

# 10-PELRB-2023

## STATE OF NEW MEXICO PUBLIC EMPLOYEES LABOR RELATIONS BOARD

**UNITED HEALTH PROFESSIONALS  
OF NEW MEXICO, AFT, AFL-CIO,**

**Complainant,**

v.

**PERLB 119-22 and 122-22**

**UNM SANDOVAL REGIONAL  
MEDICAL CENTER, INC.**

**Respondent,**

**and**

**INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND  
AEROSPACE WORKERS, AFL-CIO,**

**Complainant,**

v.

**PELRB 123-22**

**UNIVERSITY OF NEW MEXICO  
SANDOVAL REGIONAL MEDICAL  
CENTER,**

**Respondent.**

### **ORDER**

**THIS MATTER** comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on February 7, 2023 upon a Motion by University of New Mexico Sandoval Regional Medical Center to quash a subpoena duces tecum issued by the Executive Director on December 14, 2022 following his Decision granting in part and Denying in part, the Employer's Motion to Quash a subpoena for deposition and to produce documents requested by the Unions in these three cases. The Board heard argument of counsel, Stephen Curtice of Youtz & Valdez, P.C. appearing for both Unions, UNPNM and IAMAW and Melissa Kountz, appearing on behalf of the Employer, UNM SRMC. After review of the submissions and considering argument of Counsel, the Board voted 2-0 to affirm the Executive Director's letter decision denying UNM Sandoval Regional Medical Center's Omnibus Motion to Quash Subpoenas issued in these cases on December 14, 2022.

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**WHEREFORE,** UNM SRMC's Motion is hereby **DENIED** insofar as it requests interlocutory review of the Director's Letter Decision and further **DENIED** on the Merits of the Motion itself. The Director's Denial of SRMC's Motion to Quash is **AFFIRMED**.

## **PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

DocuSigned by:  
*Nan Nash*

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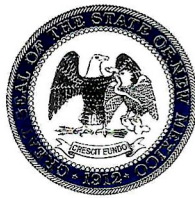
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**NAN NASH, BOARD CHAIR**

2/15/2023

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**DATE**



STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM  
Governor

THOMAS J. GRIEGO  
Executive Director

Nan Nash, Chair  
Marianne Bowers, Vice-Chair  
Mark Myers, Member

2929 Coors Blvd. N.W. Suite 303  
Albuquerque, NM 87120  
(505) 831-5422  
(505) 831-8820 (Fax)

January 5, 2023

Rodey, Dickason, Sloan, Akin & Robb, P.A.  
Post Office Box 1888  
Albuquerque, New Mexico 87103  
Attn: Samantha Hults  
Linda Vanzi

Youtz & Valdez, P.C.  
900 Gold Avenue SW  
Albuquerque, New Mexico 87102  
Attn: James Montalbano  
Stephen Curtice

Re: *UHPNM, AFT v. UNM SRMC; PERLB 119-22 and 122-22 and IAMAW Local 794 v. UNM SRMC; PELRB 123-22*


Dear Counsel:

This letter constitutes my decision denying UNM Sandoval Regional Medical Center's Omnibus Motion to Quash Subpoenas issued in these cases on December 14, 2022. I adopt the argument, rationale and case authorities submitted by UHPNM, AFT and IAMAW Local 794 in their Response to the Omnibus Motion to Quash Subpoenas filed on January 4, 2023 and incorporate them in this Decision. The Subpoenaed documents are material and relevant to the issue of whether the funds it expends on its employees as a public employer, are "public funds". UNM SRMC has not identified any privilege that would necessitate quashing the Subpoenas, nor does the fact that some of the subpoenaed documents are public records excuse compliance with the subpoenas. As stated in prior Letter Decisions concerning Motions to Quash in these cases, I agree with the Complainant's argument that UNM SRMC is not a typical private corporation, and its books are a matter of public record. Unless otherwise privileged, the subpoenaed documents are subject to discovery and subject to admission into the record at a hearing on the merits subject only to materiality and relevance arguments. Any claimed privacy interest raised in the Omnibus Motion to Quash Subpoenas is without merit.

**CONCLUSION.** Respondent's Omnibus Motion to Quash Subpoenas is **DENIED**. The subpoenaed documents are to be produced pursuant the deadline in the Subpoenas.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

  
Thomas J. Griego  
Executive Director