



NEW MEXICO
EDUCATIONAL RETIREMENT BOARD

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Rule Change Meeting
May 30, 2024, 9:00 a.m. (MT)

Albuquerque Public Schools Headquarters
6400 Uptown Blvd. NE
Albuquerque, New Mexico 87110

Transcript

00:00:00 Speaker 1

You're really nice.

00:00:05 Speaker 2

This is going to be our record, so they'll be recording everything we're saying from here on.

00:00:09 Speaker 3

OK. Thank you.

00:00:12 Speaker 2

So we'll go.

00:00:12 Speaker 2

Ahead and get going with it and the.

00:00:14 Speaker 2

Treasurer is outside.

00:00:14 Speaker 2

Social will be joining us here shortly after.

00:00:15 Speaker 3

We have four of them.

00:00:17 Speaker 2

We will have a quorum with.

00:00:20 Speaker 3

We just have 5 right now, Antonio.

00:00:27 Speaker 4

I'm actually 70.

00:00:32

And so.

00:00:32 Speaker 4

She's able to make.

00:00:33 Speaker 5

It back.

00:00:33 Speaker 2

The treasure. So you can't flow. I think we need to wait till the she's in.

00:00:37 Speaker 3

Get off.

00:00:39

OK. Would you?

00:00:39 Speaker 4

Have quorum. If I listen to repeat or.

00:00:42 Speaker 2

No.

00:00:42 Speaker 6

OK.

00:00:44 Speaker 2

Because you have a medicine.

00:00:45

OK.

00:00:46 Speaker 2

So I have four weeks I gave.

00:00:56 Speaker 7

You gotta make this up.

00:00:58 Speaker 3

Is Larry, what about Larry?

00:01:02 Speaker 2

Larry, are you on the call?

00:01:05 Speaker 6

No, but I believe you.

00:01:06 Speaker 3

Thank you. It's very little. So only one.

00:01:09 Speaker 8

That's do I get a blue ribbon?

00:01:09 Speaker 3

Maybe there's only one?

00:01:12 Speaker 2

Somebody inside for this and she comes in.

00:01:15 Speaker 2

Don't be 5.

00:01:15 Speaker 2

And now we got back. So now.

00:01:16 Speaker 3

We have 4. Ohh.

00:01:18 Speaker 7

Right.

00:01:20 Speaker 1

Present.

00:01:21 Speaker 3

3/4.

00:01:23 Speaker 3

5.

00:01:25 Speaker 3

Just outside.

00:01:26 Speaker 2

That's it for 509.

00:01:30 Speaker 3

Is that what we need? Five. OK. OK.

00:01:37 Speaker 2

And just for clarification for the board before we get started, there were some written comments that were submitted that we seem to not have received their their pending and the status. But the gentleman from U&M is here to make public comment. So it'll make those comments and then of course we'll forward that.

00:01:54 Speaker 2

E-mail on to the board for.

00:01:56 Speaker 2

Their review configuration that will be spoken about.

00:01:58 Speaker 2

When given the opportunity here.

00:01:59 Speaker 5

Shortly.

00:02:00 Speaker 2

And with that, we will get started.

00:02:05 Speaker 3

Oh no.

00:02:18 Speaker 9

Alright.

00:02:24 Speaker 3

OK.

00:02:27 Speaker 3

But the call was made.

00:02:27 Speaker 3

In order.

00:02:29 Speaker 3

In 30 years, in fact, it's fruit. May I have a motion to approve the agenda?

00:02:34 Speaker 1

To move Mr. Chair.

00:02:34 Speaker 6

Is.

00:02:36 Speaker 3

There a motion do.

00:02:37 Speaker 3

We have a second.

00:02:37 Speaker 9

2nd.

00:02:38 Speaker 3

Motion second, all in favor, say aye. Aye, opposed. Like sign. Motion carries.

00:02:42 Speaker 8

Aye.

00:02:45 Speaker 10

Oh, do we have one person on those?

00:02:48 Speaker 8

OK.

00:02:49 Speaker 2

You have one person on.

00:02:50 Speaker 5

The phone then we need.

00:02:51 Speaker 10

To do it by will call.

00:02:52 Speaker 5

Mobile phone.

00:02:55 Speaker 3

OK, introductions guessed if we could start.

00:02:57 Speaker 2

OK, hold on. So, so, Mr. Chair.

00:02:58 Speaker 3

In the back.

00:03:00 Speaker 2

So. So we do have to do a.

00:03:01 Speaker 2

Roll call vote for that since we have.

00:03:02 Speaker 3

Ohh, I'm sorry, I'm sorry real call.

00:03:09 Speaker 11

Ariana.

00:03:24 Speaker 7

Yeah.

00:03:25 Speaker 2

When it comes, stand up here.

00:03:28 Speaker 2

So we can get you on our recording.

00:03:41 Speaker 11

Here. Yes, I'm 21.

00:03:50 Speaker 11

Stephanie Rodriguez.

00:03:52 Speaker 8

So.

00:03:53 Speaker 2

Matthias here, here.

00:03:56 Speaker 11

John Suzuki.

00:03:57 Speaker 12

Here.

00:04:02 Speaker 3

Good.

00:04:05 Speaker 3

OK, we have a motion and a second to.

00:04:08 Speaker 3

Approve the agenda.

00:04:10 Speaker 3

Any further discussion?

00:04:12 Speaker 3

Not all in favor say aye opposed right side motion carries my apologies. OK, let's start at the back of the room. As you get there, you did induce yourself and tell us where you from.

00:04:16 Speaker 8

Hi.

00:04:27

OK.

00:04:28 Speaker 7

I am Valerie and fancy on the senior director of employee benefits for backups.

00:04:33 Speaker 3

Thank you.

00:04:35 Speaker 13

It's Joe and the executive director of.

00:04:39 Speaker 4

University.

00:04:43 Speaker 3

Yeah.

00:04:46 Speaker 14

My name is Lois Goldfarb over retired teacher and and served by the RV.

00:04:53 Speaker 14

Charise Saunders, retired teacher, retired educator with the A.

00:04:58 Speaker 14

FT New Mexico with libraries.

00:05:02 Speaker 12

Training rounds. I'll be selective director for the coalition of educational leaders.

00:05:06 Speaker 12

In the school system Genesis Association.

00:05:10 Speaker 11

Anything of seating.

00:05:13

Enough.

00:05:16 Speaker 4

Melissa fall, with ESRB compliance advisor to school reporting.

00:05:24 Speaker 4

Michelle from the Nadia here with the Albuquerque Public Schools.

00:05:29 Speaker 4

Justine Vargas, APS.

00:05:34 Speaker 3

Thank you very much for being here.

00:05:37 Speaker 2

Before we get going, if I could just we have.

00:05:39 Speaker 2

One more guest that hasn't been introduced.

00:05:42 Speaker 15

The director of Ben differences and.

00:05:46 Speaker 2

It and just for the record, if we can get everyone to sign, the signage sheet didn't.

00:05:51 Speaker 2

Just going to be passing around.

00:05:52 Speaker 2

Thank you.

00:05:53 Speaker 4

For eventual meeting, you've been finalized at Albuquerque.

00:06:03 Speaker 3

First item agenda.

00:06:05 Speaker 3

But our agendas will change.

00:06:09 Speaker 3

I would entertain a motion.

00:06:12 Speaker 3

To appoint David Archuleta to act as carried officer to conduct the public rule motion on rules 2.825 and 2.8298.

00:06:23 Speaker 3

NAC as proposed, provided in Rule 1-24 dot 25.13 N Mac. Do we have a motion to approve?

00:06:35 Speaker 7

2nd.

00:06:35 Speaker 8

So move.

00:06:37 Speaker 3

Motion to approve do we have a second? Any discussion?

00:06:42 Speaker 10

To ask one question, did we need to have that on the agenda?

00:06:50

Do you have?

00:06:51 Speaker 2

The appointment of it's on the agenda.

00:06:54 Speaker 10

OK, perfect. OK.

00:06:59 Speaker 3

OK. All in favor of the motion, please say aye.

00:07:04 Speaker 1

We will.

00:07:05 Speaker 1

You need to do a lot.

00:07:06 Speaker 15

I.

00:07:07 Speaker 7

Hey. Hello.

00:07:10 Speaker 3

Let's do a roll call.

00:07:12 Speaker 3

On this *****.

00:07:27 Speaker 3

Yes.

00:07:28 Speaker 11

Cameron.

00:07:30 Speaker 11

Yes, Laura Montoya.

00:07:33 Speaker 11

Antonio Ortiz.

00:07:36 Speaker 11

Second, Rodriguez.

00:07:39 Speaker 3

From that, yes.

00:07:40 Speaker 11

Now about that very nice.

00:07:41 Speaker 9

Yes, yes.

00:07:45 Speaker 3

Motion is approved.

00:07:48 Speaker 3

Hey there.

00:07:50

Hey.

00:07:51 Speaker 2

Good morning. My name is David Archuleta. I'm the executive director of the New Mexico Educational Retirement Board. I have been designated as a hearing officer for days for today's public hearing. Today is Thursday, March 30th, 2024, and the time is 9:13 AM.

00:08:07 Speaker 2

The purpose of today's hearing is to allow the board to receive comments from the public on the proposed retail replacement of rules 2.82, point 5 and 2.82 point nine of the New Mexico Administrative Code.

00:08:21 Speaker 2

Hereby welcomes everyone to this hearing. If you remember the public and you're here for today's public hearing, please sign in on the sign in sheet at the.

00:08:27 Speaker 2

Back of the room.

00:08:29 Speaker 2

Today's public rule hearing is a formal proceeding governed by the State Rules act and rules issued by the New Mexico Attorney General, New Mexico Administrative Code 1.24.25.

00:08:41 Speaker 2

The public will hearing is being recorded. The recording will become part of the rule hearing Rep.

00:08:48 Speaker 2

The rule hearing will be conducted in the following manner. The RB General Counsel, Randall Cherry, will explain the rule changes and present exhibits. I will rule on the admissibility of the exhibits after allowing questions from the board.

00:09:02 Speaker 2

Exhibits admitted into the record are available for review by members of the public and will be posted on the NPRB website and the Sunshine Portal.

00:09:11 Speaker 2

After Mr. Cherry has offered exhibits and have ruled on their admission, I will give members of the public the opportunity to comment on the proposed rule replacements if.

00:09:21 Speaker 2

Member of the public would like to make a comment on the proposed replacement. I'll ask you to 1st identify yourself for the record and state if you have any relevant affiliation to a group or organization.

00:09:34 Speaker 2

Please speak loudly and clearly so that the reporter and the board members can hear your comments. We will not follow the rules of evidence in today's hearing, but in the interest of efficiency. I reserve the right to limit testimony I deem irrelevant, redundant or unduly repetitious after a member of the public has stated their comments, four Members will may ask questions.

00:09:54 Speaker 2

Of that person. Anyone attending this hearing may also ask questions of the person after being recognized by me. And after I identify themselves for the record, after any members of the public have made oral comments on the proposed rules, I will ask if anyone has written comments they would also like to submit.

00:10:10 Speaker 6

Right.

00:10:11 Speaker 2

Anyone who would like to submit a written comment will also be asked to state their name in any relevant affiliation. Any written comment will be read into the record or summarized, depending on its length and mark as an exhibit.

00:10:24 Speaker 2

After the public comment period in any questions, the board may take final action on the rule. The board may adopt the rule, amend the rule or reject the proposed.

00:10:32 Speaker 2

Changes prior to taking final action, the board may discuss the rule amongst themselves in open session, members of the public are welcome to stay during the board discussion and final vote, but further public comment will not be.

00:10:44 Speaker 2

Allowed.

00:10:45 Speaker 2

Therefore, if you want to make a comment, please be be sure to do so when I ask for public comment. Are there any questions in how I.

00:10:53 Speaker 2

Conduct today's public rule hearing.

00:11:00 Speaker 16

Mr. Cherry, please proceed.

00:11:02 Speaker 16

Thank you, Miss Cherry. Officer, the replacement for 2.82 point 5 and Mac removes all references to the return.

00:11:10 Speaker 16

To work program.

00:11:11 Speaker 16

Requiring a 12 month layout period authorized under section 221125.1 and MSA 1978.

00:11:20 Speaker 16

It is being.

00:11:21 Speaker 16

Removed because the program is no longer available to new applicants pursuant to subsection A and sub of section 221125.1 and in MSA 1970.

00:11:23 Speaker 6

For real?

00:11:33 Speaker 16

Proposed section 15 of 2.82 point 5 and Mac would create a safe harbor for retirees who return to employment with the local administrative unit. And I'll refer to those as LSU.

00:11:47 Speaker 12

'S moving forward.

00:11:49 Speaker 16

Without prior educational retirement board approval, and I'll refer to the.

00:11:55 Speaker 5

Board as ERP.

00:11:57 Speaker 16

Herb will serve the member a letter notifying them that they have failed to file an application. If the retiree is qualified for a return to work program they have.

00:12:08 Speaker 16

Days to either terminate employment.

00:12:11 Speaker 16

Or file a return to work application if they comply. Their benefits would not be suspended and they would not have to repay the benefits they received while in eligible. If they fail to terminate employment or file an application, their benefit is immediately suspended. Their benefits will not be reinstated.

00:12:30 Speaker 16

Until they verify that they have terminated employment and they have to reapply for real retirement.

00:12:38 Speaker 16

If the retiree does not qualified for any returned work program, their benefit will be suspended immediately and they must repay any benefits received while then that.

00:12:49 Speaker 16

Will be pulled.

00:12:50 Speaker 16

Their benefits will not be reinstated until they verify that they have terminated employment and they have to they apply for retirement.

00:13:00 Speaker 16

The rule clarifies that a retiree who has satisfied the 90 day layout period does not have to complete another layout period to qualify for return to work program. However, anytime the Member has was employed and any income that was received while they were employed without the IRB approval.

00:13:20 Speaker 16

Count against the time and income caps contained in the return to work programs.

00:13:27 Speaker 16

Proposed section 15 of 2.82 point 5 would also allow all retirees, employees under a recruit an approved return to work program to switch to another approved program once per year. In the fiscal year during the month of July.

00:13:46 Speaker 16

Section 15 would also clarify that retiree who wants to provide independent contractor services to an LSU must submit an independent contractor application and obtain approval from the.

00:14:00 Speaker 16

Or, baby, if they fail to obtain approval prior to providing services, they may be considered employees depending on the circumstance.

00:14:10 Speaker 16

Section 15 would also provide notice of penalties for the term to work. Violations may be appealed. Finally, the rule would require each Lu to create, maintain, and publicize to its employees and internal return to work policy consistent with the applicable statutes.

00:14:30

No.

00:14:31 Speaker 16

A subset.

00:14:32 Speaker 16

C is added to each of section 1617 and 18 of 2.82 point 5 ENMAX. The section would provide that a retiree whose benefits were suspended due to a violation must verify that they have terminated all.

00:14:50 Speaker 16

Where you employment and they must reapply for.

00:14:55 Speaker 16

The replacement for 2.82 point 9 iMac would assess monetary penalties against LSU's or errors in their monthly wage report. The penalties would be \$500.00 for a first failure, \$1000 for a second failure and \$1500.

00:15:13 Speaker 16

With a third in each subsequent failure, the executive director can waive the penalty for a first violation. The board can waive the penalty for a second and subsequent.

00:15:26 Speaker 16

The replacement for 2.82 point 9 in Mac would also remove the 1% interest rate contained in paragraph three of subsection C of 2.82 point 9.8 in Max that is added to the state treasurer's overnight investment program interest rate that is assessed.

00:15:46 Speaker 16

And and LU's are submitting late times evolutions. Thank you. Please the summary of my change.

00:15:54 Speaker 2

Mr. Cherry, do you have any exhibits you want to enter?

00:15:57 Speaker 2

Into.

00:15:58 Speaker 16

I do members of the board. The exhibits are in your meeting book. Starting on page four and continuing page through page 21. There are also copies of each exhibit available at.

00:16:10 Speaker 16

The back of the.

00:16:11 Speaker 16

Room for members of the public.

00:16:13 Speaker 16

Exhibit #1 is the notice of proposed rule making, published embodying 35 issue. Eight of the New Mexico Register on April 23rd, 2024. That's page four of the meeting.

00:16:17 Speaker 7

Right.

00:16:29 Speaker 16

Exhibit #2 is the proposed replacement.

00:16:32 Speaker 16

Of 2.82 point 5 iMac.

00:16:35 Speaker 16

It was posted.

00:16:36 Speaker 16

On the Sunshine Portal and the RV website on April 22nd, 20.

00:16:41 Speaker 16

4.

00:16:42 Speaker 16

And remains on both websites at this.

00:16:45 Speaker 16

Time.

00:16:46 Speaker 16

That begins on Page Six of the input.

00:16:49 Speaker 16

Exhibit #3 is the proposed replacement.

00:16:52 Speaker 16

Of people in 18.9 in Mac.

00:16:55 Speaker 16

It was also posted on the Sunshine Portal and the ERB website on April 20.

00:16:59 Speaker 12

Right.

00:17:00 Speaker 7

2nd.

00:17:00 Speaker 16

.24.

00:17:01 Speaker 13

And it remains there.

00:17:03 Speaker 16

That begins on page 13 of the main book.

00:17:07 Speaker 1

Right.

00:17:07 Speaker 16

Exhibit #4. The screenshot of the Sunshine Portal.

00:17:11 Speaker 16

Showing the posting.

00:17:13 Speaker 16

On April 22nd, 2024, and the main.

00:17:16 Speaker 16

Search through the present.

00:17:17 Speaker 16

That's on page 15 of the meeting book.

00:17:21 Speaker 16

Exhibit 5 shows the posting to.

00:17:23 Speaker 16

The ERB website regarding.

00:17:26 Speaker 16

The proposed rule making from April 22nd, 2024.

00:17:30 Speaker 12

To the president.

00:17:31 Speaker 16

That's on page 16 of the meeting book.

00:17:34 Speaker 6

Is that a six?

00:17:35 Speaker 16

Is the notification of this proposed rule making that was sent to the Legislative Council service? That's on page 17.

00:17:42 Speaker 16

Of your meeting book.

00:17:44 Speaker 16

Exhibit 7 is a notification sent to the legislative Education Study Committee, and this proposed rule making that's on page 19.

00:17:54 Speaker 16

Exhibit 8 is a notification that was sent to all of the Erbs local administrative units, and that is on page 20.

00:18:02 Speaker 16

One of your.

00:18:02 Speaker 16

Meeting book.

00:18:04 Speaker 16

The chairing officer I now ask.

00:18:06 Speaker 16

Him. It was one through 8 be.

00:18:07 Speaker 16

Admitted and it entered.

00:18:09 Speaker 3

Right.

00:18:10 Speaker 2

OK. Are there any objections to admitting exhibits?

00:18:13 Speaker 2

One through 8.

00:18:14 Speaker 2

Into the record.

00:18:17 Speaker 2

Hearing none exhibits one through 8 are admitted.

00:18:19 Speaker 2

And entered into the record.

00:18:22 Speaker 2

Mr. Chair, do you have any additional exhibits to?

00:18:24 Speaker 2

Enter or are there.

00:18:25 Speaker 2

Any written comments from the public?

00:18:29 Speaker 16

Mr. announcer.

00:18:31 Speaker 16

ESRB received 1 written comment from UH Mr. Joey Evans at the University of New Mexico.

00:18:40 Speaker 16

It was unfortunately not in the record as this time, but I believe Mr. Evans is going to read that document into the record.

00:18:50 Speaker 16

We could proceed at this time or we.

00:18:51 Speaker 16

Could we could wait?

00:18:53 Speaker 6

And sell.

00:18:54 Speaker 16

All the time.

00:18:57 Speaker 2

We can proceed at this time.

00:19:00 Speaker 1

Mr. Evans.

00:19:04 Speaker 6

Sure.

00:19:12

Good morning.

00:19:12 Speaker 13

Good morning. Members of the board. I appreciate the opportunity to read these real quick. I'll try to make them quick. I'm Joey Evans. I'm with the University of New Mexico and the executive director of HR Benefits and employee Wellness. And we did submit some written comments that I'll read for you now.

00:19:30 Speaker 13

Again, you and him is grateful for the opportunity to comment on the RB's proposed rule making under NAC 2.82 dot 9.

00:19:38 Speaker 13

Our first comment, proposed rule 28298 C four is vague and ambiguous as it does not define or is unclear as to certain of its terms. For example the term miscategorize and employee is neither defined nor explain clarity of this term is necessary to ensure a local administrative unit has a clear and consistent.

00:19:58 Speaker 13

Understanding of its respective compliance obligations.

00:20:03 Speaker 13

Comment 2.

00:20:04 Speaker 10

Sorry, chairman. Can you please take that number one more time?

00:20:09 Speaker 13

Sure, 2.82 dot 9.8 C 4.

00:20:14

Thank you, chairman.

00:20:17 Speaker 13

Proposed Rule 2.82 dot 9.8 C Four also is vague ambiguous in regard to the actual basis for the penalty. The proposed rule states a penalty will be assessed for each failure to include slash identifying employee or miscategorization of an employee the later.

00:20:36 Speaker 13

Basic penalty be will be assessed for each report.

00:20:39 Speaker 13

The RV summary of proposed amendments does not clarify the discrepancy. Clarification is needed with respect to whether penalties are assessed on every individual error on each report, or if assessed per report. For example, if a monthly report contains 10 errors, is the penalty \$500.00 for the first assessment or 5000?

00:20:58 Speaker 13

Comment 3.

00:21:00 Speaker 13

Aspects of the employers require reporting depends on the accuracy of the information provided to the employer at by the by its new hires or rehires, namely one whether the new hire, rehire previously was or currently is employed by a different LU2 whether the new hire, rehire retired from a different Lu and or three, whether a new hire, rehire.

00:21:21 Speaker 13

Retired from the New Mexico public Employees Retiree Association.

00:21:25 Speaker 13

Currently the ERB has no formal means by which an employer may verify this employee provided information. This means an employer may invert inadvertently miscategorized miscategorize an individual based on an inaccurate information provided by the new hire or rehire through no faults of at fault of its own, but still may be assessed a penalty for.

00:21:45 Speaker 13

The same.

00:21:46 Speaker 13

The question is what additional tools and resources will the ERB be developing prior to July 1, 2025 to assist Laurus in improving reporting accuracy? For example, a method to verify information to new employee has provided on the employee data comment 4.

00:22:02 Speaker 13

If the penalty is assessed per individual, then there does not appear to be a maximum penalty cap, while the while alight, while LSU's no doubt will make all reasonable efforts to ensure accurate reporting, the proposed penalty assessment provision should recognize that the occurrence of human error cannot be completely eliminated and includes a include, a reasonable maximum cap.

00:22:22 Speaker 13

Particularly when taken into account the items outlined in paragraph three above, such a cap will provide certainty for the LSU's thus allow them to predetermine their maximum liability for budgeting purposes.

00:22:36 Speaker 13

Comment 5. The proposed rule limits Lu flexibility for determining when an employee meets the definition of .25 FTE, per the Lau's business needs, LAU's may have employee category categories. Who?

00:22:51 Speaker 13

Pardon me, whose expected FTE may fluctuate an identification of a greater than point .25 FTE for 1/4 may occur retroactively.

00:23:00 Speaker 13

Comment 6. As written in the proposed rule, penalties assessed in 2.82 dot 9.8 C 4 appeared to exceed the statutory authority of the ESRB provided for in the Education Retirement Act, 22-11-1 and MSA 1978 section 22-11-6A.

00:23:20 Speaker 13

5 Expressly authorizes the board to adopt regulations pursuant to the Act.

00:23:25 Speaker 13

With respect to the assessment of penalties on local administration administrative units, 22-11-22.

00:23:32 Speaker 13

B of the.

00:23:32 Speaker 13

Act grants the board authority to assess an interest charge and a penalty charge on any remittance not made by its.

00:23:39 Speaker 13

Due date the.

00:23:40 Speaker 13

Proposed rule, however, is broader than this. This grant of statutory authority.

00:23:45 Speaker 13

And that it does not limit the assessment of penalties to late remittances.

00:23:50 Speaker 13

Current and proposed rule 2.82 dot 9.8 B sets forth the employers reporting requirements. In general terms, it mandates that an employer report encompass all local administrative unit employees, including those excluded from coverage, despite the fact.

00:24:07 Speaker 13

Despite the fact that remittances will not be made for every individual identified on the report as written, proposed Rule 2.82 point 9C4 will allow for the assessment of a penalties for inaccurate reporting on individuals for whom remittance is not necessary and will not be made. This means a penalty potentially could be assessed for reporting error that not that did not result in a late.

00:24:27 Speaker 9

Humans.

00:24:30 Speaker 13

That's the end of our comments.

00:24:32 Speaker 1

Thank you.

00:24:33 Speaker 3

Thank you very much.

00:24:34

Alright.

00:24:37 Speaker 16

Mr. Hearing officer.

00:24:40 Speaker 16

Because of the.

00:24:46 Speaker 16

The occurrence of not receiving the comment if we want to move that into and I would move it into.

00:24:54 Speaker 16

End of the record, but as exhibit 11, John.

00:25:02 Speaker 16

So that's the information that.

00:25:04 Speaker 2

So then we would rule on that.

00:25:06 Speaker 2

Following the addition, you will.

00:25:07 Speaker 16

Right.

00:25:09 Speaker 6

Exhibits.

00:25:13 Speaker 10

9:00 and 10:00.

00:25:15 Speaker 6

They will be.

00:25:16 Speaker 16

Awesome.

00:25:20 Speaker 16

Mr. Hearing officer, with your permission, I would put 3 minor amendments to rule.

00:25:26 Speaker 16

Why 25? Then I substitute them there.

00:25:28 Speaker 16

To clean up those.

00:25:30 Speaker 16

Proposed changes are contained in the document.

00:25:32 Speaker 16

That has been.

00:25:33 Speaker 16

Exhibit 9, which is the back of each members meeting book.

00:25:39 Speaker 16

And I would also propose 1 substantive Amendment 2 rules to blame 2.9 and the proposed amendment US also contained in the document at least modest.

00:25:52 Speaker 16

And those are both they've been distributed.

00:25:57 Speaker 16

To each member, and are.

00:25:58 Speaker 16

Also available at the back of the.

00:26:00 Speaker 16

Room for the public.

00:26:03 Speaker 6

Please proceed.

00:26:05 Speaker 10

Based on your comments, government or are these new recommendations?

00:26:09 Speaker 2

Is there any recommendations?

00:26:13 Speaker 16

So, Miss hearing Officer, I'll explain the changes proposed in the exhibit nine first.

00:26:19 Speaker 16

And exhibit, and I'm sorry in section 2.82 point 5.15, I propose changing the order of the subsections so that the language and the rule flows more logically. I'd recommend striking subsections D&E and reinserting them as.

00:26:39 Speaker 16

Subsections F&G.

00:26:42 Speaker 16

And then adjusting the numbering? Umm.

00:26:45 Speaker 16

Second, I would recommend rewording paragraph.

00:26:49 Speaker 16

Two of subsection J of Section 2.

00:26:52 Speaker 2

.82.

00:26:53 Speaker 16

Point 5.15 declared by the language.

00:26:58 Speaker 16

And Line 2 and it's it's actually in the doctrine you would build red line and line 2 after Lau Strike may be considered employed.

00:27:08 Speaker 16

During the period.

00:27:09 Speaker 16

Of providing services to the Lu UN quote and in Line 3.

00:27:15 Speaker 16

Astor rule insert quote if ERB determines that the member was employed during the period of providing services to the Lau.

00:27:27 Speaker 16

And finally, to be consistent stylistically with the rest of Rule 2.82 point five, I would recommend that paragraph one of subsection a of rule 2.82 point 5.17 to strike quote, a local administrative unit Lau.

00:27:29 Speaker 8

But.

00:27:46 Speaker 16

And insert and live thereof, and Lau.

00:27:50 Speaker 16

And that's all I have, Mr. hearing.

00:27:53 Speaker 2

Is there anyone in the room who likes making old comments on the?

00:27:56 Speaker 2

Amendments proposed by Mr. Chair.

00:28:00 Speaker 10

I would like to have more.

00:28:02 Speaker 10

Of an understanding of what the changes.

00:28:05 Speaker 10

Why did we differentiate these changes? What's the?

00:28:10 Speaker 10

What's the point?

00:28:10 Speaker 10

Is IT security? Is it?

00:28:13 Speaker 2

So the next question was, are there any questions from the board and to go to?

00:28:16 Speaker 16

Ohh.

00:28:17 Speaker 2

That.

00:28:19 Speaker 2

So yes, there was for clarification and for.

00:28:22 Speaker 2

Clean up on these.

00:28:25 Speaker 1

Feeding the latter.

00:28:26 Speaker 16

And and Mr. Announcer and Madam Treasurer, they have no substantive impact at all. They're merely clarifications and to make the the.

00:28:37 Speaker 16

Little beat or incisive?

00:28:43 Speaker 1

Mr. Chairman, may.

00:28:46 Speaker 1

So Mr. Cherry, so the exhibit 9 basically makes it so the dock can float better. Is that the approach changes? That is correct.

00:28:55 Speaker 1

OK. And then?

00:28:57 Speaker 6

On.

00:28:59 Speaker 1

On the second page J2, what's to clarify the language to make it flow better and then?

00:29:06 Speaker 1

For 3rd change.

00:29:07 Speaker 1

Was to reduce the redundancy and value.

00:29:10 Speaker 1

Correct.

00:29:14 Speaker 1

OK. Thank you. Thank you, Mr. Chair.

00:29:19 Speaker 2

Are there any objections to meeting and exhibit linings of the record?

00:29:25 Speaker 2

Hearing none, exhibit 9 is admitted and entered.

00:29:27 Speaker 2

Into the letter.

00:29:29 Speaker 2

Mr. cherry.

00:29:31 Speaker 2

Would you proceed with?

00:29:33 Speaker 16

Thank you, Mr. Officer, and Exhibit 10 constraining officer would simply reinstate the 1% interest rate that exists under current rule in paragraph three of subsection 6 of Rule 2.82 point 9.8 in Mac.

00:29:51 Speaker 2

And Mr. Chair, members of the board, this is another.

00:29:54 Speaker 2

The challenge would be experienced as some programming issues.

00:30:00 Speaker 2

Their existing system, so this would prevent us from having to implement any additional programming charges that would apply to legal life with their new system in 2026.

00:30:17 Speaker 5

Mr. Chair, Sir.

00:30:20 Speaker 16

Yeah, we need to have.

00:30:23 Speaker 2

Would anyone like to make a public comment regarding exhibit 10?

00:30:38 Speaker 2

Seeing none, yes.

00:30:41 Speaker 15

So if the proposed changes go into effect, in addition to having penalties per miscategorization on top of that, with that 1% also being on top of those.

00:30:57 Speaker 2

So that no, this this is by separating. So this right now applies to an LE when they filter report in a timely manner. This this is already occurring what the rule was proposing to do was to eliminate that 1%.

00:31:12 Speaker 2

Now we're just proposing to eliminate the proposed rule change.

00:31:22 Speaker 2

Are there any questions from the board?

00:31:25 Speaker 10

Just one comment I had proposed for the removal for 1% and we found out that it's.

00:31:32 Speaker 10

More helpful for ERB and the software system. They keep it on there and they did it in negatively impact any Lu or players.

00:31:42 Speaker 10

To a significant amount currently and we're looking at potentially doing this change in the future.

00:31:49 Speaker 10

Once we have.

00:31:50 Speaker 10

A new software system, so I felt very comfortable. I know I'm going to oppose it, but I want to let the.

00:31:55 Speaker 10

Board know I'm uncomfortable and OK with keeping.

00:31:58 Speaker 10

It as is and has been.

00:32:03 Speaker 1

Mr. Chair, so the 1%.

00:32:07 Speaker 1

Madam Treasure, can you explain that 1%? As you said, this was a proposal. How does it really impact the LA use?

00:32:15 Speaker 1

That really familiar with it.

00:32:19 Speaker 10

Specifically, that would be a question for for the Chairman, the one for the reason why I pick. You're moving the 1% is because the new rates have gotten a lot higher down today than they have been. But when I looked at the percentage as it was directly related to any.

00:32:23 Speaker 6

Right.

00:32:36 Speaker 10

Allies that have fees.

00:32:37 Speaker 10

Experience on the left somewhere.

00:32:41 Speaker 2

Mr. Chair, board member vodka. Basically, right now, whenever an LED report late and we don't receive their contributions, those are obviously investment or means we're forgoing, so there's a penalty associated with that. And we basically this rule would have eliminated that, that. And so we're proposing today.

00:32:50 Speaker 1

Because.

00:33:01 Speaker 2

At consider typing.

00:33:03 Speaker 1

OK. Thank you, Mr. Chair.

00:33:08 Speaker 2

Are there any objections?

00:33:09 Speaker 2

To meeting exhibit tenant in the record.

00:33:12 Speaker 2

Carry non exhibit 10 is admitted and entered.

00:33:14 Speaker 2

Into the record.

00:33:18 Speaker 2

And then over that, we would propose entering in Exhibit 11, which is the oral comment made by Mr. Evans from the University of Mexico. Anyone opposed to entering into that into the record or does anyone have any questions regarding that?

00:33:33 Speaker 10

Mr. Chairman, I do have some.

00:33:34 Speaker 10

Questions.

00:33:35 Speaker 10

When we're entering into the record, it's just that on the record, it's.

00:33:38 Speaker 10

Not that the.

00:33:39 Speaker 10

Rule has been changed and based on the concerns that he had had, legal counsel had a chance to look at it.

00:33:41 Speaker 8

Good.

00:33:46 Speaker 10

And see what?

00:33:48 Speaker 10

Might be addressed or what might not necessarily be a concern. I could say right away that when you mentioned item number four, I think when we put on.

00:34:00 Speaker 10

Page 2 of exhibit.

00:34:04 Speaker 10

Great.

00:34:08 Speaker 10

Which is under.

00:34:09 Speaker 10

Employer reports 2.82 point 9.8 is the significant.

00:34:14 Speaker 10

Section of the fee, the.

00:34:19 Speaker 10

Needed the most on item.

00:34:20 Speaker 10

#4 when we said a local administrative unit shall be assessed or penalty for each failure.

00:34:26 Speaker 10

I thought that was.

00:34:27 Speaker 10

Very clear that each finger Mac each individual.

00:34:32 Speaker 10

Document each individual one was.

00:34:35 Speaker 10

A failure so it could.

00:34:36 Speaker 10

Be a potential of up to.

00:34:39 Speaker 10

If there was 5.

00:34:40 Speaker 10

Of them 500 * 5.

00:34:40 Speaker 2

So in the example that you provided, yes, that's the way we interpret.

00:34:44 Speaker 2

Is fine.

00:34:45 Speaker 10

But the one thing I didn't consider factor when we were looking at this was a Max.

00:34:50 Speaker 10

And also I just was looking at the staff, if you referenced whether.

00:34:54 Speaker 10

Or not. We have the authority.

00:34:56

And to what?

00:34:57 Speaker 10

Degree. We have the authority.

00:34:59 Speaker 10

So I'd like to know what legal counsel.

00:35:01 Speaker 10

Think about that or any of the.

00:35:03 Speaker 3

Comments that you would go through.

00:35:07 Speaker 10

1st we need.

00:35:07 Speaker 10

Make any changes.

00:35:10 Speaker 2

So for each we can address that you know just in terms of the Max. Yes, there there does not seem that there would not be a cap and certainly for an institution that has thousands of employees, the potential for individual.

00:35:24 Speaker 2

Mistake or mistakes for each individual record certainly would translate into substantial challenges for for.

00:35:34 Speaker 2

A large institution as well as the small institution.

00:35:38 Speaker 2

I would say.

00:35:38 Speaker 2

That you know, when we're penalizing a return to work employee, we'll spread that across the group. And I think this was the intent of this proposed change was to address the the penalties associated with each individual that was being penalized. So again, the situation is.

00:35:53 Speaker 2

Reply across you know.

00:35:55 Speaker 2

Support and I can understand the concern with not having the CAP on that.

00:36:01 Speaker 4

The chairman.

00:36:02 Speaker 10

What is the legal limit of what this board has the authority to?

00:36:08 Speaker 10

Maximize on the penalty.

00:36:10 Speaker 2

Madam Chair, I'll ask you, Mr. Mall or Mr. Chair, to address that, but I don't believe that there is a limit indicated anywhere in our in the Educational Retirement Act or otherwise, that would prohibit us from collecting \$20,000.

00:36:14 Speaker 10

I know.

00:36:25 Speaker 2

In a situation where they've felt in reporting correctly.

00:36:28 Speaker 2

On behalf of the people.

00:36:34 Speaker 10

At this time.

00:36:37 Speaker 2

At this time.

00:36:38 Speaker 3

Delete.

00:36:42 Speaker 2

I'm sorry. No, no, no.

00:36:43 Speaker 13

You're looking at me.

00:36:44 Speaker 3

Hutchinson.

00:36:46 Speaker 2

I'm sorry you said at this time.

00:36:48 Speaker 10

No, I was asking. Do you want it done?

00:36:50 Speaker 10

At this time or when do you want them to let?

00:36:53 Speaker 10

You know, if there's a dollar amount.

00:36:55 Speaker 10

Direct quote when he referenced it.

00:36:57 Speaker 10

So that I'm not finding it in statute.

00:36:57 Speaker 2

We could.

00:37:00 Speaker 2

I'm not, I'm not aware of any.

00:37:03 Speaker 2

Dollar mount pressure.

00:37:05 Speaker 2

So if it's the board's desire, I suppose we could implement it threshold.

00:37:11 Speaker 10

I think a maximum maximum number is prudent, but I was trying to find out first based on his comments if there was a threshold or a dollar amount.

00:37:22 Speaker 10

That we couldn't exceed.

00:37:25 Speaker 10

Before we before I proposed any type of.

00:37:28 Speaker 10

Of Max per month or something like that.

00:37:32 Speaker 16

And Miss hearing Houser and I have treasurer I.

00:37:37 Speaker 16

I'm not aware of any maximum amount. I do not believe that exists. You asked actually two questions. That was one. The first question I believe you asked was whether we had the authority to impose these penalties at all. And I think that's an open question that the agency has the authority to interpret.

00:37:59 Speaker 16

His own star.

00:38:00 Speaker 16

But those can always be challenged, and it's a legitimate question. It's a legitimate comment from Mr. Evans.

00:38:08 Speaker 16

We believe we have the.

00:38:10 Speaker 16

Authority to do that, however.

00:38:12 Speaker 16

It could be subject to challenge. It always is.

00:38:16 Speaker 16

But with regard to your cycle, they're they're.

00:38:18 Speaker 16

In the last months.

00:38:20 Speaker 10

Right.

00:38:23 Speaker 13

Clarifying on Enron, my apologies, but the comments around the maximum or the CAP on the penalties was in context of our not understanding or meaning clarity on how the penalty is assessed.

00:38:24 Speaker 1

Yes.

00:38:35 Speaker 6

Yeah.

00:38:39 Speaker 13

If per report or per.

00:38:42 Speaker 13

Individual on the report and then the concern is that with there not being a maximum, we're not quoting that there is a maximum per statute. We're stating that when they're not being a maximum given of the larger employer, we could have significant, potentially significant number of of penalties. You know per individual on our board that's.

00:39:01 Speaker 9

Error or just categorized based on the information. The other comments that I had outlined in that back, so that's the clarification.

00:39:09 Speaker 6

Thank you.

00:39:11 Speaker 10

Mr. Chairman, on.

00:39:13 Speaker 10

The idea that the chair or the executive director of the.

00:39:16 Speaker 10

RB can waive a penalty.

00:39:19 Speaker 10

Is it in full or can it be in part?

00:39:22 Speaker 2

I believe the way that.

00:39:23 Speaker 2

This is written in. Correct me if I'm.

00:39:25 Speaker 2

Wrong it would.

00:39:25 Speaker 2

Be in full for the first violation.

00:39:28 Speaker 7

Yeah.

00:39:30 Speaker 10

OK, I would add stuff to look at a map.

00:39:35 Speaker 10

For those bigger agencies, so that if it was over 5000 for example.

00:39:42 Speaker 10

The idea is for them.

00:39:43 Speaker 10

To fix the problem but not the.

00:39:46 Speaker 10

The planner negatively impacted financially towards burdensome.

00:39:55 Speaker 1

Mr. Chair, that point, if I may, keep in mind that as we, as we have a lot of discussion about about these penalties, we wanted to fix both sides of it. And I think in public needs a look is that.

00:40:07 Speaker 1

We found that these employees were adversely affected by either the Lu or process or whatever the case may be. That's why we added the executive director, the ability to waive, waive those penalties as well as on the second or

third. We really wanted to make sure that the Lu knew as important that that they were part of the solution.

00:40:28 Speaker 1

As well, so having a cap.

00:40:31 Speaker 1

You know, I don't see there's any reference to having the CAP because any violation that comes up, it's going to be a flag for them to then talk to executive directors. So that at that point our staff can put their hip in the door and see how can we fix this. It's not really necessarily to make money for the the fund or to put it back in, it's really to try to.

00:40:51 Speaker 1

Correct the problem until the new system, the new software system comes online that will provide the necessary flags to the laughs to.

00:41:00 Speaker 1

A here, here's a problem. Before it even becomes a real problem. But we we're in a multi year phase, so that's not going to be available till 26. So till then we have this this little time that's why we added the provisions for the public for the Executive Director. However, it kept on kept on seeing more and more.

00:41:20 Speaker 1

Problems were we kept on getting more reports than the board would get to know about it, and we could then come in and say what can we do to really stop this again for the public and the gentleman that brought the.

00:41:31 Speaker 1

Comments it wasn't.

00:41:32 Speaker 1

Really, to be punitive in any sense.

00:41:34 Speaker 1

OK. So that's what we're looking for. Mark and Mr. Chair, do we can we get copies of his exhibit 11? Do we have copies? I.

00:41:43 Speaker 1

Know.

00:41:43 Speaker 10

High school, yes.

00:41:45 Speaker 2

But we don't.

00:41:45 Speaker 2

Have them available with us. We can e-mail them.

00:41:47 Speaker 1

OK. Thank you.

00:41:53 Speaker 1

We have it by e-mail and by e-mail, so that was my comment on there and I think because we have the ability to wait.

00:42:00 Speaker 1

Madam Treasurer, then, then I would say we're just adding additional language and for such a short time period, and I would for us having that provision for our staff to intervene them then I think I don't think we're going to it's going to be a problem.

00:42:17 Speaker 10

So then on that point.

00:42:19 Speaker 10

I'm just noticing now we should probably consider saying pleading the penalty or a portion of the penalty.

00:42:28 Speaker 8

OK.

00:42:29 Speaker 10

Because right now it's either yes or no.

00:42:32 Speaker 10

And.

00:42:34 Speaker 10

If somebody.

00:42:35 Speaker 10

Have let's say a \$50,000.

00:42:39 Speaker 10

Error because they lost their HR director for a month or we didn't catch it for two months.

00:42:44 Speaker 10

And that comes before us.

00:42:48 Speaker 10

Not that they didn't have good.

00:42:49 Speaker 10

Cost to be charged. It was that there was other circumstances.

00:42:54 Speaker 10

We don't have the flexibility written on Section 4 needed as the director, it just says.

00:43:00 Speaker 10

Upon a written showing of the cost, the director may waive the penalty for the first failure and upon written showing the good cause the board.

00:43:08 Speaker 10

May waive the penalty.

00:43:09 Speaker 2

Mr. Chair, members of the board, we contemplated, probably the opposition to these penalties, so there can be to eliminate them as proposed, that you've seen here. And the reason that that may occur is because in the instance where you have multiple penalties.

00:43:25 Speaker 2

Associated with just the submission of one record and knowing sort of the turnover that.

00:43:30 Speaker 2

Organizations experience in the training issues, whereas if there's something wrong with that record, it may not be a return to work violation, but ultimately the supply step anytime there's an incorrect record.

00:43:42 Speaker 2

Wasn't surprising. We'll find out. Either we have plenty of records on file now that don't contain a Social Security number, incorrect birth date. All these things. These would be subject to the penalties. So with that said, we we've anticipated probably the opposition to this rule and we consider.

00:44:01 Speaker 2

Excluding it from being considered.

00:44:05 Speaker 10

Taking it out entirely, taking it.

00:44:07 Speaker 2

Entirely.

00:44:08

Hmm.

00:44:09 Speaker 10

And I don't necessarily agree.

00:44:10 Speaker 10

With that, only because of the fact that.

00:44:14 Speaker 10

To remember backup's point, we were trying to hold people accountable on both sides, and right now the burden has been entirely on the teacher or educator, and nothing have been accountable to the people who work day in and day out.

00:44:28 Speaker 10

Getting paid to do this.

00:44:29 Speaker 10

Job. So I don't agree with that. What I would agree with though, and I'm just one vote.

00:44:35 Speaker 10

I would agree with having.

00:44:37 Speaker 10

A Max on a month or and.

00:44:44 Speaker 10

May waive the penalty or a portion of the penalty.

00:44:49 Speaker 10

Because.

00:44:51 Speaker 10

It depends on who's.

00:44:52 Speaker 10

In the sea, determining good cause or failure.

00:44:58 Speaker 10

Thank you.

00:44:59 Speaker 10

You think it?

00:45:00 Speaker 10

Somebody might get and I don't want in 20 years when I'm retired to come back and hear someone was so punitive that they, you know, marked them because they didn't have something written.

00:45:10 Speaker 10

In the whole.

00:45:10 Speaker 10

Form. So those are just any comments on that one?

00:45:16 Speaker 16

Share and and Mr. Hearing Officer, if I could interject. I believe there's some confusion about the statute or about the rule.

00:45:26 Speaker 16

And and we can end it.

00:45:29 Speaker 16

The board meets to discuss because I think the intention of the rule was that if a report is incorrectly filed, it's a \$500 penalty. It's not per mistake in the report and I think that.

00:45:46 Speaker 16

Idea of some confusion with Republic the the second line of the.

00:45:52 Speaker 16

Of the rule says that the penalty shall be payable to verb and shall be assessed for each report filed and correctly. So there's \$500 per report. If there's a few 100 bucks incorrect.

00:46:06 Speaker 16

Information on it's in that or is still \$500 fine, so if there.

00:46:12 Speaker 16

Were five people.

00:46:13 Speaker 16

It wouldn't be a \$2500 family, it would be 500.

00:46:17 Speaker 16

So I'm not sure.

00:46:18 Speaker 16

If if that helps or not.

00:46:20 Speaker 16

Very nice, Sir.

00:46:24 Speaker 10

It was her.

00:46:25 Speaker 10

Her form that was done. So that means.

00:46:27 Speaker 10

Each individual correct.

00:46:29 Speaker 10

So there's five employees that perform this done incorrectly for go.

00:46:32 Speaker 16

No mileage, the sharing officer and the mountain treasurer. There's only one report per.

00:46:40 Speaker 16

That comes in.

00:46:42 Speaker 10

Oh, so when checking the match the.

00:46:44 Speaker 10

Amount would be.

00:46:46 Speaker 10

The \$500.00 for one price.

00:46:46 Speaker 3

Right, right.

00:46:48 Speaker 10

Does that help?

00:46:51 Speaker 13

That definitely provides clarification.

00:46:54 Speaker 1

And miss, Mr. Chair again.

00:46:58 Speaker 1

We are looking at how do you how do you balance that both sides of the equation and again by adding the provisions of having to wait, we don't believe that this again this is that we're to be making a lot of money off alley use it's it's to put flags in in there to say look we have a problem here executive director.

00:47:17 Speaker 1

Like your staff are working with it in order.

00:47:19 Speaker 1

To remedy so it's 5.

00:47:20 Speaker 1

\$4.00 you know if it.

00:47:22 Speaker 1

Was.

00:47:23 Speaker 1

\$50,000 I could see or something like that. But from our standpoint, we.

00:47:27 Speaker 1

Really want to.

00:47:28 Speaker 1

Make.

00:47:28 Speaker 1

Sure that we don't have any employees and some of the things that we've been doing, we've seen the communication we're seeing the less and less people are having to return to work, which is our whole, the whole goal of this is to reduce.

00:47:41 Speaker 1

For anyone to actually be penalized, either employee or the Lu can have a system. Now we know that's not, that's not.

00:47:50 Speaker 1

Something we'll achieve 100%, but we want to put those those roadblocks in there. Thank you, Mr. Chair. Thank you, Madam Chair Treasurer for your comments.

00:48:00 Speaker 10

Please comment on the other subject matter. Was there any other concerns from Exhibit 11 that we needed to address?

00:48:08 Speaker 10

Those aboard before we move forward.

00:48:13 Speaker 3

Randall, Mr. chair.

00:48:17 Speaker 16

Mr. Chair and Mr. Terry offer the comments that, as I understand, most of those are operational. I do not believe that this categorize is vague or ambiguous.

00:48:31 Speaker 16

With regard to the.

00:48:34 Speaker 16

\$500.00 for each report or each individual I think clarify gap and we can amend the the rule to make that even more clear. I have an amendment that I that I've already prepared for your consideration. When we go into.

00:48:49 Speaker 16

The first session to discuss.

00:48:52 Speaker 16

With regard to no rehire.

00:48:54 Speaker 16

Data and human error is not controllable and what is a .2.

00:49:00 Speaker 16

For business needs, I don't think any of those are legal. Questions are more operational policy questions. And with regard to exceeding statutory shorting, we've already addressed that with regard to putting a CAP on the total that could be assessed to any entity during the given.

00:49:18 Speaker 16

Month or given year.

00:49:20 Speaker 16

You only have one report per month, but per year you could certainly put a.

00:49:22

OK.

00:49:25 Speaker 16

Cap on that.

00:49:27 Speaker 6

Quickly up to the board.

00:49:29 Speaker 10

Mr. Chairman, the maps for 1500, if they kept on getting it would be less than.

00:49:36 Speaker 10

17,000.

00:49:41 Speaker 1

Mr. Chair, like, if I can ask, can I get clarification on that FTE that since that's in statute, Mr. Cherry, that, that, that, that person cannot exceed that .25 that .25 is set up at the local Lu. Correct and that?

00:49:57 Speaker 1

We're only hearing.

00:49:58 Speaker 1

That they have to be at that .25.

00:50:00 Speaker 1

So we can't really have a.

00:50:02 Speaker 1

That I think this, Mr. Evans, says that we've talked about a retroactive someone who was above 1.25 and that time and I can see the operational issue with that. But I want to make.

00:50:13 Speaker 1

Sure.

00:50:13 Speaker 16

Is .25 if that, that's a statue, correct? That is correct, Mr. Chairman. Officer.

00:50:20 Speaker 2

OK. Thank you very.

00:50:21 Speaker 7

Much.

00:50:24 Speaker 10

So the map could be actually.

00:50:27 Speaker 10

500 to 1000 and then ten months of.

00:50:30 Speaker 10

And of 1000 or 50.

00:50:34 Speaker 10

So I'm perfectly fine and you are doing that many channel teams that you, Trump figure probably work out and what?

00:50:42 Speaker 10

We're trying to do but.

00:50:44 Speaker 10

I feel comfortable with that end.

00:50:45 Speaker 10

Of it, the only thing that I kept thinking.

00:50:47 Speaker 10

About through this course of us.

00:50:49 Speaker 10

Being what? Trying to figure this plan out is I can't get it out of my head.

00:50:56 Speaker 10

The teacher, who is not working in the summer.

00:50:59 Speaker 10

The school is not.

00:51:00 Speaker 10

In session, but they're still getting.

00:51:03 Speaker 10

Hit with with a payment up.

00:51:05 Speaker 10

Until August, or helping decide to go to.

00:51:08 Speaker 10

Another school to teach.

00:51:09 Speaker 10

They find out.

00:51:10 Speaker 10

That they've had these penalties adding up.

00:51:13 Speaker 10

Is there anything that we?

00:51:14 Speaker 10

Can do about that or.

00:51:18 Speaker 2

Mr. Chair, Treasurer Montoya, not in, not with the proposals that we're considering here. You know, when a when a teacher contracts for the school year, they're paid for that entire school year. They are in service off that entire school year. We don't discredit the time that they're not working during the summer. We don't say you're only earning 10 months for this year.

00:51:37 Speaker 2

It applies to a return to work situation as well, so, but that wouldn't be addressed in anything we're considering as part.

00:51:44 Speaker 2

Of these rules.

00:51:44 Speaker 6

Today. OK, thank you, chairman.

00:51:56 Speaker 2

Any additional questions?

00:51:59 Speaker 1

Mr. Trejo, with question, Mr. Chairman, it is more process and so.

00:52:05 Speaker 1

Now we've got our exhibits.

00:52:09 Speaker 1

One through 1 through 11.

00:52:12 Speaker 1

If you can kind of, Mr. Hearing Officer Office to the next steps.

00:52:15 Speaker 1

That we will.

00:52:16

Go.

00:52:16 Speaker 1

Through and so that I can figure out when I if I need to ask questions or.

00:52:23 Speaker 1

As we have comments of those.

00:52:25 Speaker 1

This.

00:52:26 Speaker 2

So at this point in time, we're going to go to public comment any questions from the board and that after that we.

00:52:32 Speaker 2

Will ask the Board to vote on the proposals.

00:52:36 Speaker 5

So we have time to.

00:52:37 Speaker 5

Make formal comments or questions afterwards.

00:52:41 Speaker 1

Thank you. Thank you, Mr. Chair. Thank you, mayor.

00:52:43 Speaker 1

Thank you.

00:52:47 Speaker 2

So the opposition to exhibit 11 being entered.

00:52:50 Speaker 2

Into the record.

00:52:51 Speaker 2

OK.

00:52:54 Speaker 2

Is there anyone in?

00:52:55 Speaker 2

The room, who would like to make oral or written comment regarding the proposed?

00:53:01 Speaker 2

The proposal on exhibit 11.

00:53:04 Speaker 6

Cool.

00:53:07 Speaker 2

Now I would turn it over to our board chair.

00:53:09 Speaker 2

Mr. Goff, that hold the comment and discuss that.

00:53:17 Speaker 3

That we're looking at public comment now.

00:53:23 Speaker 3

Is there anyone that would like to make public comment?

00:53:26 Speaker 3

Right.

00:53:26 Speaker 2

So we'd ask you to.

00:53:27 Speaker 2

State your name for the.

00:53:27 Speaker 2

Record, Sir.

00:53:29 Speaker 12

Chairman Stan.

00:53:30 Speaker 12

Hands on the executive director of the New Mexico School Superintendents Association and the New Mexico Coalition of Educational leaders, what that does you understand the organization, that's everyone who is an administrator in public schools in New Mexico. Their state organization is in our umbrella.

00:53:49 Speaker 12

So when I speak with my voice, I'm.

00:53:50 Speaker 12

Speaking with her truck.

00:53:53 Speaker 12

We are opposed to the Lu fee fines and forfeitures part of this.

00:54:00 Speaker 12

We question the reasons why we understand first of all and appreciate the work you're.

00:54:06 Speaker 12

Doing on this.

00:54:07 Speaker 12

And with the Safe Harbor provisions you brought on board for employees?

00:54:12 Speaker 12

That's the most important function we all serve.

00:54:16 Speaker 12

Is to protect them.

00:54:17 Speaker 12

To protect their future and most importantly, their retirement.

00:54:22 Speaker 12

So thank you.

00:54:22 Speaker 12

For.

00:54:23 Speaker 12

That we acknowledge that the same time there have been problems as we rolled on this new provision of retro.

00:54:31 Speaker 12

Specifically, the 90 day out.

00:54:34 Speaker 12

And how we calculate that and how that would form?

00:54:38 Speaker 12

It was the Superintendent of New Mexico for 27 years. This is my 52nd year in education in new.

00:54:44 Speaker 12

Mexico.

00:54:45 Speaker 12

Based on that, let me share just a perspective. We would ask the.

00:54:49 Speaker 12

Board to consider.

00:54:52 Speaker 12

What you're contemplating is in right direction to take so often we've learned it's the timing, the process and the sequence of events.

00:55:02 Speaker 12

That allow us to have the best policy direction.

00:55:05 Speaker 12

And the reason we stand in in opposition to the fines portion for the Lu as we saw from missing a block of process that we might want to consider as we roll this out because our end game is to have a process that is effective.

00:55:23 Speaker 12

And it serves what I just.

00:55:24 Speaker 12

Talked about our employees.

00:55:29 Speaker 12

But you heard on your in your number item 11 was brought to you just now.

00:55:36 Speaker 12

That there are a lot of procedural issues that on the ground level are significant, and while that doesn't exactly what you're you're saying, grace over, the reality is that the gentleman brought forward concerns we have about how's it going to.

00:55:51 Speaker 12

Work when you.

00:55:52 Speaker 12

Put it on the ground because that really is.

00:55:55 Speaker 12

What's created the binds that we're.

00:55:58 Speaker 12

In.

00:55:59 Speaker 12

Is put you in an awkward place that's put us in an awkward place, and most importantly, it's put our employees in an awkward place as we didn't understand collaboratively.

00:56:09 Speaker 12

Management for this for.

00:56:13 Speaker 12

So we think what's missing is that piece of.

00:56:16 Speaker 12

We would suggest as an alternative, you delay the fines portion of it for at least two years. Do you have a new system coming on? I promise you being a Superintendent as long as I was that brought you systems on, they're never exactly what you think they are on day one.

00:56:31 Speaker 12

And the inadvertently create issues we don't even understand will happen.

00:56:36 Speaker 12

We would suggest that we wait until that is on the line and has at least one year of operation before we contemplate what that looks like, because I would bet you \$100 bill today, so we could be right back here discussing the same issue by your systems change in the new reporting system.

00:56:57 Speaker 12

Because here's what's real on the ground. You heard about it on the ground. We have well-intentioned, and several of you in this room. well-intentioned operatives is. Is the term used for our districts that are making this happen?

00:57:11 Speaker 12

That are reporting to you.

00:57:14 Speaker 12

That are trying to be sure all the provisions are correct and accurate and submitted in a timely manner. Those are all important things.

00:57:22 Speaker 12

But when you.

00:57:22 Speaker 12

Get into these systems. That's not how it really.

00:57:25 Speaker 12

Works on the ground.

00:57:27 Speaker 12

Are you? Several things have been pointed out. Employees jump ship, they go from district to district to district to district to district where you hire somebody coming from another district. Your first state is that you assume what the other district was doing. Is the stasis point the correct point? They're coming to you with.

00:57:45 Speaker 12

What? That's not always the case. And these folks that are the day-to-day folks know more about that than I.

00:57:52 Speaker 12

When you roll this together.

00:57:54 Speaker 12

We think we need to work on that communication, training and collaboration solution before we find it. This sort of finds about.

00:58:05 Speaker 12

The reason I think that you talked about fives is to say to districts.

00:58:11 Speaker 12

We really, really, really, really, really, really need it.

00:58:14 Speaker 12

You need to have it right. You need to have it correct. You need to be.

00:58:18 Speaker 12

Timely.

00:58:19 Speaker 12

Folks, I've talked to every Superintendent in the.

00:58:23 Speaker 12

And not one of them has said we want to figure out how to cheat the system. Not one.

00:58:28 Speaker 12

In fact, everyone I've talked to has said we want our system to work right.

00:58:33 Speaker 12

We understand the problem and we may be have not understood that or as the director mentioned, we have a lot of changeovers. Think if you are in house NM.

00:58:44 Speaker 12

Or in Hayden, New Mexico, in the rural districts, when you have a changeover in your personnel.

00:58:52 Speaker 12

Side.

00:58:53 Speaker 12

Which, by the way, is beginning to happen quite a bit. You have a training curve that comes.

00:58:57 Speaker 12

On the truly.

00:58:57 Speaker 12

Strong. I don't like the Albuquerque Public Schools. There's not other people who carry that history, carry that knowledge, or well trained. So your chance for the efficiency and mistake is pretty.

00:59:09 Speaker 2

High.

00:59:10 Speaker 12

And in most of those small districts, falls on the Superintendent.

00:59:14 Speaker 12

In the last 27 months, we have turned out 72 of 89 superintendents have changed in that period of time.

00:59:24 Speaker 12

72 out of 80.

00:59:26 Speaker 12

9.

00:59:27 Speaker 12

They're starting fresh. As a Superintendent of that 80% or first year Superintendent.

00:59:34 Speaker 12

Durability to meet your challenge and understand specifics are limited sometimes.

00:59:41 Speaker 12

A spine, in my opinion, in that situation isn't the right way to turn. Instead, it's enhancing training, collaborating on that we as an organization would be delighted to work with you on how we could put that in place. I'm going to go to another board right now after I finish my comments.

00:59:58 Speaker 12

Called the Cooperative educational services.

01:00:01 Speaker 12

It serves all 89 districts on that board. We talked about these kinds of things. What train should we assure as we build our base of support for our districts and that's we're going to be doing because this is our strategic plan.

01:00:18 Speaker 12

And so I would, I would suggest first of all that you delay on this particular item of this rule change for a period of at least three years. You were just removing.

01:00:31 Speaker 12

I'm not saying we should dodge it. I'm saying let's look for the.

01:00:34 Speaker 12

Interim solution that is the more likely to turn.

01:00:38 Speaker 12

The right out.

01:00:41 Speaker 12

It also, I'm not sure how you're going to determine over time.

01:00:46 Speaker 12

When the first, second, third and subsequent error is.

01:00:51 Speaker 12

As you move from time.

01:00:53 Speaker 12

Can you get into?

01:00:54 Speaker 12

Your new system, because I think that's where that slides.

01:00:57 Speaker 12

And so I would challenge that you're likely to get legal challenge. I'll just.

01:01:02 Speaker 12

And so be happy to answer any questions. But looking moving to the 30,000 foot level, which is what you do as a board really well. I would just suggest that we pause.

01:01:12 Speaker 16

For a minute.

01:01:13 Speaker 12

Remove the fines portion to LSU's for a period of at least three years.

01:01:18 Speaker 12

Get a chance to put in place in major this.

01:01:21 Speaker 9

OK.

01:01:22 Speaker 12

And we would like to work with you to do that, but we believe you need to lay that part of the room. Hear this. We believe in real thing.

01:01:30 Speaker 12

Even though we are in court with the governor of the state of New Mexico right now, on another little rule making problem, so don't misunderstand our reasons, we have reasons for each of those. Thank you, Mr. Chairman. Appreciate the opportunity.

01:01:43 Speaker 12

To time.

01:01:44 Speaker 15

This term.

01:01:46 Speaker 6

Yeah, yeah.

01:01:48

OK.

01:01:49 Speaker 10

Thank you for your comments. I think there's a couple couple things that come to mind when we first started getting a lot of these cases before us that teachers were negatively impacted.

01:01:59 Speaker 10

I did write.

01:02:00 Speaker 10

A letter to.

01:02:00 Speaker 10

The different tendons board to ask them for their help to help us get this resolved, so I.

01:02:06 Speaker 10

Never wrote me back, but I did write it.

01:02:09 Speaker 10

I think for us as a as a board.

01:02:12 Speaker 10

He decided to put this together because the.

01:02:15 Speaker 10

Was being impacted only and a lot of what the educator was having a problem with, which has been sometimes 20 and \$30,000 per one teacher who makes a lot less than my mom did retiring.

01:02:28 Speaker 10

With the Masters degree from.

01:02:31 Speaker 10

With.

01:02:33 Speaker 10

This particular rule that we've got clarification from Council is literally one fine of \$500, which could potentially be waived with good cause. And then the second one is 1000 and the third one is 1500. So we.

01:02:48 Speaker 10

One full year, it's less.

01:02:50 Speaker 10

The 16,500 for a school district. We also were very thoughtful about Tatum Mora, where I'm coming from Las Vegas, the smaller.

01:03:00 Speaker 10

The district, they don't.

01:03:00 Speaker 10

Have a lot of funding or resources, and we also factored in the idea of.

01:03:05 Speaker 10

There's a lot.

01:03:06 Speaker 10

Of movement in staffing, and sometimes they just don't know. They haven't been trained or they didn't have somebody there to help train them. We

factored that in by waving it, having the Executive Director be able to wait at that one time, but.

01:03:20 Speaker 10

At some point, and we also extended it.

01:03:22 Speaker 10

Year.

01:03:24 Speaker 10

So that.

01:03:25 Speaker 10

Doesn't even go into effect for one year, correct?

01:03:29 Speaker 10

So on my end.

01:03:31 Speaker 10

In order to have the schools to partner with us to help our educators, we needed to also hold them accountable to some degree and and they know we will discuss it one way or the other, but I just want you to know where I'm coming from. All my apps and my mom are all educators and.

01:03:50 Speaker 10

To have executive meeting or in a meeting where I know an educator got negatively impacted by sometimes no fault of their own for 15 twenty \$30,000, but yet we're asking the school district that gets money from the government to be able to pay \$500 if still.

01:04:09 Speaker 10

Invalid, unbalanced. So I I stand firm on the one year portion. If in one year we need to change that, that's fine. But I feel like the longer we wait to hold the school district accountable to also make sure when they're having somebody come in to teach that they're staying in that little.

01:04:30 Speaker 10

Form have you worked before? Are you retired? Is the only way? I feel that I can actually.

01:04:38 Speaker 10

Help the educator who wants to come back and teach and help our kids or help during the pandemic or whatever else the case may be. So those are just my comments.

01:04:51 Speaker 3

Determined.

01:04:54 Speaker 3

All right, go back to the board. Let's listen to our public and our public comment. Is there anybody else out there and would like to make some comments?

01:05:04 Speaker 3

Yes, Sir.

01:05:07 Speaker 3

I did see that, sorry.

01:05:08 Speaker 9

It's OK and I don't know if I.

01:05:11 Speaker 13

If I've overstepped my content ability, but I I'm a little bit confused on some of the conversation and I would just ask if there's clarity. The proposed rule appeared on on the reporting appears to be for every employee.

01:05:29 Speaker 13

Type that we could just potentially in this categorize some of the conversation appears to me to be referencing maybe return to work retirees and return.

01:05:39 Speaker 13

To work retirees, teams categorize.

01:05:41 Speaker 13

So that's the very return to.

01:05:43 Speaker 13

Work retirees being as categorized.

01:05:46 Speaker 13

Could be a very narrow scope.

01:05:49 Speaker 13

And definitely would recognize that partnership needed in order to ensure that we are working together as an an Lu and the and the ERP to not negatively impact some of these returning to work because we don't want to do that either. It's very important to us as an Lu to have an individual return to work and fulfill.

01:06:09 Speaker 13

Certain.

01:06:11 Speaker 13

You know, tasks are.

01:06:12 Speaker 13

You know, some of them return.

01:06:13 Speaker 13

To work and our teaching our math theories, you know, which is obviously important to the state.

01:06:18 Speaker 9

Of New Mexico.

01:06:19 Speaker 13

Some of them required return to urban and carrying on institutional knowledge. It's it's extremely important. So obviously there's there's a definite need for partnership and better tools and resources to make sure that we do not.

01:06:30 Speaker 13

Negatively impacted return to work retiree. However, we also have a significant number of employees who work for organizations such as the Office for Medical Investigator or who are doing medical local tenants you know providing physician services in rural clinic.

01:06:47 Speaker 13

Who are not returning to work? Retirees who have various hours in which they work. There could be potentially categories and categorized incorrectly on a report, and so our concern has to do with those employee category categories that aren't returned to work. That where we could see.

01:06:56 Speaker 5

Correct.

01:07:07 Speaker 13

Penalties. Now the clarity of her report makes it a little bit easier, but I just want to.

01:07:12 Speaker 13

Make sure that I.

01:07:13 Speaker 13

Understand the context of the rule if.

01:07:15 Speaker 13

It's specific to.

01:07:16 Speaker 13

Return to our retirees or if.

01:07:18 Speaker 13

It's a broader contact.

01:07:20 Speaker 6

Thank you.

01:07:26 Speaker 15

Questions about them with from Mexican State University and thank you for giving me a chance to provide public comment and I would want to just reiterate what was provided in exactly 11 by Mr. Evan ridiculing well stated and those boys, many of our concerns and also with Mr. Romansky.

01:07:43 Speaker 15

Also provided that so I don't want to reiterate everything that they stated. However, I do want to 2nd those items and just want to provide. Maybe some examples of some of the issues we have. We are a big employer as well and we have people throughout.

01:08:00 Speaker 15

The things that we're hiring so we do not have the opportunity we have, we again are well-intentioned and trying to get the word out to all of our hiring managers constantly about the importance of getting that employee data form and any return to work notices provided to our office before somebody starts working.

01:08:21 Speaker 15

Because we don't want to allow them to be reformed correctly and have those penalties, but oftentimes because they're not, they didn't retire from NMSU and they retired from another entity. We are relying on.

01:08:21 Speaker 7

Hello.

01:08:34 Speaker 15

That person providing us that accurate information and we have seen the negative effects to that employee slash retiree and trust me, we don't go home happy that they had that penalty assessed it. It sticks with that and sorry and so we we take that.

01:08:56 Speaker 15

Obligation very seriously and we as soon as we are alerted to the issue.

01:09:02 Speaker 15

Immediately go into.

01:09:05 Speaker 15

Getting that person straightened out and what they need to do and how can we help them navigate the system to get their them situated correctly and

reported correctly going forward? And now that I've heard also that it is a much broader and not just the return to work, we also hire a lot of international employees.

01:09:19

Right.

01:09:25 Speaker 15

And you know, Social Security numbers can be an issue. We get temporary socials.

01:09:30 Speaker 15

Just to get them into our system and then they're not reported for a while because we don't have an accurate Social Security number until they finally do provide that and we are consistently notifying them of the process to get a Social Security number and how important it is that we get that as.

01:09:46 Speaker 15

Soon as.

01:09:46 Speaker 15

Possible to transpose those numbers and.

01:09:50 Speaker 15

We've had people who transposed their Social Security number for years, so at that point, are we going back? I mean, if we're looking at a first penalty of \$500.

01:10:00 Speaker 15

Just you know and then 1000, at some point we're going.

01:10:02 Speaker 15

To hit.

01:10:03 Speaker 15

Those, I mean, it's just a reality. So we're really looking at from a go forward \$1500 per report.

01:10:09 Speaker 15

When you have issues like this.

01:10:11 Speaker 15

And in those situations where somebody has transposed a number, they've given it to us wrong so many times, we don't necessarily ask for Social Security cards.

01:10:20 Speaker 15

When somebody starting, because that's not required on their I-9 to provide that specific document. So we don't necessarily always have that accurate information.

01:10:32 Speaker 15

And until your new system is implemented, we do not have a method for us to find out somebody's true status. I'm hopeful that your new system will give us some clarity and the ability to look those things up and which that will then become our process to constantly look for those things. But until that's implemented.

01:10:51 Speaker 15

We don't have that ability.

01:10:53 Speaker 15

I'll give you an example of somebody.

01:10:56 Speaker 15

Who didn't notify us he was.

01:10:58 Speaker 15

A pair of retiree.

01:11:00 Speaker 15

For seven years, and that's an extreme case, obviously, but we had no way of knowing that we were recording him incorrectly. We never got.

01:11:10 Speaker 15

Notice from the.

01:11:11 Speaker 4

Board. You know the retirement boards.

01:11:13 Speaker 15

That he was being incorrectly. It was only until he finally complained about his check to somebody and they said, why are you paying?

01:11:20 Speaker 15

To the ERV when you're a pair of retiree and he notified us and we immediately went into action to start correcting this. And you know, but if you look at that.

01:11:25 Speaker 6

Sorry.

01:11:29 Speaker 15

That would have been.

01:11:31 Speaker 15

You know, seven years worth of reporting that would have had penalties assessed on us. And so those are extreme and you know, as we look at holding people accountable in our system.

01:11:44 Speaker 15

You know we we we look at that and I look at my limited ability you.

01:11:49 Speaker 15

Know if we were a.

01:11:50 Speaker 15

Smaller.

01:11:50 Speaker 15

The team we may have the opportunity to talk with each and higher.

01:11:54 Speaker 15

And say, are you a retired? Let let me make sure you're handled through the system correctly, but unfortunately as such a large employer, we can only educate our supervisors and hope that each and we have hundreds. You know, thousands of supervisors that are out there having to learn the whole system. It's not just the turnover.

01:12:15 Speaker 15

Of our administrative.

01:12:16 Speaker 15

Staff. It is also the turnover of the boots on the ground, people that hire.

01:12:20 Speaker 15

Everybody and that can be really challenging for us and we are consistently looking for new ways to make that an easier process and get people up to speed as quickly as you can. But it is very difficult for us.

01:12:35 Speaker 15

To go back and educate them and try.

01:12:38 Speaker 15

To get those.

01:12:38 Speaker 15

Information. So again, I thank you for letting me have the time to.

01:12:42 Speaker 15

Comment and I appreciate it.

01:12:45 Speaker 3

Thank you very much. Are there any other oral or written topics?

01:12:55 Speaker 14

3 Saunders, aft, New Mexico retirees, I appreciate everybody's comments here and I.

01:13:04 Speaker 14

Could.

01:13:04 Speaker 14

Certainly see a reason for putting this off. Implementing it for a year or two, but I do want everybody to remember that this came about.

01:13:13 Speaker 14

Because of individual educators that were penalized for doing something that they thought was a good thing to go back into the classroom and to go back and.

01:13:23 Speaker 14

Working and so plugging our students and so.

01:13:26 Speaker 14

So.

01:13:27 Speaker 14

What I believe the board is trying to do is not put as it seemed to be all the blame on the individual educator who has retired and then gone back. But to kind of spread that out a little bit because we do feel that those local administrative units do need to make sure that.

01:13:49 Speaker 14

They are hiring.

01:13:50 Speaker 14

People or rehiring people that are already receiving the pension. So I think that as we look at the needs of the larger area, we have to remember this all came about for small individual educators that were penalized greatly for what they thought was.

01:14:09 Speaker 14

A good thing to do.

01:14:11 Speaker 15

Thank you.

01:14:13 Speaker 3

OK.

01:14:17

I'm sorry.

01:14:17 Speaker 3

Thank you very much, Russell.

01:14:18 Speaker 10

I'm sorry. Please can I say one?

01:14:20 Speaker 15

More thing I'm.

01:14:21

So.

01:14:21 Speaker 15

Sorry, I also had another comment.

01:14:23 Speaker 15

And I got sidetracked.

01:14:25 Speaker 15

The removal of the 12 month layout period from this rule just wanted to mention that my understanding is that if someone has been approved for the 12 month layout return to work rule.

01:14:38 Speaker 15

That they may continue within that status. So just wanted to question if that should remain in there as something that is not open to new entrants. However, still that those people maybe provide that clarification that if they were.

01:14:52 Speaker 15

There, prior to the sunset date of January 1, 2024, already approved for that rule, allowed to continue within that rule until such time busy withdraw from the rule.

01:15:04 Speaker 2

Mr. Chair, the reason we were incorporating that is because it's no longer available. We're eliminating reference to it, but each of those individuals that have already been approved for have been notified of their basically their ability to continue to participate in that program.

01:15:21 Speaker 3

Thank you.

01:15:23 Speaker 11

For clarification.

01:15:27 Speaker 10

On that monthly report we're referring to.

01:15:32 Speaker 10

Did the example that was listed in public comment.

01:15:36 Speaker 10

Change in the Social Security number wouldn't really constitute the failure to correctly include or identify an individual as an employee or to miscategorize an employee, correct?

01:15:54 Speaker 2

You know, Mr. Chair, treasurer. But I think the basis for the proposed rule change in the way that it was written.

01:16:01 Speaker 2

Was to.

01:16:02 Speaker 2

Specifically for return to work violations when someone reports to us that their return to work retiree, whether it's under, there's there's a different categories that they report to us. The 12 month, the 30.

01:16:12 Speaker 2

6th month the.

01:16:14 Speaker 2

From .25.

01:16:15 Speaker 2

To the less than \$15,000, I think that's what we were trying to get to was. If there's, if they're misreporting that we just put him in as an active employee and we find out later on that, hey, you're both active and you're receiving a pension sometimes that's.

01:16:29 Speaker 2

Kind of flows through the system. It's when they identify themselves as a return to work employment, but they haven't submitted an application we're trying to address, so I, you know, I think the intent was specifically for return to work and not necessarily for these other owners.

01:16:44 Speaker 10

Typos.

01:16:49 Speaker 3

OK.

01:16:50 Speaker 6

And.

01:16:51 Speaker 4

I have a quick question. I'm with Alexandria. I'm here with you. Publish the peril manager. And so I I agree with what was said in it and but on that what you just commented on still are we're not doing it on all categories. And as far as like you said, a typo.

01:17:11 Speaker 4

Because we have over 12,000 employees and.

01:17:16 Speaker 4

I've been. I've been prominent, that's.

01:17:18 Speaker 4

Our report is pretty clean as you.

01:17:20 Speaker 4

Know and good.

01:17:22 Speaker 4

But there are.

01:17:24 Speaker 4

Some kind of a missed category in there.

01:17:27 Speaker 4

So then I guess that's where we're more concerned with what it and along with what everybody's saying.

01:17:34 Speaker 4

And the fees and so forth and.

01:17:38 Speaker 4

Yeah, that works right inside me, so if.

01:17:41 Speaker 4

Right.

01:17:41 Speaker 4

We're just talking about.

01:17:42 Speaker 4

Return to work. Are you just talking?

01:17:45 Speaker 4

All categories.

01:17:49 Speaker 16

Mr. Chairman, we're an officer. This is drafted to address any miscategorizing organization and it's not specific to return to work.

01:17:59 Speaker 16

It would be anybody business categorized. If the board wishes to narrow it, you can certainly do that. But the way it's drafted, you're correct. We would cover everybody.

01:18:12 Speaker 1

So, Mr. Chairman, they need to have a clarification. Cherry, what you're saying is that.

01:18:18 Speaker 1

Whenever they have either a misspelling, a data entry or something, some kind of error, they define that we're.

01:18:33 Speaker 1

For those employees, or just to return to work, we might need clarification on.

01:18:37 Speaker 16

The Share Minister officer, the way the rule is drafted, it is if you incorrectly and identify an individual as employed and mischaracterize the employee.

01:18:53 Speaker 16

And submitting the workbook for it would cover not just the terms of the work as drafted.

01:18:58 Speaker 6

OK.

01:18:59 Speaker 1

If we needed to, then we.

01:19:00 Speaker 1

Have bad language would say on this this particular to the church work. OK. Thank you. Thank you, Mr. Chairman.

01:19:08 Speaker 10

Mr. Chairman, to that point, because I thought your two questions in there, this is not to identify typos. This is not for errors of typos.

01:19:15 Speaker 6

Right.

01:19:17 Speaker 15

This.

01:19:17 Speaker 10

Is only for minute categorizing.

01:19:20 Speaker 10

An employee which then negatively.

01:19:23 Speaker 10

Impacts the employee.

01:19:25 Speaker 10

Which makes them potentially, whether it's right.

01:19:28 Speaker 10

To work or not?

01:19:30 Speaker 10

Financially, potentially have issues, correct?

01:19:34 Speaker 10

Or is it only on right to work that the miscategorization impacts the educator?

01:19:40 Speaker 10

Or the Lu.

01:19:44 Speaker 16

Mr. Chairman, Mr. Hearing Officer and and Madam Treasurer, it it again, it won't address a typo unless that typo has a substance. Substantive impact on this character.

01:19:57 Speaker 16

That person has a .25.

01:20:01 Speaker 16

Might you know, whatever it might be, contract employees.

01:20:05 Speaker 16

It is again the language says if you fail to correctly include or identify and and individual as employed.

01:20:16 Speaker 16

Or you can just categorize that individual at a ployee. Those are the two things, so it's not going to cover errors and typing or, you know, address something like that. It's just those two specs.

01:20:30 Speaker 16

Big areas, but it's not limited to the chunk of work at this time. It's any of those mistakes.

01:20:37 Speaker 10

And and thank you for clarifying that. So my my question is in the whole big realm of it all and then categorizing whether it is right to work or anything else, how does that negatively impact the Lu or?

01:20:50 Speaker 10

The educator that got miscategorized I.

01:20:52 Speaker 10

Know what it is.

01:20:54 Speaker 10

Really consequence for educators who are on this return to work.

01:20:58 Speaker 10

But I don't.

01:20:59 Speaker 10

Know how it the miscategorization would negatively impact either the Lu or the educator in other in other myth categories.

01:21:08 Speaker 10

Patients then can you?

01:21:10 Speaker 10

Help.

01:21:11 Speaker 2

Madam Chair, Treasurer, I think Mr. Chair, Madam Treasurer, in the situation that was described earlier, where you had a pair of retiree that came back and it was miscategorized. We're not supposed to be pulling contributions from a fair retiree.

01:21:25 Speaker 2

That's, I think one of the best examples. So in that, so we can't even refund this Member until they terminate coverage because we can't just issue a refund or pull their money out of the account. It's when they terminate that we would actually.

01:21:27 Speaker 10

Thank you.

01:21:37 Speaker 2

Issue their refunds or not.

01:21:38 Speaker 7

Hmm.

01:21:39 Speaker 10

So that's very helps. That's very helpful for us.

01:21:39 Speaker 2

Something.

01:21:42 Speaker 10

As a Council or board to determine to keep it on there, because the whole point of putting them in is to make sure that we're keeping the employee that works for us, that served that, that served our kids whole and not negatively impacting them with having money come.

01:22:00 Speaker 10

That shouldn't be coming out because you.

01:22:01 Speaker 10

Guys aren't paying inference.

01:22:03 Speaker 10

With the money that's coming out and giving it back, and we're not negatively impacting them with having.

01:22:08 Speaker 10

The additional fees if somebody.

01:22:10 Speaker 10

Did it incorrectly, so I think.

01:22:12

This is the.

01:22:13 Speaker 10

Fairway of being able to.

01:22:14 Speaker 10

Make sure on these two.

01:22:15 Speaker 10

Particular issues.

01:22:17 Speaker 14

You need to.

01:22:17 Speaker 4

Be a lot.

01:22:18 Speaker 10

More precautionary because there are grave consequences that could happen.
Thank you.

01:22:23 Speaker 10

Did the people.

01:22:35 Speaker 2

Members of the public, the public's comment portion of this rule hearing is now closed.

01:22:46 Speaker 3

OK, we want an out move to the.

01:22:51 Speaker 3

4 portion of this.

01:22:54 Speaker 3

Give you the opportunity to distrust. Ask questions.

01:22:59 Speaker 3

I want to start with Rule 2.82 point 5.

01:23:05 Speaker 3

See if there's any discussion questions on that.

01:23:09 Speaker 3

Or.

01:23:10 Speaker 3

The cherry if you'd like to give us a quick summary of 2.8 point 2.5 just an overview.

01:23:20 Speaker 16

Mr. Chairman, it's discussed earlier 2.82.5 does it create a safe harbor for people who return to work if you.

01:23:36 Speaker 16

Return to work and you don't obtain approval file application and pain feeling DRP? You would get a letter when you find out that it actually happens and you have 30 days in which to either terminate employment or solid application. If you do that, then there's no club.

01:23:57 Speaker 16

There's no penalty. You won't be suspended if you fail to do that, then.

01:24:00 Speaker 16

You wouldn't be suspended.

01:24:03 Speaker 1

That.

01:24:03 Speaker 16

Would be no 12 bucks as soon as long as you qualify for.

01:24:07 Speaker 16

A return to work program.

01:24:10 Speaker 16

If you return to work and you never will qualified for return to work if you didn't do the 90 day layout, then there would be the same thing. You would be suspended. You received the 30 days suspense letter, but in the process we would then.

01:24:30 Speaker 16

Know whether you had ever been.

01:24:32 Speaker 16

Uh to return to work. If you don't do the the 90 day layout, then you've actually violated federal law and you put the the fund at risk for losing some credential credentials so that one you would actually have a clawback because they were never.

01:24:36 Speaker 1

Able.

01:24:53 Speaker 16

Qualified to return the words.

01:24:55 Speaker 16

And then as the chef also.

01:24:58 Speaker 16

There was an operational.

01:25:03 Speaker 16

Clarifications we.

01:25:06 Speaker 16

I'll go back to the right. Just make sure I don't miss anything.

01:25:16 Speaker 16

So the 90.

01:25:17 Speaker 16

Day layoff period is you can actually.

01:25:19 Speaker 16

Qualify that. If you did that, you.

01:25:21 Speaker 16

Don't have to do that.

01:25:21 Speaker 16

Again, prior rule you did.

01:25:26 Speaker 16

But the unemployed, the income received while they're employed.

01:25:30 Speaker 16

Would count against your total.

01:25:33 Speaker 16

The 36 month program or.

01:25:35 Speaker 16

The \$15,000 Max program.

01:25:38 Speaker 16

And it allows the employer of, sorry, the return to work retiree to change program once per year only in.

01:25:49 Speaker 16

The month of July.

01:25:51 Speaker 16

And that way, there's no way to gain a.

01:25:54 Speaker 16

Different program there.

01:25:55 Speaker 16

As you can see, you can do that easily.

01:25:58 Speaker 1

And then.

01:25:59 Speaker 16

Finally.

01:26:01 Speaker 16

Clarified that if you're going.

01:26:03 Speaker 16

To be an independent contract, you actually have to file the application for that which was not in Rule before.

01:26:13 Speaker 16

The Lau Half lane change from slides employees. They're their employees. Internal work policy consistent with the statute.

01:26:24 Speaker 16

And it also downsized.

01:26:27 Speaker 16

Retirees, if they can't appeal decision on violation, that's what it does.

01:26:35 Speaker 3

Members questions. Comments.

01:26:38 Speaker 3

Liberty of this from the case.

01:26:41 Speaker 5

I have one. Of course, this is magnificent that we're putting this and we're and the people that brought us to you and the public and all the work, everybody that that chases, I'm super happy with it. Well, we're moving to.

01:26:51 Speaker 8

Oh.

01:26:58 Speaker 5

We do these.

01:26:59 Speaker 5

Things that were not that were not good. The one part of this change where we are.

01:27:09 Speaker 5

More constraints on the individuals is that not allowed only in July you're allowed to switch from 15K to 36 months or .25.

01:27:22 Speaker 5

And and here's my question, is there a true need for this when they're you're saying they're gaming the system? Is it really a problem? Are we not putting?

01:27:32 Speaker 5

More.

01:27:34 Speaker 5

Trouble down the line for us because in my ideal world.

01:27:40 Speaker 5

We never hear to get to hear these issues again or people are suspended where people are. There's no more callback, right? But.

01:27:51 Speaker 5

Perhaps the most common issue is.

01:27:53 Speaker 5

When they go over it, OK and we.

01:27:56 Speaker 5

Could potentially fix that without.

01:27:58 Speaker 5

Having to go to the board and hearings and and hearing officers.

01:28:01 Speaker 5

Is by allowing them to.

01:28:03 Speaker 5

Move through .25 or.

01:28:04 Speaker 5

36 months.

01:28:06 Speaker 5

But we're now not allowed, and that's a change where we're constraining it. Is there a true need to do this? Aren't we creating a bigger problem by doing that? Can we just not make this so that the?

01:28:21 Speaker 5

Month of July.

01:28:22 Speaker 5

Just kind of reminds me of when you set up for a gym and you know they own you forever and you can never cancel.

01:28:29 Speaker 5

It kind of thing.

01:28:31 Speaker 5

Is there an anonymous question? Is there a true?

01:28:33 Speaker 4

Need.

01:28:35 Speaker 5

To do this, to add this extra.

01:28:39 Speaker 5

Extra layer extra requirement when.

01:28:43 Speaker 5

When perhaps we were trying.

01:28:45 Speaker 5

To move to adding less requirements and less penalties.

01:28:49 Speaker 2

Mr. Chair and Doctor Fontanelli will go to take.

01:28:51 Speaker 2

A swing of.

01:28:51 Speaker 2

The question I I as as the.

01:28:55 Speaker 2

As the administrator of the program.

01:28:56 Speaker 2

I believe that.

01:28:57 Speaker 2

The most common violation are those that.

01:28:59 Speaker 2

Go into the 15.

01:29:00 Speaker 2

Dollars and it's not it's. This is basically the statute, it is, it's 15,000 in chain, it's not a 15 dollar, 215,003.

01:29:09 Speaker 2

When people sort of plan that, you know we yes, I would like to make \$15,000 without having to make a 10% contribution on that. And then I'd like to go into a program where, OK, now you're taking the contribution that I'm never going to receive. I understand that we're just asking people that they lock in. So because you've seen the biggest challenge is when people toggle between the two just as they're getting ready to.

01:29:29 Speaker 2

Basically, go with.

01:29:30 Speaker 2

\$15,000 and then they go to 15.

01:29:33 Speaker 2

And then we end up in this situation because we're not proposing to not take back the money from these individuals if they go over the \$15,000 and they get 15,200, we're going to take back.

01:29:43 Speaker 2

Their 4000.

01:29:43 Speaker 2

Dollar pension, we're not saying, hey, come into compliance, get into another, get into the points you fire or get into the three to six months at that point in time, we have no other, no other choice collection.

01:29:53 Speaker 2

Get back to Portland dollars. So this is for our protection.

01:29:56 Speaker 2

As much as it is theirs.

01:30:02 Speaker 3

Any further questions?

01:30:08 Speaker 1

I did. I had some.

01:30:10 Speaker 1

That's a I just want to make sure my.

01:30:14 Speaker 1

I'm not going to duck here in the penthouse point.

01:30:19 Speaker 1

I think with the salaries of the raising at that point and I think I may have brought this up, but I don't know if I got anything traction, but is it doesn't make sense to have a 15,000 because you can get that very, very quickly.

01:30:30 Speaker 8

So.

01:30:31 Speaker 5

And.

01:30:32 Speaker 1

The.

01:30:32 Speaker 1

The increases that have happened over the last several years in New Mexico and will continue to grow so that one may be administering the burden upon our group in order to administer that so.

01:30:45 Speaker 1

And just have the .25, but then you'd have that stat that you have to change that in statutes.

01:30:47 Speaker 6

Yes.

01:30:50 Speaker 1

Directly.

01:30:51 Speaker 1

So that's that's the only comment on there is I just need to make sure on the having procedures and policies is that in the next rule the 82.9.

01:31:04 Speaker 1

Requiring that health policies, procedures in place. I think that's in the .9.

01:31:05 Speaker 2

You could do that.

01:31:11 Speaker 2

One where we require them to develop that based.

01:31:11

Yes.

01:31:13 Speaker 16

Off of our rules, Mr. Chairman.

01:31:20 Speaker 12

Member Baca it is actually it's.

01:31:22 Speaker 1

In, is any of the.

01:31:24 Speaker 1

Is in that part.

01:31:25 Speaker 7

15 It is, Mr. Chairman.

01:31:29 Speaker 1

So it's the dot 5.9.

01:31:32 Speaker 1

Modifying.

01:31:34 Speaker 16

25 minutes. It's in this.

01:31:35 Speaker 16

Ruler, right. Right now.

01:31:36 Speaker 1

OK, so for for the the public is that as part of it when we start looking at is making sure that that the units the LU's also have policies and procedures in place to hopefully catch all these and.

01:31:51 Speaker 1

For my, for my lens of just minutes, I understand the day-to-day operation.

01:31:56 Speaker 1

At Highland University, we had our issues in which, yeah, you have turnover. So all the, all the issues that you're talking about, I was bringing in from islands and making sure.

01:32:07 Speaker 1

However, by having the provision, the saying is it an extraordinary circumstance, but you have a lot of turnover, that's that communication piece and we wanted to be able to.

01:32:16 Speaker 1

Flag.

01:32:16 Speaker 1

It in order to say, wait a minute, we have a problem. Not again, not to be making a lot of money. It's to to remedy the situation so that we don't have one member slip through and then we find out.

01:32:28 Speaker 1

Later on, they're having to spend have to pay.

01:32:31 Speaker 1

That was our whole how do how do?

01:32:33 Speaker 2

You make it.

01:32:33 Speaker 2

A goal sign.

01:32:34 Speaker 1

And the way the role, the way it was stated is the employee was the only one that was accountable. Everyone else throughout the system, even if the system and and at the large institution, smaller institutions never asked that employee. And we found some employees that were.

01:32:40 Speaker 12

So.

01:32:51 Speaker 1

They said, hey, David, call me about it. I would have sure have filled it out, but in the end they were the ones that had the biggest burden. And so for us, we're like.

01:33:00 Speaker 1

How do we make sure everyone?

01:33:01 Speaker 1

In that system.

01:33:03 Speaker 1

Is held accountable. But we thought you have to develop policies and procedures. You have to do this other stuff in order to have that in place. So we figured you have policies you could have to talk about it. You change the process. We believe that maybe every once in a while they may be someone that comes through. But that's why we have the appeal say hey we.

01:33:20 Speaker 1

Had.

01:33:20 Speaker 1

This we're working on it fine.

01:33:23 Speaker 1

If it becomes the reason of having to go to the next level of the board is the board wanted to know from our perspective, my plan, I wanted to know what are we doing to communicate? What are we doing? Are we providing that training? What are we doing in service? We don't hurt that employee. That's why we looked at it holistically, not taking into account the people on the ground.

01:33:43 Speaker 1

All the way up to administrative so.

01:33:45 Speaker 1

I I know Mr. Stan wish he would have been able to stick around. We looked at the whole thing, not only from the people on the ground, and it falls from.

01:33:52 Speaker 1

Maybe we sometimes you think you have the clarification of the language, and I apologize if it wasn't too clear. We went round and round and round and round, and sometimes, you know, when you look at the document, you think you have the clarity, but that's why having this public comment. So I thank

you both for taking the time coming up for the next estate and I understand with your rural co-ops.

01:34:11 Speaker 1

And having those.

01:34:12 Speaker 1

Issues and everything.

01:34:13 Speaker 1

Else, but I think there's provisions and there's is that there is a.

01:34:17 Speaker 1

Problem and say hey, you believe?

01:34:19 Speaker 1

You haven't been this particular area.

01:34:21 Speaker 16

I'm aware you know.

01:34:22 Speaker 1

OK. Thank you, Mr. Chair.

01:34:34 Speaker 3

OK, very further comments, questions.

01:34:39 Speaker 3

If not, then I will ask for a motion to.

01:34:46 Speaker 3

Adopt the proposed replacement rule.

01:34:52 Speaker 3

Of 3.84345 as presented.

01:34:57 Speaker 7

Or.

01:34:58 Speaker 3

Four, as amended.

01:35:00 Speaker 3

Or can be rejected. You have three options here. You can choose from.

01:35:07 Speaker 1

So, Mr. Chairman, I'll make the motion to.

01:35:11 Speaker 1

To approve the the 2.82 point 5 as presented and with public comment that was received.

01:35:19 Speaker 1

And.

01:35:20 Speaker 3

That should be replaced with rule one.

01:35:22 Speaker 1

Replacement, replacement, replacement.

01:35:24

Of.

01:35:25 Speaker 1

28I.

01:35:26 Speaker 1

Mean 2.82 dot five as.

01:35:30 Speaker 3

2.8 point 2.5.

01:35:30 Speaker 1

25 as amended.

01:35:34 Speaker 3

Ezra as in.

01:35:35 Speaker 10

And presented on Exhibit 9.

01:35:38 Speaker 1

As a mental index, as presented in Exhibit 9.

01:35:41 Speaker 2

OK.

01:35:42 Speaker 3

We have a motion. We have a second second. We have motion a second. Any further discussion?

01:35:42 Speaker 8

That's.

01:35:52 Speaker 16

Just to to make sure that we have a clear record, we.

01:35:56 Speaker 16

Are the motion.

01:35:57 Speaker 16

Is to adopt the replacement as amended.

01:36:04 Speaker 6

And those 9.

01:36:07 Speaker 10

We didn't make any other amendments on the.

01:36:10 Speaker 10

19.

01:36:13 Speaker 16

2.82 point 5, there were 3 proposed amendments.

01:36:19 Speaker 1

OK. But it's an exhibit 9.

01:36:22 Speaker 1

Yeah.

01:36:22 Speaker 10

Anything new?

01:36:23 Speaker 3

That's the.

01:36:23 Speaker 7

New approve it since then. Further discussion.

01:36:28 Speaker 1

Exhibit Treasure is in exhibit 2.

01:36:35 Speaker 3

There's no further.

01:36:37 Speaker 3

I'll ask for roll call please.

01:36:41 Speaker 6

OK.

01:36:46 Speaker 3

Yes.

01:36:47 Speaker 11

May.

01:36:47 Speaker 4

The camera.

01:36:51 Speaker 2

Mary Lou Cameron.

01:36:51

Yeah.

01:36:55 Speaker 11

Lower Montoya.

01:36:57 Speaker 10

Yes.

01:36:58 Speaker 11

In our case.

01:37:00 Speaker 11

Stephanie Rodriguez.

01:37:03 Speaker 9

Yes, yes, yes.

01:37:03 Speaker 11

Now down to suski, very nice.

01:37:08 Speaker 3

Motion passes.

01:37:12 Speaker 3

OK, let's move now to two point 82.9.

01:37:22 Speaker 3

I think before.

01:37:22 Speaker 3

You.

01:37:25 Speaker 3

Vote on this before we have discussion here.

01:37:29 Speaker 3

Even my you.

01:37:31 Speaker 3

Man.

01:37:39 Speaker 3

You can.

01:37:45

You.

01:37:45 Speaker 3

Can a man do you can accept as presented, or you can reject.

01:37:52 Speaker 3

You have 3 motions there. Again, you can consider this.

01:37:56 Speaker 3

The one that would ask our Council if he would get give us a super quick summary on two point 8.29 this is a one that does entertain the additional fee for the.

01:38:10 Speaker 3

Lau.

01:38:12 Speaker 3

So you can.

01:38:13 Speaker 3

Remove that there is a motion to strike paragraph four of subsection C of section 2.82 point 9.8.

01:38:24 Speaker 3

In its entirety.

01:38:27 Speaker 3

Or there has been suggested that we put it on hold for a year or two.

01:38:36 Speaker 3

For a couple of years.

01:38:38 Speaker 2

Thank you, Mr. Chairman, for clarification purposes, this section of it that imposes a penalty doesn't go into effect until July 1st of 2025. I believe that Mister Valls was suggesting medical effect July 1st of 2026.

01:38:38 Speaker 3

It's just afterwards.

01:38:51 Speaker 3

That will pay correct, correct.

01:38:54 Speaker 3

So those are the options you have.

01:38:57 Speaker 3

So I'd like us to discuss this. What your thoughts are.

01:39:02 Speaker 3

Particularly with the actual.

01:39:06 Speaker 3

Thistle summary. But what are our thoughts on?

01:39:11 Speaker 3

On the.

01:39:12 Speaker 3

I'll set it on it for for another year.

01:39:15 Speaker 3

And so we have a chance to.

01:39:16 Speaker 3

Take.

01:39:17 Speaker 3

A look system. So with that I'll ask Miss Cherry to give a summary that we can open up for discussion.

01:39:24 Speaker 16

Thank you, Mr. Chairman, members.

01:39:28

The.

01:39:29 Speaker 16

Rule replacement only does three things, absolutely. It adds definitions for fiscal year, Lu and the definition for terminate.

01:39:39 Speaker 16

It removed the 1% interest rate and then it added the full spectrum which.

01:39:46 Speaker 8

Thank you.

01:39:47 Speaker 16

Gone through quite a bit today so I think.

01:39:50 Speaker 16

Unless I.

01:39:50 Speaker 16

Specific questions and it gives you really so many local.

01:39:54 Speaker 3

Any OK questions, comments.

01:39:57 Speaker 10

Questions. Would it be helpful to put on on this item number four, right before each? I mean before failure, the word monthly.

01:40:08 Speaker 16

Now, Mr. Chair and Madam Treasurer, I actually have language that suggested amendment if, if the.

01:40:16 Speaker 16

There's the board.

01:40:17 Speaker 16

Just consider that.

01:40:20 Speaker 16

And it does the same thing that you're.

01:40:22 Speaker 16

Talking about and.

01:40:24 Speaker 16

My suggestion would be to add language astrophysics, but it would say a local administrative unit shall be assessed assembly for each report filed that fails to correctly include or identify.

01:40:39 Speaker 16

Would clarify that I think the language legally works already, but.

01:40:45 Speaker 6

A rule should be clear enough.

01:40:48 Speaker 10

Can you say that one more time?

01:40:50 Speaker 16

Yes, Mr. Chairman Adam Fraser after each.

01:40:55 Speaker 2

Sir.

01:40:56 Speaker 16

Reports filed that fails and then strikes failure, so it would read each report file that fails to correctly include or.

01:41:05 Speaker 16

Identify an individual.

01:41:08 Speaker 16

And then continue from there.

01:41:10 Speaker 10

Would like to make a motion to approve Title two, chapter 82, part 9 exhibit 10, with one amendment on page two, Section 4.

01:41:22 Speaker 10

After the word each.

01:41:26 Speaker 10

Insert report file that fails.

01:41:30 Speaker 10

Strike the word failure and complete the rest.

01:41:33 Speaker 10

In either of the present.

01:41:36 Speaker 5

I would like to 2nd that with clarification that we're looking at Exhibit 10 where we added that one middle plus 1% back, right.

01:41:44 Speaker 3

Yeah, I second that motion or second.

01:41:47 Speaker 3

Mr.

01:41:53 Speaker 6

Mr. chair.

01:41:54 Speaker 3

Go ahead. I've gotta ask for.

01:41:54 Speaker 1

So so there was a question about this applies to.

01:42:00 Speaker 1

To every other categories, but I want to make sure that our intent is just for return to work is that is that something that should put in there? Remember it's a disorder, leave it out. Is it do you think?

01:42:13 Speaker 1

It's going to.

01:42:13 Speaker 1

Create.

01:42:14 Speaker 1

More confusion on the on the local body because they're going to say, well, does this error because the return to work is adaptable.

01:42:21 Speaker 1

For this or.

01:42:22 Speaker 1

Is it?

01:42:22 Speaker 1

Because we miscategorized, I just want to make.

01:42:25 Speaker 2

Sure, that we're really clear on that.

01:42:27 Speaker 10

It's for, it's for everything.

01:42:29 Speaker 2

OK.

01:42:31 Speaker 16

And and, Mr. Chairman, Members, just to make.

01:42:34 Speaker 16

Sure that the.

01:42:36 Speaker 16

We have a clear record.

01:42:37 Speaker 16

Exhibit 10 was only an.

01:42:39 Speaker 16

Amendment. So I I think that the correct motion would be to.

01:42:47 Speaker 16

A man exhibit.

01:42:50 Speaker 16

Three to reflect exhibit 10, with the additional change, but Exhibit 3 is the actual replacement that we.

01:42:57 Speaker 16

Need to move on ultimately.

01:43:01 Speaker 16

So there would be two motions that really could be a motion to amend the Exhibit 3, which is the replacement, so would be a motion to and.

01:43:01 Speaker 8

Yeah.

01:43:10 Speaker 16

I believe you have the the.

01:43:11 Speaker 10

So.

01:43:11 Speaker 10

Motion to.

01:43:12 Speaker 10

Approve exhibit 3.

01:43:16 Speaker 10

In the looks of exhibit.

01:43:17 Speaker 10

10 adding in the plus 1% on 2%.

01:43:23 Speaker 10

2.983.

01:43:26 Speaker 10

That was already an existing before and adding in on Section 4.

01:43:31 Speaker 10

Page 2 of Acrylic 10 after.

01:43:34 Speaker 10

The word each report filed that fails striking the word failure.

01:43:41 Speaker 1

So.

01:43:42 Speaker 16

As long as it's clear.

01:43:44 Speaker 3

We have a motion to 2nd. This is same motion.

01:43:48 Speaker 3

Amendment is it, go ahead.

01:43:48 Speaker 6

OK.

01:43:50 Speaker 2

No, go ahead. It's there for me.

01:43:52 Speaker 3

Are there questions on this?

01:43:53 Speaker 1

I do have questions.

01:43:54 Speaker 1

Not not on this amendment, but after when?

01:43:57 Speaker 3

That treasure. But you go over your motion.

01:43:59 Speaker 3

Again, please yes.

01:44:01 Speaker 10

Looking at exhibit 2.

01:44:04 Speaker 10

As a reference.

01:44:05 Speaker 10

Of what was documented on the agenda.

01:44:08 Speaker 10

I'd like to make a motion to adopt.

01:44:16 Speaker 10

Exhibit 2 with the addition of.

01:44:19 Speaker 10

The change made in exhibits here.

01:44:22 Speaker 10

581 under employer reports 2.82.986 keep the word but 1%.

01:44:31 Speaker 10

That are in the original rule.

01:44:33 Speaker 10

And amending.

01:44:37 Speaker 10

Section 4. After the word each insert a new report filed that failed fighting the one through the year.

01:44:47 Speaker 5

You meant to say exhibit 3.

01:44:48 Speaker 1

Since we it's exhibit 39070.

01:44:50 Speaker 1

Two.

01:44:51 Speaker 10

Oh, sorry.

01:44:51 Speaker 1

Yeah, but but he got it. Yeah. Thank you.

01:44:53 Speaker 5

The three.

01:44:56 Speaker 3

OK. Question.

01:44:57 Speaker 1

So I.

01:45:05 Speaker 1

I understand and.

01:45:06 Speaker 3

OK, that's what I'm calling about.

01:45:08 Speaker 3

Prepared.

01:45:10 Speaker 1

So.

01:45:10 Speaker 1

I understand the the we're we're trying to do with the the local LU's and I listen to the testimony and then listening to those that that have to deal with it on.

01:45:21 Speaker 1

The trenches.

01:45:23 Speaker 1

And.

01:45:27 Speaker 1

I don't know if the board wants to entertain, maybe pushing it on to 26.

01:45:31 Speaker 1

I know it's.

01:45:32 Speaker 1

Going.

01:45:32 Speaker 1

To, but that's kind of a bit of a compromise.

01:45:36 Speaker 1

To me, even if we get the new.

01:45:37 Speaker 1

System.

01:45:38 Speaker 1

It's still important for me as a single board member, that the LU's that we have a provision that.

01:45:44 Speaker 1

When?

01:45:45 Speaker 1

Something happens at an LA.

01:45:46 Speaker 1

U.

01:45:47 Speaker 1

That staff and everyone else can intervene and so that we don't hurt that employee going forward, even if.

01:45:53 Speaker 1

We have a.

01:45:53 Speaker 1

New.

01:45:53 Speaker 1

System and so.

01:45:56 Speaker 1

Listening to the comments where it seems to be, there's a.

01:45:58 Speaker 1

Lot.

01:45:58 Speaker 1

Of.

01:46:01 Speaker 1

Angst about this?

01:46:03 Speaker 1

Fee structure that we're putting in. So I think maybe look pushing it out to July 1 of 26, don't know the board members think that's a good idea. When I've heard everyone's comments.

01:46:14 Speaker 3

I would ask a question is how does that impact the administration?

01:46:19 Speaker 2

Mr. chair.

01:46:21 Speaker 2

It does not impact the administration it.

01:46:24 Speaker 2

Gives us more time to.

01:46:25 Speaker 2

Prepare and communicate the fact that entities will be forthcoming.

01:46:31 Speaker 10

Mr. Parent, I think what everyone needs to remember is how does this impact the educator? Like I'm sort of frustrated today because I get everyone has a role and responsibility and it's it's focusing on themselves, right, because it's your your job like if you worked at Highland. I work at the Treasures Office. We don't want more responsibility or more roles or more accountability.

01:46:38 Speaker 5

Yes.

01:46:53 Speaker 10

But at the end of the day, we've learned oath and everyone else is hired to support educate.

01:47:00 Speaker 10

And the whole point of doing this was to help hold accountable not just the educators, but the alley use that hire those educators to support our schools and and our educational system. So we're already extending it one whole year.

01:47:17 Speaker 10

And now we have a lot more.

01:47:19 Speaker 10

People paying attention to.

01:47:20 Speaker 10

It so I think one year of getting out all the information is sufficient and if it's not that \$500 fine the first time we'll.

01:47:28 Speaker 10

Like because nobody gave any teacher the option of not having to pay 10/15/20 thousand when they only make 60,000 a year. So I absolutely am against it and I want to be.

01:47:41 Speaker 10

On the record.

01:47:42 Speaker 3

For that, is there any meaning of anybody?

01:47:42 Speaker 6

OK.

01:47:48 Speaker 3

The board to support.

01:47:51 Speaker 3

Member doctors.

01:47:54 Speaker 3

All backlog delaying one hear no hear. Sorry.

01:47:56

Hello.

01:48:01 Speaker 3

Any other support for?

01:48:02 Speaker 9

That.

01:48:07 Speaker 3

Not are there any other questions on the motion?

01:48:10 Speaker 10

We don't have emotion.

01:48:13 Speaker 16

You're you're 1.

01:48:14 Speaker 3

They're both. They're both.

01:48:15 Speaker 7

2nd.

01:48:18

Sorry.

01:48:18

It's 25.

01:48:20 Speaker 5

Thank you first.

01:48:23 Speaker 3

You have a question for.

01:48:24 Speaker 3

The motion.

01:48:27 Speaker 3

If there's no question, I'll let it. I'll ask for roll.

01:48:30 Speaker 3

Call vote yes.

01:48:33 Speaker 11

Mary.

01:48:36 Speaker 11

Laura Montoya. Yeah. Antonio Ortiz. Stephanie Rodriguez.

01:48:43 Speaker 9

Yes, yes, yes.

01:48:45 Speaker 11

Don Devinski marry Megan.

01:48:49 Speaker 3

OK, let's go back to our third vote now and this is to adopt the proposed replacement.

01:48:57 Speaker 3

Of Rule 2.8 point 2.9.

01:49:01 Speaker 3

Or would they just approve 2.8 point 2.9?

01:49:06 Speaker 3

As a replacement. So I'll entertain a motion to adopt the proposed replacement rule.

01:49:13 Speaker 10

Very good.

01:49:15 Speaker 7

Do we just do that?

01:49:17 Speaker 16

As amended.

01:49:18 Speaker 5

As.

01:49:18 Speaker 5

A state, but that was her motion, yeah.

01:49:19 Speaker 3

As of that was our.

01:49:21 Speaker 3

So.

01:49:22 Speaker 16

Clarify for the record, because that was a very.

01:49:24 Speaker 16

Which case of motion? So if we can just?

01:49:27 Speaker 16

Do a.

01:49:28 Speaker 16

So without 2.8.

01:49:30 Speaker 16

2.9 as amended.

01:49:32 Speaker 16

We'll have a fairly clean record.

01:49:34 Speaker 1

I will make that motion, Mr. Channon.

01:49:39

2nd.

01:49:43 Speaker 3

OK, so we have a motion second to adopt the proposed replacement rule of 2.8 point 2.9 as presented.

01:49:54 Speaker 3

As amended.

01:49:57 Speaker 3

Any further questions?

01:50:01 Speaker 3

I'll entertain then A roll call vote.

01:50:07 Speaker 11

Wrap about.

01:50:08 Speaker 3

Yes.

01:50:08 Speaker 11

Mary Lou Cameron.

01:50:11 Speaker 11

Mark.

01:50:12 Speaker 4

Yes.

01:50:13 Speaker 11

Antonio Arti.

01:50:15 Speaker 11

Stephanie Rodriguez, Mattias Contamos, Netsparker down differenti. Very nice.

01:50:17 Speaker 5

Yes.

01:50:19 Speaker 1

Yes.

01:50:20

Yes.

01:50:24 Speaker 3

Mr. Sherry is already further.

01:50:28 Speaker 3

Thought that we need to take to make sure that this.

01:50:33 Speaker 3

This is in competition.

01:50:35 Speaker 16

Again.

01:50:39 Speaker 3

Thank you all very much for your time. I want to thank the audience for being with us today. For people of those that came to speak, we really appreciate your comments.

01:50:48 Speaker 3

They were taken very seriously. Just reminder our next meeting has its 20.

01:50:53 Speaker 5

8.

01:50:54 Speaker 3

All of you.

01:50:56 Speaker 3

Last Friday of the month, hope you have a great lunch and we'll see you then.

01:51:01 Speaker 6

Thank.

01:51:01 Speaker 2

You and hearing this?

01:51:03 Speaker 7

No motion to adjourn, motion to move 2nd.

01:51:03 Speaker 2

1056 we.

01:51:11 Speaker 4

Consider.

01:51:16 Speaker 2

Can you experience the sign?

01:51:17 Speaker 2

In real quick here for me.

End of Transcription