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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/09

SPONSOR Cote LAST UPDATED \_\_\_\_\_ HJM 32

SHORT TITLE Study State Law Enforcement Pay Equity SB \_\_\_\_\_

ANALYST Moser

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Indeterminate			Non-Rec	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

State Personnel Office (SPO)

Department of Game and Fish

Energy Minerals and Natural Resources Department (EMNRD)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

House Joint Memorial 32 requires the State Personnel Board (SPB) to conduct a classification review and pay study on the classification and pay of law enforcement officers between state agencies to identify any possible disparity. Additionally, HJM 32 requires SPB to recommend appropriate adjustments to the personnel classification system to achieve pay equity among state agencies employing law enforcement officers. SPB would be required to report its findings to the appropriate legislative committee by December 1, 2009. Copies of this memorial would be transmitted to the members of the personnel board.

### FISCAL IMPLICATIONS

House Joint Memorial 32 will require both SPO staff and agency staff to participate in the conduct of such a study. SPO indicates that it is unclear at this time what impact this will have on staff duties or work effort.

**SIGNIFICANT ISSUES**

The State Personnel Office indicates that the assignment of classifications to pay bands is based upon the Hay Guide-Chart Profile Method of Job Evaluation. This is an industry proven methodology which the state has consistently used since 1989 to determine the internal value (size) of a job based on evaluating the job content. This internal value is then quantified and tied to a specific pay band with recommendations to the SPB by the director on job classification descriptions and their assigned pay bands. Deviation from the assigned pay band (i.e. assigning an alternative pay band) are allowed and are based on external market factors to address compensation related to recruitment and retention issues.

SPO indicates that while differences do exist between law enforcement officers in various state agencies there are many job related reasons for these differences. The nature of the job (game and fish wardens versus state police officers versus motor transportation officers versus gaming inspectors versus livestock inspectors, etc.) has a significant impact on the size of a job. While certification as peace officer may be a common basis for law enforcement officers, differences between classifications can be seen in the knowledge, skills, abilities and training in specialty areas such as gaming enforcement versus game and fish enforcement. Qualifications such as education, experience, training, certification, licensure and performance (when known and appropriate) a candidate possesses when applying for a specific job are also considered in determining the appropriate hiring wage. Other factors which are considered include the proximity of the proposed pay rate for a potential employee in relation to other employees in the same agency and classification that have comparable levels of qualification as well as availability of budget. Finally external supply and demand factors for certain specialty skill sets that drive the comparable salary market are factored.

The State Parks Division (SPD) of the Energy, Minerals and Natural Resources Department states that it currently has 97 law enforcement positions. In 2008, SPD conducted its own comprehensive review of its law enforcement program which confirmed that the SPD law enforcement program was challenged by recruitment, retention, and retirement of park law enforcement officers. SPD reported that a significant element of these challenges related to pay, benefits, and other compensation issues.

The SPD program review recommended that the State Personnel Office (SPO) conduct a classification study that would compare and evaluate the SPD's "Natural Science Coordinator" position law enforcement series to other law enforcement positions statewide. SPD felt it was evident that in order to improve SPD's ability to recruit and retain park officers, SPD classification and salaries must be reevaluated in all aspects.

HJM 32 would support SPD's own program review findings that recommended that personnel board conduct an evaluation of employee classifications and pay equity between the state agencies employing law enforcement officers.

The New Mexico Conservation Officers Association indicates that State Police Officers received higher pay than Department of Game and Fish Officers. The Department has not examined this issue as it has adopted guidelines for evaluating an employee's capabilities and proficiencies related to determining pay.

DPS Commissioned officers within the New Mexico State Police do not fall within the State

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Personnel Classification System. If any SPB action taken would not be applicable to State Police officer pay. DPS points out that any action increasing the pay of commissioned personnel with the Motor Transportation Division and Special Investigations Division, who are covered by the State Personnel Classification System may impact the state police classification system and salary levels. This could create issues within DPS.

GM/mc