural questions? Judge Haught stated they are policy issues. For instance, in one matter the agency did not want to disclose discipline of other employees. Vice Chair Cunningham then asked if an Attorney General employee was exempt, how do they get to district court? Judge Haught answered the attorney does it on their own volition. If an attorney files with District Court it is out of our purview.

Member Heyns-Bousliman – no questions

Member Parker - no questions

Chair Liswood thanked Judge Haught for her diligence in these reports.

VII. Executive Session

Chair Liswood moved to enter into Executive Session, Vice Chair Cunningham second AAG Valerie Joe stated she will not be participating in discussion on Landau and Colomo matters. Recusing herself from those cases. The board has other counsel - Michael Heitz and Samantha Kelly are available for those matters. Acting Director Serna called roll - Chair Liswood, Vice Chair Cunningham, Member Heyns-Bousliman, Member Parker all present. Board entered closed session at 9:54 a.m. and are off the record.

Chair Liswood called the general session to order at 11:24 and we are back on the record.

VIII. Motions on Administrative Appeals

- *Eloy Prada vs. SFMO (PRC)*; Docket No. 21-004
Vice Chair Cunningham read the motion to adopt the ALJ Recommended Decision to overturn 2-day suspension. Mr. Prada receives back pay and benefits lost during the suspension. Commission failed to establish just cause. Member Heyns-Bousliman second. Acting Director Serna roll call – motion carried. Unanimously approved
- *Marion Foray vs. CYFD*; Docket No. 20-026-S
Member Parker motion to adopt ALJ recommended decision to uphold separation of appellant. Member Heyns-Bousliman second. Acting Director Serna roll call – motion carries. Unanimously approved.
- *Stephan Hancock vs. NMCD*; Docket No. 20-038
Member Heyns-Bousliman motion to adopt ALJ recommended decision to overturn the department's 6-day suspension. Mr. Hancock receives back pay and benefits lost during the suspension. Discipline appellant with a formal Letter of Reprimand pursuant to Department policies and procedures. Member Parker second. Acting Director Serna roll call – motion carries. Unanimously approved.

- *Landau, et al. vs. AGO, Docket No. 20-002*
Appellant Landau's Motion to Recuse & Disqualify ALJ Haught, All SPO Employees & Board Members due to Tainted Proceedings Violating NMAC 1.7.12.10
Vice Chair Cunningham stated during discussions on this matter AAG Joe was not present, Michael Heitz present served as Board Counsel. Regarding the Motion to recuse and disqualify, there is no recommended decision before the board, therefore, the board is taking no action on this matter today.
- *Colomo, Matilde, et al. vs. NM State Personnel Board and NM Regulation & Licensing Dept., D-101-CV-2021-01676*
Vice Chair Cunningham stated the matter appears on the agenda as item 7 B. Vice Chair Cunningham also stated the Board met with Sam Kelly, Board Counsel and that AAG Joe was not present for the discussion. No recommended decision was before the board, no action is being taken today.

IX. Other business and next meeting April 22, 2022

Chair Liswood asked if there was *any other business?* Vice Chair Cunningham, member Heyns-Bousliman, member Parker no further business. Chair Liswood thanked the Board, the SPO staff, participants and the public in their interest in these proceedings. Chair Liswood moved to adjourn, Vice Chair Cunningham second, Acting Director Serna roll call, unanimously approved. Meeting adjourned at 11:32 a.m.

Approved by:



Laura Liswood
Board Chair
State Personnel Board

Attest:



Ricky A. Serna
Acting Director
State Personnel Office