



CES NEWSLETTER

June 2022

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Feature Article

EEOC Issues Guidance On Artificial Intelligence And Americans With Disabilities Act Considerations

On May 12, 2022, the U.S. Equal Employment Opportunity Commission (EEOC) issued a "Technical Assistance" (TA) document (<https://www.eeoc.gov/laws/guidance/americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>) addressing compliance with ADA requirements and agency policy when using AI and other software to hire and assess employees. The agency also published a short "Tips for Workers" summary of this guidance (<https://www.eeoc.gov/tips-workers-americans-disabilities-act-and-use-software-algorithms-and-artificial-intelligence>).

Neither of these documents has the force or effect of law, nor are they binding on employers, as this guidance is meant to be educational, "so that people with disabilities know their rights and employers can take action to avoid discrimination." Nevertheless, we see several take-aways regarding the Commission's likely expectations and areas of focus when regulating the use of such tools in hiring or assessing employees:

- **Accessibility:** Employers should account for the fact that on-line/interactive tools may not be easily accessed or used by those with visual, auditory or other impairment.
- **Accommodation:** Barring undue hardship, employers should provide alternatives to the use or application of these tools if an individual's disability renders the use of the tool more difficult or the accuracy of the tool's assessment less reliable.
- **Accommodation, II:** Beyond providing reasonable accommodations in accessing/using these tools, employers should ensure that the tools assess an individual in the context of any reasonable accommodation they are likely to be given when performing their job.



- ADA vs. Title VII: The EEOC stresses that disability bias requires different design and testing criteria than does Title VII discrimination, such as access considerations and the potential for inadvertent disability-related inquiries or medical examinations.
- Promising Practices: Noting that employers are responsible for ADA-violating outcomes even when a software tool is created or used by a third-party vendor or agent, the Commission provides examples of so-called “Promising Practices” that employers can engage in to demonstrate good-faith efforts to meet ADA requirements.

Throughout, the TA document uses various illustrative examples of the tools the EEOC aims to regulate. These range from résumé scanners and virtual assistants/chatbots to video-interviewing software and software that tests an

individual's personality, aptitude, skills, and “perceived ‘cultural fit.’” Employers using any of these tools in their recruiting, hiring, and review of applicants and employees (which, by some estimates, is up to 83% of employers) should take careful note of the EEOC's position as to where these tools may run afoul of the ADA.

The TA document focuses broadly on three themes, specifically, how the use of algorithmic decision-making may violate the ADA with respect to: (1) reasonable accommodation for applicants and employees; (2) where AI decision-making tools may “screen out” individuals with disabilities; and (3) where an AI-based tool may violate ADA restrictions on disability-related inquiries.

To access our complete article, visit <https://tiny.one/AlandADA>.

by James A. Paretto, Jr. , Niloy Ray and Marko MrKonich
19 May 2022



Tip of the Month

Personalization Goes Beyond First Names

"The golden rule for every business — put yourself in your customer's place!" ~ Orison Swett Marden, Founder, Success Magazine

A personal touch is the best way to let your customers know that they are a priority.

When you talk to a customer, remember their name and use it throughout the conversation. To show that you're listening, mention something they said earlier. Your regulars will appreciate this personalization and will likely rave about your company.

The WRONG way: Not valuing your customer's time

Your customer has a busy life, just like you do. Keep that in mind, especially when you're initiating contact with unhappy customers. Here's an example.

GOOD: "I'll have this issue fixed for you soon. I can give you a call around noon tomorrow with an update. Or would you prefer an email?"

BAD: "I'll have this issue fixed soon. You'll receive an email update in 1-2 business days."

In the good example, you're inviting the customer to either suggest a different time or opt for an email. This personal touch allows the customer some control over when you intrude on their day.

In the bad example, you're not allowing the customer any control over when or how they receive an update. Worse yet, you're telling them they might have to wait two days.

The RIGHT way: Remember your customer's name

This seems pretty obvious, but it still doesn't happen as often as it should. No one wants to hear "Sir" or "Ma'am" (or worse yet, "Madam").

Being professional and being friendly are not mutually exclusive. So, make it a point to remember and address your customers by their name.



Calendar of Events

- 6/2-4 NMSBA School Law Conference
- 6/6 Normandy D-Day observed
- 6/13-17 NM Counties Annual Conference
- 6/14 Flag Day
- 6/19 Juneteenth
- 6/19 Fathers' Day
- 6/21 June Solstice
- 6/22-24 NMML City Management Association Conference

JUNE 2022						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		



Procurement News

1) **Contract Expirations:** None

2) **Contract Renewals:**

AEPA:

- #019.5-B Playground & Recreation Structures: Kompan, Inc., Playcraft, Romtec
- #021.5-B Disaster Recovery Services: BMS CAT, LLC., Service Master of St. Cloud, Inc., Signal USA, LLC,
- #021.5-C E-Rate Consulting Services: E-Rate Elite Services, Inc., Kellogg & Sovereign Consulting, LLC., Solix, Inc., TelLogic, Inc. dba E-Rate Central,
- #021.5-D Mobile and Cellular Connectivity Solutions: Kajeet, Inc.
- #022.5 Athletic Equipment & Supplies: Riddell, Partac Peat Corp., School Specialty

3) **Name Changes:**

- Edgenuity to Imagine Learning- (waiting on assignment documents from Imagine Learning.)
- Integrated Control Systems to Automatic Logic- June 1st (waiting on assignment documents)
- ENGiE to Conti (fully executed 5/9/22)

4) **New Contract Awards:**

2021-33 JOC Program Consulting Services	The Gordian Group	2021-33-C111-ALL 2021-33-C121-ALL
2022-08 AEPA- 022.5C Institutional Kitchen Equipment AEPA- 022.5 Career & Technical Education	Hubert Co. LLC Midwest Technology Products Pitsco Education, LLC Blick Art Materials LLC	2022-08-AC01-ALL 2022-08-AB01-ALL 2022-08-AB02-ALL 2022-08-AB03-AL
2022-06 Vehicle Electric Charging Stations Equipment, Installation, And Parts	Allied Electric Inc. B&D Industries, Inc. Carver Electric Company, Inc. Eaton Sales & Service LLC Los Ebanistas, Inc. MANS Construction Co. National Car Charging LLC Osceola Inc Positive Energy Solar PPC Solar (Paradise Power Company, Inc.) ROSS/WES ELECTRIC SERVICES, INC. Wizer Electric LLC.	2022-06-C115-All 2022-06-C1111-All 2022-06-C114-All 2022-06-C117-All 2022-06-C111-All 2022-06-C113-All 2022-06-C1112-All 2022-06-C116-All 2022-06-C112-All 2022-06-C118-All 2022-06-C1110-12 2022-06-C119-All
2022-13 Comprehensive Assistance, Training & Educational Resources & Services	Beable Education CLARO Consulting LLC MaiaLearning, Inc. Educated Wallet	2022-13-C111-ALL 2022-13-C112-ALL 2022-13-C113-ALL 2022-13-C114-ALL



<p>2022-14 IT Consulting, Project Management, and related Professional Services</p>	<p>Advanced Technology Initiative LLC Apex Education. Inc CampusWorks Inc. 22nd Century Technologies, Inc. CE Wilson Consulting, LLC Dry Fly Enterprises Inc Elite Customer Centered Solutions of NM Harmonix Technologies, Inc. Huron Consulting Services LLC Milli Micro Systems, Inc Spectrum Imaging Technologies, Inc Systems MD, LLC</p>	<p>2022-14-C111-ALL 2022-14-C112-ALL 2022-14-C113-ALL 2022-14-C114-ALL 2022-14-C115-ALL 2022-14-C116-ALL 2022-14-C117-ALL 2022-14-C118-ALL 2022-14-C119-ALL 2022-14-C1110-ALL 2022-14-C1111-ALL 2022-14-C1112-ALL</p>
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5) Current & Upcoming Solicitations

RFP #	RFP Description	Release	Due
2022-05 New Category	<i>Apple Branded Devices and Related Products and Services</i>	01/24/22	02/25/22
2022-13 New Category	<i>Comprehensive Assistance, Training & Educational Resources & Services</i>	02/28/22	03/25/22
2022-09	<i>Fuel – Gasoline, E85, Diesel, Biodiesel and Related</i>	04/19/2022	5/20/2022
2022-15 New Category	<i>Above Ground Fuel Storage Tanks, Fuel Dispensing Pumps, Sales, Installation, Maintenance, Repair and Related</i>	04/19/2022	5/20/2022
2022-10	<i>Heavy Equipment Parts, Accessories, Leasing and Related</i>	04/19/2022	5/20/2022
2022-11	<i>Material Handling Equipment and Related Products and Services</i>	04/19/2022	5/20/2022

6) Procurement Issues and News:

- PO's will now go directly to Lakeshore Learning outside the CES system.

The Order Corner

There is confusion by some about when a PO is made out to CES vs when a PO is made out to the CES Vendor. The definitive way to know is to

- 1) Login to the Bluebook at www.ces.org.
- 2) Find the Vendor in the list of contracted vendors.
- 3) Click on the Vendor's logo (or area of logos, if vendor has no logo showing).
- 4) Look within the Vendor's information for a button:

Submit PO via Direct Purchase

- a. If the button is present, the PO is made out to the Vendor and uploaded to the portal by clicking on the button when the PO and Quote are ready for upload.
- b. If there is no button present, the PO is made out to CES, and the PO and Quote are emailed to po@ces.org.



Compliance Corner

The *Compliance Corner* will return with the August issue. Enjoy your Summer Break!

New Staff

June – New Employees at CES



I'm Bryan Hardy, CES Purchasing Specialist, originally from Florida. I've lived in New Mexico for the last 26 years. I come to CES after a 10½-year stint at Aura doing customer service for credit monitoring and identity theft protection products. I'm very excited to be a part of the CES family and look forward to making this my 'forever' job!

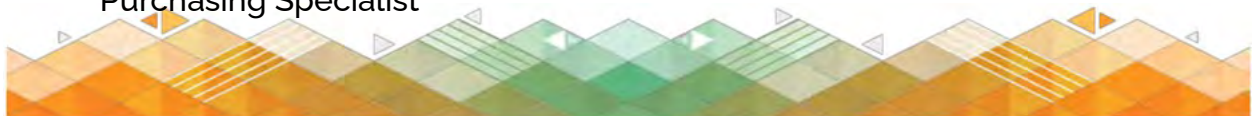
Job Opportunities at CES

Ancillary Specialty Vacancies by Region

- Adaptive Physical Educator – Region 2
- Audiologist – Region 2
- Certified Occupational Therapist Assistant – Region 4
- Certified Orientation Mobility Specialist – Regions 2, 4
- Certified Orientation Mobility Specialist/TVI – Regions 1, 2
- Diagnostician – Regions 4, 6, 8
- Occupational Therapist – Regions 2, 3, 4, 8
- Physical Therapist – Regions 2, 3, 4
- Psychologist – Regions 3, 4
- Registered Nurse – Regions 1, 2, 4, 8
- School Psychologist – Regions 1, 2, 3, 4, 7
- Social Worker – Regions 2, 4
- Speech/Language Pathologist – Regions 1, 2, 4, 7, 8
- Teacher for the Visually-Impaired – Region 4

Other CES Openings

- HR Specialist
- Administrative Assistance (2)
- Purchasing Specialist



LEAPSTER OF THE MONTH

MAY- PERSEVERANCE



FABIOLA
AVILA

FABIOLA AVILA, A KINDERGARTEN TEACHER IN HOBBS, NM, STARTED HER FIRST YEAR OF TEACHING FULL OF ENERGY, EAGER TO INSPIRE HER YOUNG STUDENTS. WHETHER IT WAS TEACHING KINDERGARTENERS THE LETTERS AND SOUNDS OF THE ALPHABET WHILE WEARING A FACE MASK, BUILDING THE CLASSROOM COMMUNITY WHILE MAINTAINING SOCIAL DISTANCE, OR FINDING WAYS TO INCLUDE THE STUDENTS' FAMILIES INTO THE CLASSROOM DURING A PANDEMIC, THIS WAS NO EASY FEAT! IT TOOK CREATIVITY, COLLABORATION, INNOVATION, AND PERSEVERANCE. AS A RESULT OF FABIOLA'S HARD WORK AND DETERMINATION, HER KINDERGARTEN CLASSROOM IS A MODEL FOR WHAT EVERY STUDENT DESERVES. THE STUDENTS FEEL SAFE, EACH DAY IS FULL OF LEARNING, COLLABORATION, CRITICAL THINKING, GROWTH AND FUN! HOW DID FABIOLA ACCOMPLISH ALL OF THIS? "BY NOT GIVING UP. WHEN YOU HAVE A GREAT SUPPORT SYSTEM AND LITTLE MINDS THAT LOOK UP TO YOU, THERE IS NO REASON TO GIVE UP."



LEAPSTER OF THE MONTH

MAY - PERSEVERANCE



MARIA BUXO

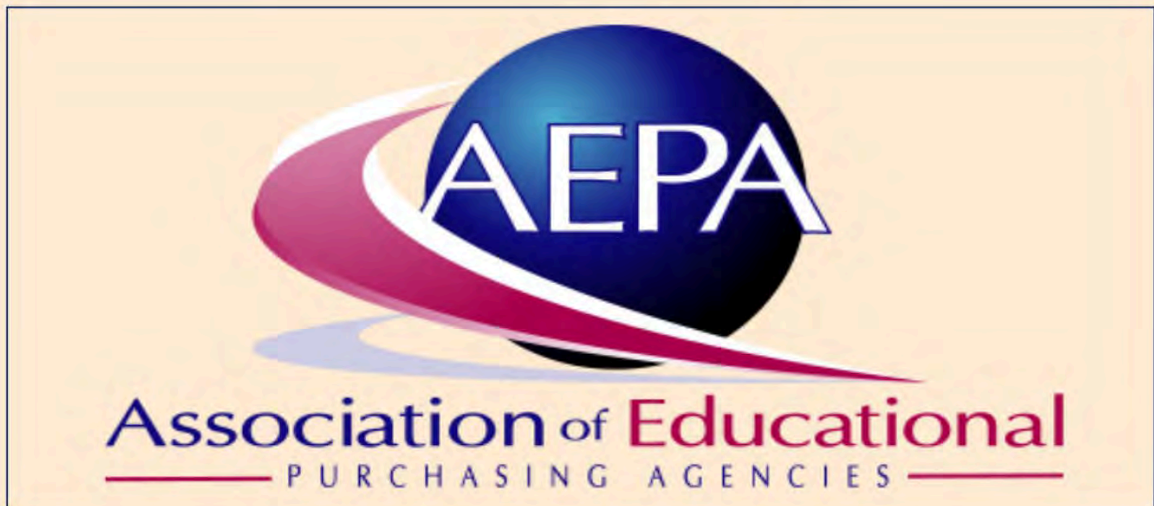
MARIA BUXO IS A FIRST-YEAR SPECIAL EDUCATION TEACHER AT CARLSBAD HIGH SCHOOL. WHEN SHE KNEW SHE WAS MOVING TO NEW MEXICO, SHE DECIDED TO CHANGE CAREERS FROM SALES TO SOMETHING THAT WOULD ALLOW HER TO CONTRIBUTE TO THE COMMUNITY AND BUILD A CAREER. THROUGH LEAP, SHE WAS ABLE TO START HER CAREER AS A SPECIAL EDUCATION TEACHER. EVEN THOUGH MARIA HAS HAD TO PERSEVERE THROUGH A CHALLENGING YEAR, SHE SAYS, IT HAS ALSO BEEN AN AMAZING JOURNEY. SHE IS PASSIONATE ABOUT HELPING HER STUDENTS ACQUIRE THE BASIC SKILLS NEEDED TO LIVE AN INDEPENDENT LIFE. DURING HER HIRING PROCESS, THE SCHOOL STAFF TOLD HER HOW MUCH THE STUDENTS NEED HER AND THEY DO, BUT MARIA SAYS, "I DIDN'T KNOW HOW MUCH I NEEDED THEM."





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- The Only New Mexico Purchasing Agency Authorized to Offer the AEPA National Contracts.



CES



SCAN ME



***New Mexico's Statewide* Teacher Preparation Program for Professionals Seeking an Alternative Licensure Pathway- cesleap.org**

State PPSC Board and NMPED Approved:

- ✓ K-8 Elementary
- ✓ 6-12 Secondary
- ✓ PreK-12 Special Education
- ✓ Dual Licensure

LEADERSHIP

ENGAGEMENT

ACHIEVEMENT

PERSEVERANCE



First Year Superintendents Academy (FYSA)

CES has designed this year-long academy to focus on strategic, relevant content alongside powerful interactions and networking opportunities with educational and legislative leaders across the state. High-intensity executive coaching and quarterly learning opportunities will further support new superintendents throughout their first year as they support students in their district.

First Year Principals Academy (FYPA)

FYPA provides a year of ongoing learning, support, and coaching. Targeted professional learning designed specifically for new campus administrators begins with an intensive summer workshop designed to fine-tune leadership skills, strategic planning, and preparation for the school year. Monthly learning sessions, check-in meetings, and one-on-one coaching will ensure high levels of support throughout the first year of principalship.

Requirements: First-Third Year in Principal position; Superintendent's recommendation

Aspiring Superintendents Academy (ASA)

The ASA program provides a full year of rich experiences for learners who aspire to ready themselves for Superintendent responsibilities. Designed to be intensive, thorough, and focused on building skills to prepare future leaders, monthly seminars and assignments equip participants well for their professional growth and aspirations in a highly supportive environment

Requirements: 3 or more years of Administrative experience; Superintendent's recommendation

Administrators Leadership Development (ALD) Program

The ALD program is a year-long PED-approved opportunity for current outstanding NM educators to acquire their 3B Administrative License. Focused learning designed for building leadership, instructional knowledge, communication skills, and other significant skills will prepare participants to become strong and valued district educational leaders.

Requirements: MA Degree; 2B Instructor License; Superintendent's recommendation

Leadership Series

Monthly learning opportunities for leaders across the state will focus on critical topics designed to enhance educational practice. All leaders, or aspiring leaders, are welcome to participate in the learning.

Board Leadership Development (BLD)

This opportunity provides leadership training to new and experienced Board members across New Mexico. Sessions are designed strategically to strengthen educational outcomes across all school districts.

CES Leadership Development Programs





NMCEL 2022 Summer Conference

July 11 - 15, 2022

Embassy Suites, Albuquerque, NM

MEETING THE CHALLENGE WHILE LIGHTING THE FUTURE!



[Carol Johnson, Ph. D., NMCEL 2022 Summer Conference Keynote Speaker](#)

Carol Johnson is a bilingual educator and the creator of Renaissance English in a Flash—the breakthrough vocabulary-building software that helps struggling students learn the vocabulary they need to achieve in the classroom. In addition to 11 years of teaching experience, Carol holds a Ph.D. in Second Language Acquisition & Teaching, specializing in how people learn second languages.

Prior to joining Renaissance: Carol Johnson served as co-founder and president of Eye-Hear Learning, Inc. in Tucson, Arizona. Parenting a child born brain-damaged due to lack of oxygen at birth led to graduate studies in brain and language development; interdisciplinary coursework and research related to language acquisition—both first and second. Graduate studies and life experience as second and foreign language student and instructor, led Carol to the design of a new method to accelerate learning in second language vocabulary and grammar.



[Alizé Carrère - NMCEL 2022 Summer Conference Keynote Speaker](#)

Alizé Carrère is a National Geographic Explorer, filmmaker, and PhD student researching and documenting human adaptations to environmental change. Raised in a house wrapped around a 300-year-old oak tree, her childhood primed her for a unique perspective on what it means to live in a dynamic environment. After moving to Montreal to complete a B.A. at McGill University in Environmental Sciences and International Development, she

spent time living in Panama before returning to McGill to complete an M.Sc. in Integrated Water Resource Management. During this time, she lived in the Middle East working on the relationship between electronic waste and water pollution in Israel and Palestine.

In 2013, Alizé received support from National Geographic to conduct research in Madagascar, where she spent several months uncovering an unlikely agricultural adaptation in response to severe deforestation. Learning of farmers who were turning erosional gullies into fertile pockets of farmland, her work evolved into a greater film project covering human creativity and resourcefulness in the face of environmental hardship (premiering on PBS, September 2021). She brings her social science background and extensive field experience to her filmmaking, with the goal of documenting and elevating the human dimensions of climate change.



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