

# NEW MEXICO

## STATE PERSONNEL OFFICE

Michelle Lujan Grisham  
Governor

Dylan K. Lange  
Acting Director

### State Personnel Board

Laura A. Liswood  
*Chair*

David F. Cunningham  
*Vice Chair*

Cristin M. Heyns-Bousliman  
*Member*

Carol A. Parker  
*Member*

Fred Radosevich  
*Member*

## State Personnel Special Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Thursday, December 21, 2023 – 2:00 PM

### MINUTES

#### Procedural Items

- Vice Chair Cunningham called the meeting to order at 2:02 p.m.
- Acting Director Lange led the Pledge of Allegiance and conducted a roll call; a quorum was established with Vice Chair Cunningham, Member Parker in person and Chair Liswood via telephone.
- Member Parker moved to approve the agenda; Chair Liswood seconded; roll call; motion carried.

#### Executive Session – Administrative Adjudicatory Deliberations

NMSA 1978, Section 10-15-1(H)(3) Vice Chair Cunningham moved to enter Executive Session, Member Parker seconded; roll call; motion carried. Off the record at 2:07 p.m.

#### Motions on Administrative Appeals

Vice Chair Cunningham called the meeting back to general session and on the record at 2:16 p.m.

AAG Dan Rubin stated he recused himself from the Maddox case.

*Diaz, Jesse v. New Mexico Corrections Department; Docket No. 22-031;*

Member Parker stated Pursuant to Section 10-9-18(F) of the State Personnel Act that allows modification of an agency decision, and further pursuant to 1.7.12.22 NMAC, and after careful consideration of the record, the ALJ's recommendations, and the Appellee's exceptions to those recommendations, I move that the Board adopt the recommendation of the ALJ except (1) the "Summary of Decision" (2) the "Conclusion" in Section VII, (3) Conclusion of Law No. 1 in Section VIII, and (4) Section IX, the "Recommendation," and further move that the Board further find the following additional facts:

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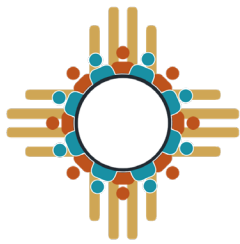
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1. The record reflects that appellant currently lacks the necessary skills to be employed as a supervisor.
2. A demotion to the highest available non-supervisory position constitutes progressive discipline commensurate with the just cause for discipline reflected in the record and is less than the five-rank demotion imposed by appellee.
3. Appellant's actions warrant no additional discipline.

As part of this motion, and pursuant to Section 10-9-18(F), I move that the Board modify Appellee's discipline in favor of a demotion to the highest available non-supervisory position. Vice Chair Cunningham seconded; Acting Director Lange roll call; motion carried.

Maddox, James Allen v. New Mexico Office of Attorney General; Docket No. 23-004;

Vice Chair Cunningham moved to adopt the Recommended Decision; Member Parker seconded; roll call; motion unanimously adopted.

**Adjournment** - The next meeting of the board is Feb 16, 2024. Motion to adjourn by Member Parker; Vice Chair Cunningham seconded; roll call. Meeting adjourned at 2:20 p.m.