

NEW MEXICO

STATE PERSONNEL OFFICE

Michelle Lujan Grisham
Governor

Dylan K. Lange
Director

State Personnel Board

Laura A. Liswood

Chair

Cristin M. Heyns-Bousliman

Vice Chair

David F. Cunningham

Member

Carol A. Parker

Member

Fred Radosevich

Member

State Personnel Board Meeting

Willie Ortiz Building

2600 Cerrillos Road, Santa Fe, NM

Monday, April 29, 2024 – 9:00 AM

MINUTES

Procedural Items

Chair Liswood called the meeting to order at 9:00 a.m.

Director Lange led the Pledge of Allegiance and called roll.

Chair Liswood, Members Parker and Radosevich – present

Vice Chair Heyns-Bousliman and Member Cunningham - absent

A quorum was confirmed.

Call for Public Comment

Chair Liswood asked Denise Forlizzi, SPO Board Administrator if she had received requests for public comment. Forlizzi confirmed she had received 1 public comment via email. Liswood closed requests for public comment.

Approval of Agenda

Member Radosevich moved to approve agenda as presented, Member Parker seconded. Director Lange called roll and the agenda was adopted unanimously.

Approval of Minutes

Member Radosevich moved that the minutes from the February 16, 2024 meeting be approved as written; Member Parker seconded. Director Lange called roll and the minutes were approved unanimously.

Public Comment

Chair Liswood asked Ms. Forlizzi for the Public Comment received and asked her to attach it to the meeting record.

FY25 Operating Budget

Jaime Trujillo, SPO Administrative Services Director, referenced the presentation included in the board packet. He noted SPO did not receive the

Address:

2600 Cerrillos Road
Santa Fe, NM 87505-3258

Phone:

505-476-7759

Fax:

505-476-7949

Website:

www.spo.state.nm.us



full increase requested, but there was a small increase over FY24. Trujillo reviewed key points to the budget and asked if there were questions.

Chair Liswood asked what the impact will be by not receiving the requested amount? Director Lange stated that overall, there is a cut in the HR services projection. We did get a bit extra from HR Services from FY24 so the approximately \$55K we have makes us a little more creative in spending.

Liswood then asked about the projection of 44 FTE, are those fully funded? Lange replied that 36 are funded FTE. We anticipate a request in FY26 to reflect a fully staffed agency at 44 FTE. Vacancies are mostly at the manager level and as of now, we are not hearing about slow responses but how competent and capable our team is.

Heather Vigil-Clark was asked about the vacancies and replied that SPO Shared Services is overseeing 11 agencies; some on a month-to-month agreement. The team shares the burden if there are timing issues.

Member Radosevich asked about the Legislature confirming they still do not fully fund any agency? Director Lange answered yes, that is correct across all agencies and the legislature is focused on the staff we do have. Yes, there is the reality of unfunded FTE's.

Chair Liswood called on Max Cordova, SPO Systems and Quality Director and asked what questions the Board should be asking. Cordova replied that when we look at what Director Lange and Jaime Trujillo mentioned you can see we have a great team at SPO and then we ask how do we invest in them? We're beginning with an in-depth discussion with the LFC and DFA analysts to address how we keep our current staff.

Trujillo reminded the board that we are working on 3 budgets at one time – we are wrapping up FY24, asking for approval for FY25 and will be moving forward with these suggestions for FY26. Director Lange said we have great ideas on ways to make things better. We need money to help agencies excel. We will be more forward looking on how we upskill those divisions and you will see that in the FY26 budget request. The Deloitte study is almost finalized, and we will address the recommendations, so this is the time to request and utilize additional funding.

Chair Liswood thanked all for their hard work.

Member Parker moved to approve the FY25 budget, Member Radosevich seconded. Director Lange called roll; motion carried.



Commercial Real Estate Series Class Study

Melanie Morgan, SPO Compensation and Classification Analyst, requested approval explaining retention is a high priority and these new classifications will align for recruitment efforts and the priority of retention. This is a team leasing initiative with FMD and GSD who currently manage 750 state buildings.

Anna Silva, GSD Deputy Secretary and Teresa Arias, GSD Leasing Manager were present for questions.

Chair Liswood asked if these positions exist yet? Morgan stated no, they are not currently in place, so they are utilizing the Compliance Specialist position to cover the real estate division now and it's not working.

Max Cordova clarified that these positions are housed at GSD, but they are responsible for overseeing all aspects of state buildings. Deputy Secretary Silva explained these classifications are going to be at GSD and working with all other agencies. There were different classifications, but this change will promote structure in the team that will specialize so they can recruit for the right experience. Currently they have 5 employees who all have a real estate license, procurement, construction, and compliance experience. The bigger picture is that the State follow compliance when it comes to real estate law, etc.

Member Radosevich asked if these people will go in to evaluate if an agency wants to lease a building/space. Silva explained they verify information through a questionnaire, documentation, budget, and verify with SPO those employees that will be going into the space. Requests for over 2,000 sq. ft. are completed through the RFP process.

Member Parker asked if the RFP process was for purchase and leasing or other kinds of building purposes. Silva replied that all RFP's have some sort of tenant improvements based on the operational needs of the agency.

Chair Liswood referred to page 9 of the presentation and asked with the upskilling of the position is GSD filling them with existing employees and what's the plan for training?

Silva replied that the individuals already have the knowledge and experience along with project management background. When we move them to the new classification, they will already meet the minimum qualifications. The position had not been created, so the responses they will now receive during recruiting will have the proper credentials for the new classification.



Director Lange thanked Dep. Secretary Silva for being here and Max's team and added that in general, the work is being done and this is modernizing and fine tuning the classification.

Chair Liswood asked Silva for a report for the next meeting on buildings that may be in poor condition and potentially negatively impacting the employees and their ability to perform their jobs. Director Lange explained that we received a concern about Bataan building for context, so any building that is like that. Full transparency is the goal.

Chair Liswood thanked her for her time and thoughtful approach to this.

Member Radosevich moved to approve the Commercial Real Estate Class Study; Member Parker seconded; roll call; motion carried.

Chair Liswood asked if the consulting company was working on the class studies.

Director Lange replied that based on the Deloitte study we will look at job architecture. Max's team takes an active role in creating these classifications. The work is detailed and in-depth with SMEs to evaluate the right classifications and appropriate pay. The work is detailed and better reflects the market and is a necessary part of the demand of SPO, and we are evaluating correctly.

Liswood said she and the Board hopes that at some point these class studies will slow down.

Cordova added that what the board is not seeing are the classifications that are being deactivated. Trying to get balance in these studies as we are the largest employer in the state.

Forester Series Class Study

Melissa Gutierrez, SPO Compensation and Classification Analyst, presented the request for approval saying the primary intent is explained in appendix 2 noting changes within the job description with the type of work being done in the current classification. This class was established in 2001 and there has been only one revision to the supervisor role in 2011. EMNRD requested this as the classification has developed new methodologies – focus has shifted to climate change and wildfire management. Fire ecology, Climate change, EMNRD faces challenges with increased competitive market trends in New Mexico and nearby states. Forester I and II incorporate current strategies and methods.



Linsey Quam, EMNRD Deputy Director for Forests, was present and confirmed for the board that these are crucial positions and went on to say there are 3 vacancies across the state for this series.

Chair Liswood asked if he was convinced this is going far enough? Quam thought this was fair and equitable as most come in with minimal experience and education that may not be relevant to what they do, and they tend to not be enticed by compensation. They move to the Feds due to compensation after 1-2 years of gained experience. No career ladder with the State in the current structure.

Max Cordova said one of the things you won't see in the packet is that they worked with the agency to leverage a compensative package that will allow career growth and hopes that they apply that methodology to best use the classification. He appreciates this package as it effectively utilizes the entire pay band, not just a targeted portion of the pay band.

Member Radosevich asked how many positions we were talking about?

Quam said anywhere from 12-15. We are growing and that roughly translates to 2 – 3K acres of treatment per position, which is significant in these priority areas.

Member Parker said she heard quite a few agencies ask for reclassification because we recognize that our pay tends to be lower than the market, so she asked if there are other ways to make these positions more attractive?

Quam answered yes, some of the things done to help make the transition to this classification in addition to pay is implementing a mentorship program to help support new hires and existing staff; providing training opportunities in and out of the state, and sometimes professional development. They are utilizing NM Highlands to provide additional specific education on topics such as climate change impacts, elevation issues, etc. as there's not much academic information around that yet. Looking for ways to provide housing opportunities in different municipalities, lower rent, and provide a network of inter-organizational knowledge base.

Member Parker moved to approve the Forester Series Class Study; Member Radosevich seconded; roll call – motion carried.



Veteran Service Officer Class Study and the Cemetery Interment Specialist Reevaluation

Austin Basham, SPO Compensation and Classification Analyst presented the request saying the reevaluation is updating qualifications and salary structure and will assist with recruitment particularly in rural areas. Applicants are not experienced, resulting in high turnover. Absence of Service Officer classification. The absence of this classification results in a high cost to the agency – both in recruitment and retention. This updated classification and general salary schedule will assist with retain and training.

Gen. Jamison Herrera, DVS Cabinet Secretary, thanked the board for their consideration. Interment Specialists are in 3 state cemeteries in Gallup, Angel Fire, Fort Stanton; SF National satellite in Ft. Baird. The State meets all the federal requirements and standards.

Chair Liswood stated that a veteran has a choice of burial locations, and Gen. Herrera confirmed. Liswood asked how many Interment Specialists are there and Herrera answered 1 in each facility, so 6 total. They don't have trouble with applications, but the skill sets and minimum qualifications to begin training is tough since they train at the federal level. In rural areas, they're lucky to get 1 or 2 applicants. Caretakers at federal cemeteries are higher paid and are more segregated, our specialists are required to conduct a wide range of duties where the pay is lower, so that leads to high turnover.

Chair Liswood asked for more information about the Veteran Service Officer (VSO) request.

Gen. Herrera said they are in a critical phase right now. The Veteran Service Officer position has grown astronomically in terms of requirements, which has created many hinderances, and false expectation in management as well as a lack of accountability. These people are working so far outside of classification, that employees are frustrated and confused as they didn't know what they were signing up for. On average it takes 12-18 months to qualify as a VSO to achieve the requirements at the federal level and have access to the database which contains protected information. They become a social worker in a sense as they are intaking, writing claims, building bridges, and connecting the veterans with referrals for home modifications, income assistance, social security assistance, homelessness. Case load is high, as is stress and it is very intimate with each veteran, and it changes daily with each call. Provides a career ladder that can build longevity and growth and provide continuity for veterans. Average of 2-5 years turnover as VSO's are being poached at the federal level. Turnover impacts 150-200 veterans which is the caseload for each VSO. This is a constant relationship between the VSO and veterans.



Chair Liswood asked whether Herrera coordinates with the VA offices. Herrera said DVS is not a service provider, our people are well trained and influence claims to be adjudicated, liaison with VA hospital and outreach clinics. A touch point for compliance that our veterans are being served and this is reported to the federal government to ensure trends are being addressed.

Chair Liswood asked whether DVS is the liaison to the VA office for the veteran?

Gen. Herrera said yes, we will engage once we know a veteran needs assistance. It's a critical relationship and we have an office in the VA hospital.

Chair Liswood asked what the rationale was with the VSO position and taking DVS military experience into account.

Max Cordova said the previous classification was very restrictive, so this classification is specifically tailored to the nuances and specificity required and allows the agency to accept military experience as a substitution.

Member Parker moved to approve the Veteran Services Officer Class Study and Cemetery Interment Specialist Reevaluation; Member Radosevich seconded; roll call – motion carried.

Director Lange thanked Gen. Herrera for being here, saying he comes to work daily to fight for New Mexicans and personally advocates for the veterans in NM. Commend him and his department for their important work and thanked him for his service.

Consumer Investigative Liaison Class Study

Austin Basham, SPO Compensation and Classification Analyst presented the request for approval for this new classification for the Department of Justice (DOJ) which was requested to address the absence of appropriate classification and to accurately represent the duties of positions. This has resulted in recruitment issues and compensation not being aligned.

Member Parker noticed one of the duties of this role is to mediate, but we don't see that as a condition of hiring. Do you provide the training for that?

Glenn Hasler, Division Director DOJ explained officially it's not mediation, but more of a go between and we provide that training as soon as possible.

Member Radosevich asked how many positions we are talking about and what kind of complaints do you receive?



Hasler said there are 7 positions, and they receive the broadest range of complaints from constituents across the state, the majority are generally consumer related. The liaison's reach out to businesses to help resolve the complaint and there are currently 3 vacancies.

Liswood asked how she would know the DOJ can help with my issue? Hasler said the online presence is there and getting better. They receive over 1,000 complaints a month right now. Chair Liswood asked who hires these people away from the DOJ? Mr. Hasler said victim advocate positions in some law enforcement agencies. Position descriptions are misconstrued. Many applicants are very overqualified; the goal of this request is to align it with the actual duties performed.

Max Cordova added that this goes back a few years ago when DOJ was in the exempt salary plan, and when the positions were cross walked to the classified service, some duties were not defined correctly. DOJ has utilized the classifications in the best way possible, but this is an attempt to align. This is a unique classification and the services they provide.

Chair Liswood asked about DOJ response time.

Hasler said the goal of the liaisons is to respond within 72 hours, cursory work mostly at this point due to vacancies, but the goal is for these to be resolved within 1 month.

Director Lange commented that this is a great goal and with approval will be a great resource. Some years ago, New Mexicans were used to having this and now we can support the goal to have them be able to help constituents within 1 month.

Member Parker moved to approve the Consumer Investigative Liaison Class Study; Member Radosevich seconded; roll call – motion carried.

School Bus Transportation Specialist Reevaluation

Austin Basham, SPO Compensation and Classification Analyst presented the request for approval for Public Education Department (PED) to help stop the high turnover, incumbents often leave for school districts due to higher pay.

Antonio Ortiz, PED Director of Finance and Operations, explained the positions. Train the trainers to be bus drivers. Shortage of bus drivers right now, trouble recruiting and retaining those they do have. Thank you for your support of this reclassification.

Chair Liswood asked if that was true.



Director Ortiz said yes, staff members go to train in the district and schools poach PED staff ultimately because they can pay more. Most recently 3 people left to go to a different school district for more pay. The average salary range in the districts is \$95-103K per year. The current top level at the pay band is \$74K.

Max Cordova elaborated that the people doing this type of work are prime applicants to move to school districts. A challenge is that school districts are different sizes. Pay band 75 is appropriate due to the difference in sizes for the districts, if this pay band becomes an issue, we can review and adjust accordingly.

Member Parker asked if the supervisors interact with disciplinary matters with the district? How does this work? Ortiz said they are totally separate. This position trains the trainers at the district level, so instructors train drivers, license examiners and inspectors.

Member Radosevich asked how many are we talking about? Ortiz said 2 positions – 1 specialist and 1 supervisor.

Director Lange added these are the trainers who are training the bus drivers who are employed by the local school districts. This training opportunity helps to show that we are supporting the workforce we do have.

Member Radosevich moved to approve the School Bus Transportation Specialist Reevaluation; Member Parker seconded; roll call - motion carried.

Classified Engineering Structure Market Adjustment

Max Cordova, SPO Systems and Quality Director presented the request for approval and reviewed the redesign of the engineering salary schedule. This schedule was put out approximately 2016/2017, so we reviewed 400 market points and redesigned the salary schedule. Created a linear structure without disturbing the market. The new structure is competitive and relevant to how recruitment works in this structure.

Chair Liswood asked if they have been having trouble.

Cordova said the overall compa ratio is 107% so this will give them more room to leverage the new schedule. 600 people are impacted by this structure - engineers, engineering techs, water resource professionals, 40 classifications in all.



Director Lange added this is another example of Director Cordova and his team reassessing a salary structure, in this case for engineers. This is your opportunity to vote to have a structure that supports the employees and agencies, allowing them to recruit and retain in greater ways. Cordova and his team have touched almost every classification to accomplish this across the board. This is standard maintenance we should be applying to all the salary schedules.

Member Parker moved to approve the Classified Engineering Structure Market Adjustment; Member Radosevich seconded; roll call - motion carried.

Director's Report

Director Lange gave the following report:

- He thanked the board for their flexibility moving the meeting originally scheduled for last Friday. The move was necessary as he was a presenter at the National Governor's Conference, speaking on skill-based hiring last week in Washington DC, he also attended the conference. The work we are already doing in NM allows us to fill roles where qualifications include being skilled in alternative routes other than college. This initiative allows for that. They wanted to hear more about what we're doing and what the comp and class team is currently working on.
- Budget presented by Jaime Trujillo for FY25 looks good, we are going to ask for more money in FY26. SPO was assessed approximately \$67K to refill the public liability fund to risk management from settlements made in FY18-FY21, that is a demand on all agencies proportionate to how they utilize the fund.
- Celebrate the new hires:
 - The Workforce Planning Division added Angela Ortega, Marisa Valdez, Alex Romero, all internal hires in new positions. Alyssa Flores was hired as a Special Projects Coordinator. This new position will help in DEI efforts and with the broadened internship program, beginning with this summer cohort that adds fall and spring internships.
 - HR Services welcomed Alexandria Schenk who took and passed the certificate program at NM Edge in conjunction with NM State University. The program gives people years toward experience in place of HR experience.
 - Administrative Services added Daniela Ruvalcaba at the front office.
 - Additionally, we hired a college intern, who begins this summer and will be hiring a legal intern, that position is still vacant.

- Deloitte Study - we are receiving the initial draft on the study of the compensation and classification. Lange welcomed Joseph Simon, LFC analyst, who has been working with Deloitte and SPO. What we know so far is there is work to be done on the compensation piece. Of the 350 classifications studied, (out of 820 total), SoNM compensates above the government market in other states by 10.3%. Yet, we are lagging in the industry market. When the board approves the classifications requests along with new salary structures, in many cases, we find the agencies are not utilizing the pay band as effectively as they might. We want to strategize how to help agencies do better in utilizing the pay bands.

As part of the Study, an employee engagement survey went out to all state employees. Generally, it is a pretty good report on how people feel about working for the state. Top reasons for attrition: compensation, lack of flexibility, negative work environment, limited opportunities, supervisor, and commute. Top reasons for retention were emotional more than supervisory. We will do a full presentation once the study is concluded, and the findings are finalized.

Member Radosevich thanked Director Lange, and Mr. Cordova and his team, for the reports they provide, it makes it easier to make an informed decision. Austin did a good job on his first presentation.

Member Parker congratulated Lange on being selected to participate in the National Governor's Conference and offering New Mexico a chance to be a guiding light for other states, a role we don't often occupy. Best practices are important to workers all over the country. Appreciate being part of that endeavor.

Chair Liswood offered congratulations to Director Lange for jumping in as quickly as he has and all that has been accomplished.

Lange thanked them for their comments and stated he is only highlighting the great work the staff does.

Adjudication Litigation Update –

Judge Haught presented the Adjudication stats for the first three quarters of FY24: 25 new appeals were filed; 25 appeals were closed. At the end of today, the Adjudication Division will have 22 pending appeals.



Haught explained that she changed the format on the recommended decision for the Board beginning with the case today to include the burden of proof the department met, as well language that explains the consequences when they failed to meet the burden of proof to assist the Board in coming to a final decision.

Haught said she is open to working with the SPO General Counsel, as well as the Asst. District Attorney to draft a training for the Board regarding appeals. Stand for questions.

Member Radosevich stated one of the rules says if there are questions of the hearing officer, they need to go back to general session. What kind of questions would be appropriate to go back to open session? Haught deferred the question to Board counsel. Appeals are open to the public and it would be inappropriate for her to answer questions in closed session.

Chair Liswood asked if the Board wanted further training on the process to help them know what they can ask, what they can do as she wants to avoid cases being remanded. Would that training come from SPO and DOJ?

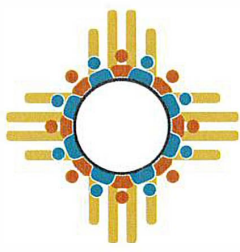
Haught said it would be good to do that jointly with SPO General Counsel and DOJ and reminded the Board that the cases remanded for today, are 2 distinct cases, if you read between the lines, you can see why they were remanded for very distinct reasons, so try to not take it personally.

Blaine Moffett, DOJ advised that the board can have a presentation on the process in an open meeting. However, if you wanted feedback, we could have training outside of a board meeting, keeping in mind the quorum issues and what the discussion entails. He would guide the Board in the process.

Executive Session

Chair Liswood moved to enter close session as authorized by the Administrative Adjudication exception of the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3)(7) Member Radosevich seconded; roll call; the board entered closed session at 11:25 and was off the record.

At 12:25 p.m. Liswood stated the board is back in open session and on the record.



NEW MEXICO

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Motions on Administrative Appeals

- Member Parker moved to adopt the ALJ Recommended Decision on *Salmonson, John v. New Mexico Corrections Department*; Docket No. 23-012; Member Radosevich seconded; roll call; motion carried.
- Member Radosevich moved to adopt the District Court findings and issue a compliance order consistent with the findings in *Bazan, Frances v. NM Corrections Department*; Docket No. 21-005; Member Parker seconded; roll call; motion carried.
- *Padilla, Marcos v. NM Corrections Department*; Docket No. 22-014 Liswood stated the board is tabling the issue and will take it under further advisement.

The next meeting is scheduled for Friday, June 21, 2024 at 9:00 am. Member Radosevich moved to adjourn; Member Parker seconded; roll call; meeting adjourned at 12:27 p.m.

Approved:


Laura Liswood, Chair
State Personnel Board

Attest:



Dylan K. Lange, Director
State Personnel Office

STATE PERSONNEL BOARD PRESENTATION

Good morning:

My name is Larry Heyeck, and I am a line attorney with the New Mexico Human Services Department, Child Support Enforcement Division. I, along with 42 other attorneys, represent the state in child support hearings before judges and hearings officers in every judicial district.

I asked for this opportunity to address the new attorney classifications that went into effect in January 2024. Because of the limited time, let me start by making a recommendation to the board – whenever you intend to change pay classifications, you must require the affected agencies to submit a proposed implementation plan BEFORE the new pay classification goes into effect. When you fail to do that, you face what has just occurred – new hires with NO experience being paid more than other similarly situated classified employees that have faithfully served the citizens of this state for years.

Although you do have rules that may address this disparity, such as in-band pay raises and retention salary increases, they fall far short of addressing wholesale adjustments for current staff. Even if everyone approves of the pay increases it takes months to get the paperwork completed and put in place. And, over the years, I have heard agency and state leaders state emphatically that they would not approve such measures.

If you choose not to require implementation plans, then I suggest you review your current rules and remember that they are yours – CHANGE THEM.

In September 2023, I was rehired in the Las Cruces office as an Attorney IV, pay classification LI, to assist in the southwest region. Without my express knowledge, my pay

classification was downgraded to LH. In any event, the southwest region covers 7 counties, is responsible for 14,000 CSSD administrative cases, and is required to be staffed with 6-line attorneys and an attorney supervisor. We were short 2-line attorneys when I started and now, 7 months later, I am the only line attorney that remains. The other 4-line attorneys and the attorney supervisor have left for other governmental agencies. My supervisor left to become a line attorney with the District Attorney's office earning a thousand dollars more per month. Our former Attorney II, left to join CYFD and, under the new pay schedule, will be earning \$20,000 more per year.

We have been fortunate to hire a new line attorney. It took 4-months, and she is under the new pay classification – she earns more than me. In addition, I have had to step up and help train her. I need her to succeed as my stress level is at maximum.

Why the angst? As an attorney I am ethically bound to zealously serve my client. I must be competent, prompt, and diligent. I do not know how much longer this can be sustained. I am responsible for thousands of administrative cases, appeared in approximately 100 hearings since the new pay classification went into effect, and reviewed and signed hundreds of court documents.

It has taken months for HSD to address the problem. Every one of my colleagues and myself has advised the HSD leadership that this is not sustainable. They seem to indicate that the problem is the new pay classification, i.e., that you were one cause of this problem. Consequently, I am looking for you to implement my recommendation so that others may not suffer as I have.