New Mexico Commission for the Blind

MINUTES (Draft)

Regular Meeting

Commission for the Blind

2905 Rodeo Park Drive East

Santa Fe, NM 87505

January 23, 2024 - 10:00 AM

1. Call to Order

Chairperson Lansing called the meeting to order at 10:18 AM.

2. Roll Call

Chairperson Lansing took roll, Urja Lansing was present. Attending by Zoom were Katharine Chavez and Robert Reidy.

3. Introduction of Guests and Staff

Staff present included Greg Trapp, Executive Director; Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Patricia Savage, Executive Secretary; Kelly Burma, Skills Center Coordinator; Daphne Mitchell, Vocational Rehabilitation Program Manager; Audrey Trujillo, IT Manager; and Kevin Romero, Deputy Director for Finance and Administration. The Orientation Center Director, Jamie Sibson, attended by Zoom. Also present was Pilar Borneo, from the Office of the Attorney General’s, and Lucia Santini, from the Office of the State Auditor. Guests attending by Zoom were Jeff Blair, Dona Orgeron, and Diana Marquez.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

There were no changes to the agenda.

5. Approval of Minutes for the Meeting of November 15, 2023

Ms. Chavez moved to approve the minutes, and Dr. Reidy seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Chair Report, Shirley “Urja” Lansing

Ms. Lansing said she was unable to attend the HAFC hearing in person and attempted to attend over Zoom but was unsuccessful in her efforts to attend by Zoom.

Ms. Lansing said she was pleased that the Commission had an audit with no findings, and she asked Mr. Trapp for his thoughts or comments.

Mr. Trapp extended his appreciation to Mr. Romero, Ms. Gonzales and their team, and the team from the Office of the State Auditor, Lucia Santini and Donna Trujillo.

7. Acceptance of State Fiscal Year 23 Audit, Donna Trujillo, Financial Audit Director, Lucia Santini, Financial Audit Manager, Office of the State Auditor

Mr. Romero introduced Lucia Santini to present the 2023 audit.

Ms. Santini said the Office of the State Auditor has audited the financial statements of the Commission for the Blind for fiscal year 2023. She said the Office of the State Auditor had expressed an unmodified opinion on the financial statements and the compliance audit, and those two were based on governmental standards and the New Mexico audit tool; and the federal compliance audit, which was based on the uniform guidance. She said it was a clean audit, unmodified opinions, and no findings.

Ms. Santini said the audit was filed on November 1, which was on time. She said the final report was released on November 27th, 2023. She said the audit was designed to provide reasonable, but not absolute assurance, and management is responsible for the financial statements. She said management selected and used appropriate accounting practices and policies, and those were described in the financial statements. She said the accounting policies utilized by the Commission are appropriate and have been consistently applied and that there were no policies adopted related to controversial accounting areas or accounting practices implemented with lack of guidance or consensus.

Ms. Santini said all significant transactions have been recognized in the financial statements and in the previous period. She said the disclosures in the report were neutral, consistent, and clear and there were no significant difficulties encountered performing the audit.

Ms. Santini said there were no uncorrected misstatements, no disagreements with management, and no instances of non-compliance materials to the financial statements that were identified. She reported on GASB 96, subscription-based information technology arrangements, saying they were addressed in the audit. Ms. Santini summarized by saying everything was applied correctly, there were no misstatements or corrections that were found or that needed to be made to the financial records based on the audit, which resulted in an unmodified opinion with no findings. She said there were no prior year finding that needed to be addressed.

Ms. Santini thanked the Commission staff for assisting the Office of the State Auditor during the performance of this audit, for being timely and professional. She thanked Executive Director Trapp, Mr. Romero and his financial staff, and all other staff for making it a productive and smooth process.

Mr. Trapp thanked Ms. Santini for her report. He said it is great to have an audit with no findings. He said the Commission is a federally funded vocational rehabilitation agency with five different sources of federal funds. He said the agency has very complicated finances and having no findings is a testament to Mr. Romero and his fiscal team.

Mr. Romero said it is a team effort, thanking Mr. Trapp and the employees of the Commission for their hard work, dedication, and their ability to perform so well. Mr. Romero specifically thanked Ms. Gonzales who has been the lead over the financial statements for the past four years. He also thanked Ms. Trujillo who assisted with AWARE and obtaining data to provide to the auditors. Mr. Romero concluded by thanking the Office of the State Auditor. Mr. Romero said the audit has been released, adding that it has been public since November 27. He said the report is currently pending auditor review for submission to the federal Audit Clearing House. He said once the audit is submitted to the federal Audit Clearing House the audit process will be officially complete.

Chairperson Lansing thanked the Office of the State Auditor’s and expressed her appreciation to the entire Commission staff.

Dr. Reidy moved to accept the audit, and Ms. Chavez seconded the motion. A vote was taken, and the audit was unanimously accepted.

8. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp congratulated Mr. Romero again, saying it is difficult to overemphasize the importance of a clean audit. He said the Commission has very complicated fiscal rules, making this clean audit an especially significant accomplishment. He said this is noted by the Rehabilitation Services Administration, the Commission's oversight agency, and the Legislative Finance Committee.

Mr. Trapp said the Commission had a hearing before the House Appropriation and Finance Committee on January 9. He said he was unable to be there but listened remotely from Houston and that the hearing went well. He thanked Mr. Salas for presenting on behalf of the agency. Mr. Trapp said he was in Houston because his wife is receiving cancer treatment at MD Anderson.

Mr. Trapp said the LFC Analyst noted that the Commission had a clean audit. He said the LFC and DFA recommendation were identical, so the Commission was given the budget requested. He said the Commission had a very good reception, and that Mr. Salas did an excellent job of describing how the Commission works. He thanked Mr. Salas for a job well done and Mr. Romero for the good job preparing the budget. Mr. Trapp said Chairperson Lansing was unable to make it to the hearing due to snow and ice. He thanked Ms. Chavez for attending the hearing.

Mr. Trapp said Dante Allen was confirmed as the new Commissioner of the Rehabilitation Services Administration. He said Mr. Allen was confirmed in early December. Mr. Trapp said Mr. Allen comes from California, where he was the Cal ABLE director. He said that was the agency responsible for ABLE accounts in California. Mr. Trapp said Mr. Allen is a strong disability rights advocate.

Mr. Trapp said the blind community has historically been familiar with statutory or legal blindness, which is defined as a best corrected visual acuity of 20/200 or worse in the better eye, or a visual field of 20 degrees or less. He said that interpretation has been around for a very long time, and it is based upon a chart that was developed by a Dutch ophthalmologist, Dr. Herman Snellen, back in 1862. He said the ophthalmological community has in recent years been using additional charts that, unlike the Snellen chart, have measurements between 20/100 and 20/200. He said an individual might go to an ophthalmologist who uses the Snellen chart, and that person would be declared to be legally or statutorily blind. He said a person with the exact same vision might go to a doctor who uses a different chart, and that individual might be determined to have 20/160 vision and that the person would be determined to be not statutorily blind. He said that is important for a broad range of federal programs that use statutory blindness as a criterion for eligibility. Mr. Trapp said in 2006, the Social Security Administration issued a notice of proposed rulemaking that applied Snellen methodology to the interpretation of statutory blindness. He said if a person was measured on a different chart Social Security would determine whether that individual would meet statutory blindness if they had been measured using a Snellen chart.

Mr. Trapp said the agency asked RSA about visual efficiency for purposes of eligibility for the Randolph-Sheppard Act program. He said Social Security would recognize a person with 20/110 vision and a 25-degree field of vision as being eligible for statutory blindness based on visual efficiency. He said that such a person would be more severely visually impaired than a person with 20/110 vision or a person with a visual field of 20 degrees. Mr. Trapp said RSA did not recognize or reject visual efficiency for Randolph-Sheppard Act eligibility, but instead held to their original interpretation of statutory blindness and Snellen methodology.

Mr. Trapp said the Commission submitted a Fiscal Impact Report to the Legislative Finance Committee on HB 98, which would expand ABLE accounts to increase the age for eligibility so that a person who became disabled prior to the age of 46 would qualify. He said the age is currently 26. He said ABLE accounts can also base eligibility on legal blindness, meaning Snellen methodology can even come into play with ABLE accounts.

b. Administration and Finance, Kevin Romero

Mr. Romero reported on Administration and Finance, saying that as of today, the Commission has received 34 percent of its normal vocational rehabilitation award, the independent living older blind award, and the supportive employment award. He said the Commission continues to operate as if it is going to receive the full award. He said the Commission is monitoring the federal budget and has plans in place if there is a federal shutdown. He said he hopes Congress will come to a resolution and the Commission will not have to continue to operate under these small awards throughout the year, which he said makes it difficult for the Commission to maximize its federal funds. Mr. Romero reported on the federal fiscal year 2023 vocational rehabilitation grant, saying as of January 12, the Commission has expended $4,307,330 in general vocational rehabilitation funds, and $721,241 in Pre-ETS funds. He said the remaining grant balance is $553,726 or 7.08 percent of the total award. Mr. Romero said the Commission continues to work closely with DVR by exchanging information on Pre-ETS expenses. He said the Pre-ETS reserve is based on a statewide level, not an agency level. He said it appears the Commission will fully expend its FFY 23 Pre-ETS funds.

Mr. Romero reported on the overall state fiscal year budget, saying as of today, the Commission has expended $9,484,363 and has encumbrances totaling $851,370. He said the Commission is a little above 50 percent for the year, which is normal this time of year. He said based on the latest budget projections the Commission will expend 87 percent of the appropriated budget for State Fiscal Year 2024.

Mr. Romero said in regard to human resources, the Commission currently has 14 vacant positions. He said seven of them are exempt other and seven of them are classified. He said that puts the Commission at a 15.4 vacancy rate, which is fairly consistent with what he reported at the November meeting. He said the classified vacancy rate is 10.9 percent and the exempt other vacancy rate is 26.4 percent. He said the Commission is diligently trying to build positions as quickly and effectively as possible. He said currently the Commission has five classified positions advertised, and upon filling those five positions, the Commission should be at a 9.9 percent vacancy rate. He said that vacancy rate is in line with the Commission’s budget request. He said two years ago, the Commission was hovering around a 23 percent vacancy rate. He said being down to 15.4 percent and aiming for a 9.9 percent means the Commission is in a good position and provides the staff needed to serve consumers.

Mr. Romero reported on the House Appropriation and Finance Committee hearing. He said Mr. Salas did an excellent job. Mr. Romero said the Commission was one of the few agencies that received full support from both the HAFC and DFA. He said the HAFC is planning to have House Bill II on the House floor by the end of January. He said there is also a proposed compensation increase for state employees. He said that tends to put an additional strain on the independent living program as there is a mistaken expectation that the federal grants will cover those increases.

Mr. Trapp reported on the Annual Review finding, saying the Rehabilitation Services Administration issued a finding that said the state of New Mexico did not spend the entire 15 percent Pre-ETS reserve in Federal Fiscal Year 2020. He said the Pre-ETS reserve is required to be spent on students age 14 to 21. He said the pandemic made it nearly impossible to spend the Pre-ETS reserve. Mr. Trapp said the pandemic, along with some reporting issues at DVR, the state did not meet the requirement to spend 15 percent of the VR grant on Pre-ETS in 2020. He said the state was required to adopt a Corrective Action Plan. He said the Corrective Action Plan was approved by RSA, and the state is on the cusp of submitting the first quarterly report. He said he thinks the state did or will spend the entire Pre-ETS Reserve for Federal Fiscal Year 2023.

Mr. Romero added that both the Commission and DVR have to be on track with Pre-ETS spending to meet the statewide Pre-ETS requirement. He said from his latest discussions with DVR, both agencies are on track to meet their Pre-ETS requirements.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas reported on the House Appropriations and Finance Committee hearing, thanking Mr. Romero, Ms. Mitchell and Ms. Burma, and Commissioner Chavez who were there. He said the Commission always has a large number of other people in attendance and that it shows the HAFC or LFC that the Agency has support.

Mr. Salas reported on hiring, saying the VR team is recruiting for a Business Outreach Coordinator. He said that position will interface with the business community and develop more opportunities for consumers. Mr. Salas said the Independent Living program just hired Nathalie Martin as the new blindness skills instructor in Farmington. Mr. Salas said there is a Blindness Skills Instructor vacancy in Las Cruces, and that he is currently working to fill that position. He said he is also working to fill the Business Enterprise Program Consultant position in Albuquerque. He said Irene Brown was hired two weeks ago to fill an administrative specialist position in the Albuquerque office.

Ms. Mitchell noted the work of her VR team, and Ms. Burma complimented Nahid Movaghar for her Deaf-Blind work. She said Ms. Movaghar has done a great job and really cares about the consumers.

Mr. Salas said Ms. Movaghar is one of the counselors on the VR team, and that she had almost half of the VR closures last year and continues to do a great job this year.

Mr. Salas reported on employment numbers for State Fiscal Year 2024. He said 14 consumers were placed in competitive integrated settings, one in self-employment, for a total of 15. Reporting on employment for Federal Fiscal Year 2024, he said five consumers were placed in competitive integrated settings, none were placed in self-employment, for a total of five. Mr. Salas said there are 23 consumers in employment status, and that there are 18 consumers in Service E. He said this means there are a total of 41 consumers that are employed and are on track for closure.

Chairperson Lansing thanked Mr. Salas, Ms. Mitchell, and Ms. Burma for their comments.

d. Orientation Center, Jamie Sibson

Ms. Sibson said there are three students currently being served at the Orientation Center. Ms. Sibson said two students graduated from the Center in December. She said the students said they felt the training was incredibly beneficial to them as they move into their future goals; that they would not have done many of the activities they participated in had they not come to the Orientation Center; and they both felt that the classes most beneficial to them were assistive technology, cane travel, and home management. She said they both felt like they were leaving with a great deal of confidence that they did not initially start out with.

Ms. Sibson said one student is confirmed to begin training on February 12 and a second student may start training in March. She said another potential student is on tour, and this individual is stating they do want to attend training. She said one staff member is in training.

Ms. Sibson said the Orientation Center is working on STEP planning. She said the Center expects to have at least five students for the residential STEP program.

Ms. Sibson said the Center staff completed a one-week staff training that focused on cross-training in the event that staff have to cover classes for other teachers. She said the employees felt it was very beneficial and she does plan to build on the training.

Ms. Sibson said the Center had the 11-month inspection of the apartment complex on January 19, and it went really well. She said there are a couple of minor details that will be addressed under warranty, and those items should be resolved within the month. Ms. Sibson said there were recently three students in the apartments, and it was very successful. She said all three felt it was a valuable part of the training experience. She said she hopes to move one more student to the apartments within the month.

Chairperson Lansing asked Ms. Sibson if any of the graduates experienced the apartments, and Ms. Sibson said both students engaged in the apartment training.

e. Skills Center, Kelly Burma

Ms. Burma said the Skills Center is currently serving five adults, most of whom are receiving orientation and mobility training and three who are receiving Braille training. She said three students are receiving Pre-ETS services. She said all three students are receiving assistive technology training.

Ms. Burma said the Skills Center will also be ramping up for the STEP program. She said she is working with Ms. Sibson on some of the classes, saying they have weekly joint seminars. Ms. Burma said the Skills Center is looking forward to going back to a more traditional model for the STEP program.

She said the Skills Center also plans to complete three Technology for Children applications in the coming weeks.

Mr. Trapp said the Skills Center was recently used as a filming location for what is called a premise pilot for a television series dealing with life at a blindness training center. He said the Commission was involved with that because the film industry is one of the Governor's workforce priorities. He said the Commission has in the past consulted on film projects, including a Jessica Alba movie called "The Eye." He said he also consulted on one other film project that did not make it to actual filming. He said for this film, the Commission provided consultation on the script, provided the filming location, and also was sure to cost it out appropriately.

Ms. Burma said the Commission also provided some assistive technology and some braille props. She said an email was sent to a consumer group advertising for individuals to be extras, and Mr. Trapp said some individuals did respond to that email and serve as extras.

9. Unfinished Business

a. Update on Combined State Plan, Greg Trapp and Jim Salas

Mr. Trapp said the State Plan is done every four years. He said the State Rehabilitation Council met in Albuquerque on November 16 for a catch up and cleanup meeting on the State Plan. He said the Commission had done well with respect to what was anticipated, and there had not been any new requirements from RSA that would have caused a need to make any significant additions to the State Plan. He said it is a different process this year in that RSA has added new fields. Mr. Trapp said the State Plan will be due at the beginning of March. He said the State Workforce Development Board will approve the State Plan and that the Commission will work with RSA to address any technical issues that RSA may have with the Commission’s portion of the Combined State Plan. He said the Combined State Plan governs workforce programs in New Mexico. He said the Commission is part of Title IV of the Workforce Innovation and Opportunity Act.

Mr. Salas said the Department of Workforce Solutions asked the Commission to submit its initial State Plan by October 1. He said four years ago it was due on December 1, but that this year they pushed up the schedule because they wanted graphs available for the workforce conference at the beginning of October. He said RSA issued a guidance on the State Plan right as the Commission was finishing its draft for the October 1 deadline, and that there were a few items the Commission was not able to get into that draft. He said the Commission has until March 4 to complete a small number of updates. He said the Department of Workforce Solutions had a public comment period which ended yesterday. He said the state Workforce Development Board will meet on February 1 to approve the State Plan. He said New Mexico did meet all of the significant performance measures as a state.

b. Discussion of Strategic Plan, Greg Trapp

Mr. Trapp said the strategic plan is a document that the Commission submits as a part of its request budget process, and the current strategic plan will expire later this year. He said there is a need to update the strategic plan, and especially coming out of the pandemic. He said the pandemic has really changed the environment with respect to employment outcomes, and also with respect to educational services for blind students, and most especially for young students who needed Braille instruction during the pandemic. He said that is going to impact the Commission in the coming years and decades.

Mr. Trapp said over the next few months the Commission will be conducting a public meeting or two and will be discussing the Strategic Plan in more detail with the State Rehabilitation Council on February 6. He invited the commissioners to make recommendations for the Strategic Plan. He said the Commission has identified a number of updates including the advent of remote work opportunities. He said the impact of the pandemic on blindness will be significant, and that there will be increased cases of diabetes as a result of COVID that will lead to increased instances of diabetic retinopathy. He said there will also be an additional impact due to long COVID, but that the long COVID will have a greater impact on general vocational rehabilitation programs. He said he thinks the impact of COVID will be developing over the years and decades with respect to eye health. He said this includes patients possibly not being monitored as closely for diabetes, diabetic retinopathy, or glaucoma during the pandemic. He said all of that will be worked into the Strategic Plan update.

Mr. Trapp said he thinks the Commission has a very good Strategic Plan, and that it had been suggested as a model for other agencies. He said it has been largely in place for over five years with only some minor updates. He said it has remained substantially unchanged, which shows that it is a strong plan.

Ms. Burma added that there are issues related to remote learning and the choices that students and parents are making regarding educational options and family needs.

c. Update on Business Enterprise Program Manual Revision, Greg Trapp and Jim Salas

Mr. Trapp said the Commission has engaged the services of Terry Smith to help with the update, saying Mr. Smith was a Director of the Tennessee Blind Agency. He said Mr. Smith was head of the Randolph-Sheppard Act Committee of the National Council of State Agencies for the Blind. He said Mr. Smith is a Randolph-Sheppard Act consultant, and he has been very active with the Program. Mr. Trapp said the Commission is required by the Randolph-Sheppard Act to engage in what is called active participation with the Committee of Blind Vendors, and that the Commission has been working very closely with the Committee of Blind Vendors and had a meeting yesterday with the committee Chair, Michael Lovato and the Vice Chair, Robert Vick.

Mr. Salas said the committee is excited about the prospect of getting the rules and regulations updated. He said the meetings have been very productive.

Mr. Trapp said the BEP manual is promulgated as a part of the state administrative code. He said the draft manual will be submitted to the Rehabilitation Services Administration for their approval, after which the agency will go through the state rule process. He said it would be put out for public comment, and based on that public comment, revised accordingly. Mr. Trapp said the agency will go back to the Rehabilitation Services Administration for final approval. He said it has been close to 30 years since the Commission had last revised the Business Enterprise Program Manual.

10. New Business

a. Report of Property Disposition Committee, Kevin Romero

Mr. Romero reported on the property disposition committee request and notification provided to the Office of the State Auditor. He said the committee met on November 16. He said there was a request from the Albuquerque office to dispose of 16 CRT monitors that were no longer usable or operational. He said the committee approved the request and submitted the notification to OSA, and after 30 days elapsing the items were disposed of, which happened yesterday. He said the monitors were recycled through a recycling entity in Albuquerque. Mr. Romero said the committee also discussed a request from the Orientation Center in regard to equipment that was no longer operational or of benefit to the Commission. He said that was also approved, and that notice was sent to OSA and after the elapsing of 30 days the property was disposed of, which happened in December. He said those items were disposed of as per local ordinance.

Mr. Romero said on November 29, the committee received a request to dispose of some BEP equipment that was no longer operational, could not be prepared, or be used for parts. He said that was also approved and notification was sent to the Office of the State Auditor, and upon notification of the 30-day lapsing, which was at the end of December, the BEP equipment was scheduled to go to auction.

Mr. Romero said on December 13, the committee met to review items from the Santa Fe office, consisting of equipment that was broken, irreparable, or non-operational. He said most of those items were chairs and furniture items that were either broken or no longer needed. He said those items were awaiting the 30-day lapse, which would have happened in the middle of January. He said he just received notice from an entity that would take the furniture that can be reused at a public school as part of their woodworking class. He said use for educational purposes is an allowable disposal method, so once he gets confirmation from that public school the items will be transferred. He said other items such as broken chairs that are not being provided to the educational facility will be disassembled and discarded in the dumpster.

Mr. Romero said the Office of the State Auditor has informed the Commission they do not want to be informed of property disposal unless it is on the capital asset list. He said the Commission will be working on a procedural policy with the property disposition committee, but if the items are not on the capital asset list, the Commission will not be sending a notification to the Office of the State Auditor, as per their request. He said all the other necessary steps will be followed and documented, and the documentation will be available for review.

b. Discussion of Allowable Cost Policy and Procedure, Greg Trapp

Mr. Trapp said the Commission is required by the Uniform Guidance, 2 CFR Part 200, to have in place written policies and procedures that govern fiscal operations. He said this is done through the Allowable Cost Policy and Procedure. He said the Allowable Cost Policy and Procedure is approved by the Commission. He said the last revision included the requirement that it be annually reviewed. He said the Commission is in the midst of the review, and he has sent it to the Commission's federal fiscal consultant, Mr. Seymour Levy.

Mr. Trapp said there are also updates needed because of a couple Dear Colleague Letters that have recently been issued by the Rehabilitation Services Administration. He said the federal government is not issuing rules and regulations in the way that they historically have done to interpret programs, and instead are using sub regulatory guidance. He said this is due to Supreme Court interpretations of the Federal Administrative Procedures Act. He said the most significant DCL is the reinterpretation of the word recipient for purposes of the statewide match requirement, impacting whether the state as a whole will be able to carry-over the rehabilitation grant into the second year of the period of performance. He said the previous requirement was that the Commission as an agency had to meet its match requirement to carry over any unspent federal funds to the next fiscal year. He said the Commission is now subject to the spending at DVR. He said the Commission could benefit if DVR spends over its match, and DVR could benefit if the Commission spends over its match. He said the Commission now has the ability to decline the Supported Employment Grant, and he will revise the Allowable Cost Policy and Procedure to reflect that.

c. Update on New DFA Travel Rules and Implementation, Kevin Romero

Mr. Romero said on January 16, 2024, the Department of Finance and Administration published an updated Administrative Code under 2.42.2 in regard to per diem and mileage. He said the rule was in effect as soon as it was published. He said DFA granted a grace period for agencies to implement the changes. He said the deadline is March 1, 2024. He said DFA has allowed agencies to implement earlier if they wish. He said the Commission will implement the changes effective February 1, 2024. He said this gives the staff approximately a week and a half to become familiar with the changes, and it also gives the agency 30 days to work out any problems that may arise with the implementation of the changes, which he said must be implemented consistently.

Mr. Romero said his staff will review and approve at the agency level financial travel documents using the implementation date. He said the DFA Financial Control Auditor is aware of the agency implementation date, which will apply to travel beginning on or after February 1, 2024.

Mr. Romero said the first change is under 2.42.2.7 in regard to definitions. He said the term “attend” has been defined as physically in-person or virtually through Zoom or another app. He said the mileage radius to be eligible for per diem has changed from 35 miles to 50 miles from home or post of duty. He said it is not the shortest of two distances, but both locations.

He said Board and Commission meeting rates have been updated to mirror rates set by statute. He said the statute says if there is a commission or board member that attends in-person and the meeting lasts four hours or more, the rate is $95.00; if the meeting lasts four hours or less, whether in-person or virtually, the rate is $45.00.

Mr. Romero said another change is Reimbursement of Actual Expenses in Lieu of the Per Diem Rates. He said the old rates were removed and updated to follow the DFA statute and code.

Mr. Romero said another change was under 2.42.2.11 on Mileage and Private Conveyance, Subsection B. He said the mileage reimbursement rate changed to 100 percent of the IRS rate from the previous year as of January 1, 2024. He said the old rule was at 80 percent of the previous year’s IRS rate. He said the rate will change as of February 1, 2024, for travel from 52 cents per mile to 66 cents per mile. He said that is only for travel from February 1 or later. Mr. Romero said Subsection D (1) and (2-A) Rand McNally has been removed as an allowable mileage calculator and an electronic mileage calculator has been approved by DFA. He said that is also in addition to actual odometer readings and the New Mexico DOT Mileage Chart.

Mr. Romero said another change was 2.42.2.12 on Reimbursement for Other Expenses, Subsection A (2). He said there is now a 20 percent limitation on gratuities. He said in regard to Subsection A, if an employee is on travel and loses receipts and wants to claim tips, the employee must have a receipt and it must be in writing. He said Affidavits of Lost Receipts can be completed for the receipts that were lost, but it cannot include tips. He said he provided the most updated affidavit form to all staff.

Ms. Mitchell said she had asked Mr. Melhoff about the Affidavit of Lost Receipts and reimbursement for tips, and he had said it would include reimbursement for tips. Mr. Romero said he would clarify that with Mr. Melhoff.

Mr. Trapp said there are aspects of this that touch upon the Commission with regard to tips. He said tips might be used for assistance provided when traveling at an airport and needing assistance to a gate. He said it is not possible to receive a written receipt under those circumstances. He said an employee could conceivably carry a pre-printed receipt book and have it signed. He said it relates to disability accommodation issues for individuals with disabilities and tipping in certain circumstances.

Mr. Trapp said he attended the travel training, and that he asked Mr. Melhoff whether the $1,500 audit rule was based on a calendar or the state fiscal year. Mr. Trapp said Mr. Melhoff said the important thing was that agencies be consistent, and if using the calendar year to continue to do so, and if using the state fiscal year, not to change.

Mr. Trapp said he also asked Mr. Melhoff about compensation for the State Rehabilitation Council Members. Mr. Trapp said the Rehabilitation Act requires that agencies compensate State Rehabilitation Council members for childcare and personal assistance services related to attending meetings. Mr. Trapp said he talked with DVR since both agencies have rehab councils, and the Commission and DVR will be submitting a statement to Mr. Melhoff with the federal Rehab Act language.

Ms. Burma noted that the RSA-17 now requires reporting of per diem and travel expenses related to Pre-ETS, which Mr. Romero confirmed would be effective as of October 1 with the 2024 Grant.

11. Commission Open Discussion

There was no Commission Open Discussion.

12. Comments from the Audience

Mr. Blair said the meeting was done in such a professional and informative way that it was absolutely worth his time to listen and learn.

13. Date and Location of Next Meeting

The next meeting was set for Santa Fe at 10:00 AM on April 23. The following meeting was set for Albuquerque at 9:30 AM on June 20.

14. Adjourn

Ms. Lansing adjourned the meeting at 12:40 PM.

Approved and Electronically Signed This 23rd Day of April 2024.

Urja Lansing, Chairperson

New Mexico Commission for the Blind

Attachments

FY24-05 Property Disposal Notification 11.16.23 Albuquerque

FY24-06 Property Disposal Notification 11.16.23 OC

FY24-07 Property Disposal Notification 11.29.23 BEP

FY24-08 Property Disposal Notification 12.13.23 Santa Fe