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HOUSE BILL 538

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO GOVERNMENT EMPLOYEE EVALUATIONS; REQUIRING A ONE-  
YEAR CUSTOMER SURVEY PILOT PROGRAM FOR THE MOTOR VEHICLE  
DIVISION OF THE TAXATION AND REVENUE DEPARTMENT, FOR THE NEW  
MEXICO LIVESTOCK BOARD AND FOR THE CONSTRUCTION INDUSTRIES  
DIVISION OF THE REGULATION AND LICENSING DEPARTMENT; PROVIDING  
FOR SURVEY RESULTS TO BE USED IN EMPLOYEE PERFORMANCE  
EVALUATIONS; REQUIRING AN ASSESSMENT OF THE PILOT PROGRAM AND  
REPORTS TO POLICYMAKING BODIES, THE PERSONNEL BOARD AND THE  
LEGISLATURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Construction Industries  
Licensing Act is enacted to read:

"[NEW MATERIAL] CONSTRUCTION INDUSTRIES DIVISION--CUSTOMER  
SURVEYS--USE IN PERFORMANCE EVALUATIONS.--

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1           A. The director shall establish a pilot program in  
2 which a person doing business with the division's employees  
3 shall be offered an opportunity to participate in a survey of  
4 the person's experience with employees of the division with  
5 whom the person has most recently had contact.

6           B. If the contact with an employee of the division  
7 is by telephone, at the end of the contact, the person's call  
8 shall be routed, either automatically or by the employee, to a  
9 programmed survey that the person may respond to orally or  
10 digitally using the telephone. If the contact with an employee  
11 of the division is in person, at the end of the contact, the  
12 person shall be offered an opportunity to fill out a paper  
13 survey or a digital survey.

14           C. The survey shall contain questions or solicit  
15 responses that the director deems appropriate to result in a  
16 reasonable appraisal of the employee's performance, including  
17 an evaluation of the response time to requests for inspections  
18 or other services provided by division inspectors. In  
19 addition, the survey shall provide a means of identifying the  
20 employee whose contact with a person is being surveyed. The  
21 results of the survey shall be contained in an appropriate  
22 computer software program designed to record results by each  
23 employee. The survey shall not record the name of the person  
24 completing the survey, and each person's participation in the  
25 survey shall be anonymous. A survey shall be submitted in a

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1 manner that maintains the anonymity of the person.

2 D. Other than employees of the division responsible  
3 for collecting and processing the survey forms and results, the  
4 computer software program information on division employees  
5 shall only be available to the commission and the director and  
6 to employee supervisors but only for those employees for whom a  
7 supervisor prepares or reviews a performance evaluation. In  
8 all other cases, the survey results, no matter where  
9 maintained, are confidential and not subject to the Inspection  
10 of Public Records Act.

11 E. The pilot program shall be conducted for the  
12 period from January 1, 2012 to December 31, 2012. At the  
13 conclusion of this period, the director shall assess the  
14 program, determining whether it provided meaningful review of  
15 employees' performance in contacts with the public, whether  
16 employees were receptive to performance-improving  
17 recommendations, whether supervisors used the survey results in  
18 performance evaluations and whether employees who received poor  
19 survey results improved their performance or were reassigned to  
20 duties not involving contact with the public. Based on the  
21 assessment, the director shall make a recommendation about  
22 whether the pilot program should continue for an additional  
23 period of time, should be made permanent or should be canceled.  
24 The director shall report the results of the assessment and the  
25 recommendation to the commission, the personnel board and an

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1 appropriate interim committee of the legislature no later than  
2 September 1, 2013."

3 SECTION 2. A new section of the Motor Vehicle Code is  
4 enacted to read:

5 "[NEW MATERIAL] MOTOR VEHICLE DIVISION--CUSTOMER SURVEYS--  
6 USE IN PERFORMANCE EVALUATIONS.--

7 A. The secretary shall establish a pilot program in  
8 which all customers of the division shall be offered an  
9 opportunity to participate in a survey of the customers'  
10 experience with employee-representatives of the division with  
11 whom customers have most recently had contact.

12 B. If the contact with an employee of the division  
13 is by telephone, at the end of the contact, the customer's call  
14 shall be routed, either automatically or by the employee, to a  
15 programmed survey that the customer may respond to orally or  
16 digitally using the telephone. If the contact with an employee  
17 of the division is in person, at the end of the contact the  
18 customer shall be offered an opportunity to fill out a paper  
19 survey or a digital survey.

20 C. The survey shall contain questions or solicit  
21 responses that the secretary deems appropriate to result in a  
22 reasonable appraisal of the employee's performance. In  
23 addition, the survey shall provide a means of identifying the  
24 employee whose contact with a customer is being surveyed. The  
25 results of the survey shall be contained in an appropriate

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1 computer software program designed to record results by each  
2 employee. The survey shall not record the name of the customer  
3 completing the survey, and each customer's participation in the  
4 survey shall be anonymous. A survey shall be submitted in a  
5 manner that maintains the anonymity of the customer.

6 D. Other than employees of the division responsible  
7 for collecting and processing the survey forms and results, the  
8 computer software program information on division employees  
9 shall only be available to the secretary and the director and  
10 to supervisors in the division but only for those employees for  
11 whom the supervisor prepares or reviews a performance  
12 evaluation. In all other cases, the survey results, no matter  
13 where maintained, are confidential and not subject to the  
14 Inspection of Public Records Act.

15 E. The customer survey pilot program shall be  
16 conducted for the period January 1, 2012 to December 31, 2012.  
17 At the conclusion of this period, the secretary shall assess  
18 the program, determining whether it provided meaningful review  
19 of employees' performance in customer relations, whether  
20 employees were receptive to performance-improving  
21 recommendations, whether supervisors used the survey results in  
22 performance evaluations and whether employees who received poor  
23 survey results improved their performance or were reassigned to  
24 duties not involving customer relations. Based on the  
25 assessment, the secretary shall make a recommendation about

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1 whether the pilot program should continue for an additional  
2 period of time, should be made permanent or should be  
3 cancelled. The secretary shall report the results of the  
4 assessment and the recommendation to the personnel board and to  
5 an appropriate interim committee of the legislature no later  
6 than September 1, 2013."

7 SECTION 3. A new section of The Livestock Code is enacted  
8 to read:

9 "[NEW MATERIAL] NEW MEXICO LIVESTOCK BOARD--CUSTOMER  
10 SURVEYS--USE IN PERFORMANCE EVALUATIONS.--

11 A. The director shall establish a pilot program in  
12 which a person doing business with the board's employees shall  
13 be offered an opportunity to participate in a survey of the  
14 person's experience with employees of the board with whom the  
15 person has most recently had contact.

16 B. If the contact with an employee of the board is  
17 by telephone, at the end of the contact, the person's call  
18 shall be routed, either automatically or by the employee, to a  
19 programmed survey that the person may respond to orally or  
20 digitally using the telephone. If the contact with an employee  
21 of the board is in-person, at the end of the contact the person  
22 shall be offered an opportunity to fill out a paper survey or a  
23 digital survey.

24 C. The survey shall contain questions or solicit  
25 responses that the director deems appropriate to result in a

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1 reasonable appraisal of the employee's performance, including  
2 an evaluation of the response time to requests for inspections  
3 or other services provided by inspectors and board  
4 veterinarians. In addition, the survey shall provide a means  
5 of identifying the employee whose contact with a person is  
6 being surveyed. The results of the survey shall be contained  
7 in an appropriate computer software program designed to record  
8 results by each employee. The survey shall not record the name  
9 of the person completing the survey, and each person's  
10 participation in the survey shall be anonymous. A survey shall  
11 be submitted in a manner that maintains the anonymity of the  
12 person.

13 D. Other than employees of the board responsible  
14 for collecting and processing the survey forms and results, the  
15 computer software program information on board employees shall  
16 only be available to the board and the director and to employee  
17 supervisors but only for those employees for whom a supervisor  
18 prepares or reviews a performance evaluation. In all other  
19 cases, the survey results, no matter where maintained, are  
20 confidential and not subject to the Inspection of Public  
21 Records Act.

22 E. The pilot program shall be conducted for the  
23 period January 1, 2012 to December 31, 2012. At the conclusion  
24 of this period, the director shall assess the program,  
25 determining whether it provided meaningful review of employees'

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1 performance in contacts with the public, whether employees were  
2 receptive to performance-improving recommendations, whether  
3 supervisors used the survey results in performance evaluations  
4 and whether employees who received poor survey results improved  
5 their performance or were reassigned to duties not involving  
6 contact with the public. Based on the assessment, the director  
7 shall make a recommendation about whether the pilot program  
8 should continue for an additional period of time, should be  
9 made permanent or should be cancelled. The director shall  
10 report the results of the assessment and the recommendation to  
11 the board, the personnel board and an appropriate interim  
12 committee of the legislature no later than September 1, 2013."

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