



What's Inside:

- Enforcement Bureau Chief 2
- UEF Attorney 2
- Rule Changes Process 3
- Ombudsman Bureau Chief 3
- NM Workplace Deaths 2021 4
- Manager of Quarter 5
- Employee of Quarter 6
- WCA Job Openings 6
- WCA Contact Information 6

MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disablement will conduct a virtual meeting at 2 p.m., Tuesday, May 3, 2022, via Zoom. Visit <https://workerscomp.nm.gov/Advisory-Council> for more information.

Inaugural New Mexico Women in Trades Summit Hopes to Draw Women to Skilled Labor

By Diana Sandoval-Tapia

During the months-long COVID-19 pandemic, there seemed to be a shortage of skilled workers in various trades in and around New Mexico. That's when New Mexico Rep. Pamela Herndon (D-Bernalillo) had an idea. "Women are the answer! Women make up the majority of the population."

She decided it was time to begin seriously recruiting women into "nontraditional" trades. Herndon reached out to educational leaders at Central New Mexico (CNM) Community College and skilled labor leaders at local unions to plan the first ever "New Mexico Women in Trades Summit," held at CNM's main Albuquerque campus in March 2022.

One of those industry leaders was Ronda Gilliland Lopez, executive director of MCA-NM / SMACNA-NM, the local unions representing mechanical

contractors and sheet metal and air conditioning contractors. Gilliland Lopez was more than happy to help bring Herndon's idea to fruition. Getting the word out about careers in the trades is close to her heart. "I'm the product of a sheet metal worker, married to a union electrician." Gilliland Lopez said she is tired of "trade-shaming," as it's honest work for a decent living. She said her unions' workers never missed a day of work during the entire pandemic because the work didn't stop.

The first-ever summit was organized in only six to seven short weeks, and included a full day event led by keynote addresses from New Mexico Congresswoman Melanie Stansbury, who spoke via Zoom from Washington, D.C.; Shasta Erickson, president of Miller Bonded, Inc.; an all-women panel discussion; and an afternoon of mentoring

Continued on page 5



Aspen Garcia of SMART Local Union 49 representing sheet metal, air, rail and transportation workers

Kelly Villanueva Named Enforcement Bureau Chief

By Aileen O’Catherine

Kelly Villanueva understands thoroughly the importance of statutes and rules. She spent over 19 years at the Albuquerque Law Office of the Public Defender (LOPD), ensuring legal rights were respected. Over her years at LOPD, she held positions of increasing responsibility. In her last few years there, she served as a managing attorney, overseeing 30 attorneys and six paralegals. While her office at the WCA is smaller, she greatly enjoys the job and the opportunity to get things done. “I’m very positively impressed with the WCA,” Villanueva said. “It is run well and the people are professional.

It’s a good environment to work in.” Switching from public defending to a prosecutorial role still involves getting people into compliance, Villanueva notes. “We want to ensure people comply with the laws of the state of New Mexico, to protect workers and make sure everyone is getting a fair shake,” she said. “We want to make sure people aren’t committing fraud. All of this is work I can sink my teeth into.”

Villanueva graduated from the University of New Mexico School of Law in 2000 after earning a BA in English from Austin College in Texas. Having grown up in a Marine

family she has lived many places, but in 1993 she and her husband moved to New Mexico for the skiing and never left. Villanueva has two children, one a philosophy major at the University of New Mexico, and the other a high school senior who earned an esteemed Hispanic National Merit Scholarship for his college years.

Villanueva began work at the WCA on January 24.



Kelly Villanueva

Linda Wilson Joins Uninsured Employers’ Fund

By Aileen O’Catherine

Linda Wilson began work on March 21, 2022, as an attorney with the New Mexico Uninsured Employers’ Fund (UEF). “The work is a really good fit,” she said. “The team is amazing, and so is the work environment. I am happy with what I’m learning.” Workers’ compensation had been an interest of hers since

law school at the University of New Mexico (UNM), where a law school professor planted the seed of interest. After graduating with her law degree from UNM in 2014, Wilson worked briefly in personal injury and workers’ compensation law with a local attorney, where she found a real enjoyment with the workers’ compensation aspect of the law.

Wilson has spent much of her legal career working in immigration law, an area well matched with her proficiency with the Spanish language. She received dual degrees from the University of Kansas in 1985, a B.A. in Spanish Literature and a B.S. in Education. In addition to dual bachelor’s degrees, she has an M.A. in Language, Literacy and Sociocultural Studies from the University of New Mexico. Her

career has also included some years teaching and some in the business world when she worked at Intel in both operations and training.

Wilson has two adult children, a son who lives in Texas and a daughter who lives in Kansas. She and her spouse have one cat and a large garden. Her passion for baking cakes and pies has already connected her with WCA staff who have abundantly producing fruit trees. Peach pie is her favorite, though all fruits are welcome, and she makes a mean apple butter. In her spare time, when not busy gardening or baking, Wilson sings sacred music as part of the ensemble Schola Cantorum of Santa Fe.



Linda Wilson

NM Workers’ Comp. Adm. Quarterly Bulletin

Robert E. Doucette, Jr., Director
Diana Sandoval-Tapia, Public Information Officer
Aileen O’Catherine, Public Relations Specialist

The Bulletin is electronically published in January, April, July and October by the Public Information Office of the New Mexico Workers’ Compensation Administration. The Bulletin is available free of charge. Send changes of e-mail address and requests to receive the Bulletin to Diana Sandoval-Tapia in the Public Information Office, New Workers’ Compensation Administration, WCA-PIO@state.nm.us.

Suggestions for articles are welcome. Call Diana Sandoval-Tapia at (505) 841-6052.

Recent issues of the Quarterly Bulletin can be viewed on the Internet at <https://workerscomp.nm.gov/NMWCA-Publications>.

What is the Advisory Council?

The Advisory Council on Workers’ Compensation and Occupational Disease Disablement is a task force created by statute, comprised of six members, three representing workers and three representing employers. The primary role of the Council is to advise the governor and legislature on the status of the workers’ compensation system in New Mexico. The Advisory Council is required to meet at least twice annually. Scheduled meetings of the Council are announced on the WCA website, <https://www.workerscomp.nm.gov/Advisory-Council>.

Proposed WCA Rule Changes on Track to Being Folded into Statutes

One of the first actions WCA Director Robert Doucette undertook upon starting as director was to conduct a review of existing New Mexico WCA Rules. Getting all stakeholders, to include the general public, involved in the process was a top priority. Prior to even becoming director, Doucette informally approached both worker and employer attorneys to ascertain what areas of the law they thought needed updating.

From the start of his announcement on rule promulgation in December, 2021 through January 31, 2022, internal solicitations were submitted from WCA staff recommendations. On March 1 through March 15, the general public was asked to provide input to the WCA

General Counsel by noting the original rule or statute, and the request for changes, marked by a strike through line and any additional text. On April 15, the draft changes were made available to the public.

Currently, the proposed rule changes are available for download from the WCA Website at <https://workerscomp.nm.gov/WCA-Rules-and-Statutes>.

The WCA will host a Zoom meeting at **1:30 p.m. on Monday, May 16, 2022**, and the public is invited to provide additional input on the suggested rule revisions. After the May 16 meeting, the final draft rules will be finalized by the WCA.

A second Zoom meeting will then take place for any additional input from the public. That Zoom meeting will take

place no later than **July 15, 2022**.

The WCA then intends to finalize the revisions to its rules. The rules will then be submitted to the formal rule-making process, in accordance with the law.

The agency's Office of General Counsel is expected to finalize the rules by August 31, and by September 1, 2022, the rule changes would be initiated in accordance with law. The last time there were changes made to the WCA Rules was in 2017. Going forward, Director Doucette expects to instigate the process on a more regular annual basis until rules are more closely aligned with the way the workers' compensation system currently functions.

Samuel Castillo Named Ombudsman Bureau Chief

By Aileen O'Catherine

Samuel Castillo began working as the WCA's Ombudsman Bureau Chief on January 10, and comes to the agency with a great deal of management experience. In his most recent position as regional operations manager for the New Mexico Early Childhood Education and Care Department (ECEC), he oversaw over 30 staff in nine offices in the southern part of the state. Born and raised in southern New Mexico, he is bilingual in Spanish and knows American Sign Language, which he learned so he could fully execute his duties with a large hard-of-hearing and deaf community through his job. He has worked with the Governor's Commission on Disability and in human resources at a nonprofit. Through it all,

he seeks to serve, and he looks forward to continuing that work by providing the workers' compensation community with ready access to helpful information.

"Ombudsmen are here to provide education to the public about workers' compensation and its process," he said about his new job. "We want to help people understand the workers' compensation process from start to finish." Since coming to the agency, Castillo has visited all the agency's field offices and staff and he has brought together an ombudsmen training event to further their knowledge in areas of workers' compensation such as enforcement and return to work. "The team appreciate peer-to-peer learning, but we agreed it would be beneficial to learn about workers' compensa-



Samuel Castillo

tion and resources from other parties and bureaus," Castillo said.

Castillo enjoys nothing more than spending time with his family. He and his wife have a seven-year-old daughter and he has a 20-year-old son from a previous marriage. His full house also includes two dogs, a fish, a turtle, a hamster, and a cat who rules over all. In the rare spare moment, he enjoys tinkering with his car.

New Mexico 2021 Work-Related Deaths

By Aileen O’Catherine and Ruili Yan

One of the sad realities of workplace accidents is how they sometimes result in death. Far from being a random set of statistics, workplace accidents resulting in death are a reminder that workers’ compensation exists in a world of people. Workers’ compensation can provide some measure of assistance in what can feel like a helpless situation. In the spring issue of the Quarterly Bulletin, the Workers’ Compensation Administration (WCA) honors New Mexico workers who lost their lives the previous year as the result of a workplace accident or injury. This quarterly issue coincides with Workers’ Memorial Day on April 28, which was established in 1970 by the AFL-CIO to recognize workers who died in work-related accidents, and to serve as a reminder of the importance of workplace safety. We especially honor essential workers whose lives were lost as a result of fulfilling their workplace duties during the prevalence of COVID-19.

In 2021, there were 38* work-related deaths reported to the agency, a decrease from the 42* reported for 2020. From the first reported 2021 death of a roofer who lost his footing at a construction site, to the last reported death of the year of a telecom worker hit by a motor vehicle while at a job site, each death went far beyond the worker to affect family members, co-workers, community members and friends. The largest number of work-related fatalities in 2021 fell under the category of *Miscellaneous*

Causes, which accounted for 22, or 57.9 percent of deaths. Eleven deaths within that category resulted from COVID-19, a trend that began in 2020, when 20 deaths fell under the *Miscellaneous* category, 13 of them attributable to COVID-19. In 2021, the virus resulted in 28.9 percent of deaths. In 2020, the virus resulted in 31 percent of the year’s workplace fatalities, with 13 total deaths. In 2020, nine of the 13 COVID-19 deaths came under occupation headings associated with health care, such as *caregiver, health care worker, doctor, EMT or firefighter*. In 2021, however, the occupations listed under deaths caused by COVID-19 went beyond the heading of health care to occupations that included *building materials dealer, back country manager, under sheriff, deputy sheriff, rehabilitation manager, retail specialist, maintenance worker and solar installation manager*. Other jobs fell under the occupation of health care worker, to include a *firefighter, a caregiver* and an *LPN*.

Darian Jarrott, 28, was a New Mexico State Police officer shot and killed by a motorist while conducting a traffic stop near Deming in 2021. He was a husband and the father of four children. The category of *Miscellaneous Causes* for work-related fatalities was listed as the cause of death category for Jarrott. As in years past, motor vehicle accidents in 2021 were a frequent cause of death, with eight fatalities making up 21.1 percent of the year’s worker deaths. In addition, one office worker

was killed by a car as she went for a walk during a work break. Sally Gwylan, 67, led a rich life outside of her job as a records manager. She was a published author of science fiction and a regular participant in a harp-singing group, the New Mexico Shapenote Singers, which features a capella group singing. The category of *Struck or Injured By* is one of the most common causes of workplace fatalities, and in 2021 accounted for two fatal injuries, of which Gwylan was one.

Studying workplace injury and death statistics allows workplaces to learn from the past and prepare for the future. While progress has been made since the Occupational Safety and Health Act was enacted in 1970, 21st century workplace trends such as distracted driving and a rising fatality rate for Hispanic or Latino workers¹ require statistical analysis that can help inform workplace safety programs nationwide.

Find out more about national Workers’ Memorial Day events:

<https://www.osha.gov/workers-memorial/workers-memorial-day-events>.

*Published statistics, to include those previously published, are subject to revision due to updated fatality information.

¹ Bureau of Labor Statistics, Census of Fatal Occupational Injuries Summary, 2020.

<https://www.bls.gov/news.release/cfoi.toc.htm>

Women in Trades (cont'd.)

Continued from page 1

sessions.

The ultimate goal is to grow women in trades, said Gilliland Lopez.

Many trade unions in New Mexico have apprenticeship programs in which apprentices get paid while learning the craft. They are usually a four- to five-year program, with full, 100-percent, employer-paid health insurance, after which workers have no college debt and a marketable skill.

In her address, Stansbury told the audience that the country needs skilled workers to carry out infrastructure for the 21st century, and that the “well-being of our communities depends on it.” These are jobs that have dignity, she said.

Erickson grew up on a farm in West Texas before beginning her career in construction in El Paso, Texas. She moved to New Mexico in 1999, joined Miller Bonded, and has worked her way up. She has been an accounting clerk, project assistant, project manager, vice president of finance and became company president in December 2021. Erickson gave some statistics from the construction industry, a field in which she says about 53 percent of seasoned workers will soon be retiring and is one major industry that has seen a growth of women on the payrolls. Erickson said that between February 2020 and August 2021, there was an increase of 30,000

women nationally in paid construction employment.

One of the women panelists, Chantel Mares, a pipe fitter with Jack's Mechanical, is the first woman to be elected to a board position in Local Union 412. She told summit attendees how gratifying it is to complete a project that someone is going to use for water or gas.

Because it was the first year of the event, and planned in only a few weeks, planners capped attendance at 150. Going forward, Rep. Herdon has a vision to continue to grow the event in which New Mexico can perhaps host a national “women in trades” summit within a couple of

Manager of the Quarter Award

The WCA has instituted a Manager of the Quarter award, and Chief Judge Shanon Riley has been chosen for the award's inaugural quarter. Judge Riley leads the Adjudication Bureau, overseeing four peer judges and five administrative staffers. “Judge Riley deserves this recognition for more reasons than I can possibly articulate,” said her nominator, who noted Judge Riley's leadership helped the agency's Adjudication Bureau stay

open during the pandemic, and that she addresses issues with professionalism and poise. Judge Riley fulfills her role as a judge along with her administrative responsibilities, which sometimes requires her to take work home. “This speaks volumes about her work ethic,” said her nominator. Judge Riley has been a judge with the WCA since 2011, and she became the agency's chief judge in 2020.



Chief Judge Shanon Riley

NM WCA Job Openings

The NMWCA provides postings for job openings on its agency web page. Current postings include:

- Accountant/Auditor
- IT Network Administrator
- Law Clerk Summer Intern (2)

- Economic Research Summer Intern

To learn more about these jobs, visit <https://workerscomp.nm.gov/WCA-Jobs>.

Applications must be made through the New Mexico State Personnel Office at <https://careers.share.state.nm.us/>.

Employee of the Quarter Award

The WCA Employee of the Quarter for the first quarter of 2022 is Patricia Baca from the Ombudsman Bureau. An employee of the WCA for nearly four years, Baca has shown enthusiasm for learning her new position as an ombudsman, notes her nominator. Baca had been a legal secretary in the Mediation Bureau prior to becoming an ombudsman, and volunteered to help acclimate a new legal secretary while also handling the

ombudsman hotline in her new position. She is “always willing to go above and beyond to help her co-workers and the administration,” her nominator wrote. The quarterly award recognizes agency employees who exemplify excellence in the workplace. “I love my job at the WCA and am always willing to help and learn,” said Baca.

Baca has been an employee with the WCA since May 2018, and an ombudsman since September, 2021.



Patricia Baca



HOLIDAY CLOSURE

The Workers' Compensation offices in Albuquerque and all its field offices will be closed on the following upcoming holidays:

Memorial Day, Monday, May 30

Juneteenth, Monday, June 20

Fourth of July, Monday, July 4

New Mexico Workers' Compensation Administration Offices:

MAIN OFFICE

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Albuquerque, NM 87106-4190

Alternate Mailing Address:

PO Box 27198
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1-800-255-7965
Fax Clerk of the Court:
(505) 841-6060
Director's Fax: (505) 841-6009

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In state toll-free phone:
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Fax: (505) 599-9753

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Phone: (575) 397-3425
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In state toll-free phone:
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Phone: (505) 454-9251
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Phone: (575) 623-3781
In state toll-free phone:
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Santa Fe:

Aspen Plaza
1596 Pacheco, St. #202
Santa Fe, NM 87505
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Fax: (505) 476-7390

WCA Helpline-Hotline: (toll free in New Mexico)

1-866-WORKOMP 1-866-967-5667

WCA Website:

<https://workerscomp.nm.gov>