



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday August 3, 2021
at 9:00 a.m. via web conference. Marianne Bowers, presiding.

1. **Call to Order.** Chair Marianne Bowers called the meeting to order at 9:00 a.m. Vice-Chair Mark Myers and Member Nan Nash were in attendance so that a quorum was present.
2. **Approval of Agenda.** Member Nash moved to approve the agenda. Chair Bowers seconded the motion and the motion carried upon a unanimous roll call vote.
3. **Approval of June 1, 2021 Meeting Minutes.** Chair Bowers moved to approve the July 6, Minutes. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.
4. **Public Comments.** There were no requests to comment from those in attendance.
5. **Results of Card Check in Lieu of Election.** The Executive Director informed the Board that a card check had been conducted in lieu of a representation election in this case pursuant to Section 14(C) of the PEBA and that the union had demonstrated sufficient support to be certified as the exclusive representative of the members of the petitioned-for unit. Chair Bowers moved to ratify the results of the card check and certify the petitioner as the exclusive representative. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.
6. **Approval of Amended Consent Election Agreement.** The Executive Director informed the Board that the parties in *NEA-Turquoise Trail & Turquoise Trail Charter School*; PELRB 302-21 had amended the agreement about the procedure for conducting the representation election and the Amended Consent Election Agreement was before the Board for their approval pursuant to NMAC 11.21.2.17. The Chair solicited comment from the other members of the Board. Vice-Chair Myers had no comment. Member Nash also had no comments about the agreement and moved to approve it. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.
7. **Requests for Board Review.**
 - a. ***United Electrical, Radio and Machine Workers of America & UNM*; PELRB 307-20.** The Executive Director reminded the Board that the union had requested Board review of his Report and Recommended Decision in this case and that the Board had been provided copies of the recommended decision along with the request for review and the reply thereto from the university. The Board allowed both parties to present oral arguments for their positions. Chair Bowers moved to go into closed executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act to discuss the matter; after Member Nash seconded the motion, the motion carried upon a unanimous roll call vote and the Board went into closed executive session at 9:54 a.m. At 10:41 a.m. Chair Bowers moved to go back into regular session and stated pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matter discussed in the closed executive session was PELRB 307-20; after the Vice-Chair seconded the motion, the motion carried upon a unanimous roll call vote and the

Board went back into open session. The Chair then stated that the Board would reserve its decision on PELRB 307-20 until after resuming with the next item on the agenda.

- b. ***AFSCME, Council 18 v. Bd. of C'nty Comm'rs Bernalillo County; PELRB 101-21.*** The Executive Director explained that staff had received requests for review of the Hearing Officer's Report and Recommended Decision from both parties to the case, as well as replies thereto. The Chair stated that the Board would hear from the union regarding its request for review first, then the response to that request by the employer; after that, the Board would hear from the employer regarding its request for review followed by the response to that request by the union. After both parties had been given an opportunity to address the Board, Chair Bowers moved to go back into closed executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act to deliberate on both *AFSCME, Council 18 v. Bd. of C'nty Comm'rs Bernalillo County; PELRB 101-21* and *United Electrical, Radio and Machine Workers of America & UNM; PELRB 307-20*. Member Nash seconded the motion and it carried upon a unanimous roll call vote. The Board went into closed executive session at 11:06 a.m. At 11:27 a.m. Chair Bowers moved to go back into regular session and stated pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session were PELRB 101-21 and 307-20; after the Vice-Chair seconded the motion, the motion carried upon a unanimous roll call vote and the Board went back into open session.

After returning to regular session, the Chair moved to recess the meeting in regard to 307-20 and reconvene for further deliberations on August 17, 2021 at 8:00 a.m. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.

Chair Bowers then moved to accept the Hearing Officer's Recommended Decision with the additional remedy that all references to the investigations of the two employees at issue be completely removed from their personnel files. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.

8. **Extension of Time to Request Review** Before this item was addressed, Member Nash announced that she had to leave the meeting to take care of a pressing issue and departed the meeting. The Chair and Vice-Chair remained, so a quorum was still present. The Executive director then explained that he had granted an extension of time in which to request Board review of his Report and Recommended Decision regarding damages in *AFSCME v Santa Fe; PELRB 106-20*. The reason for the extension was to accommodate the parties' ongoing settlement discussions.
9. **Director's Reports**
10. **Adjournment.** Chair Bowers noted that the next meeting was scheduled for August 3, 2021. The Executive Director stated that a typographical error had been discovered on the agenda and ceded the floor to the Administrative Assistant who stated that the Agenda erroneously referred to approval of the June 2, 2021 minutes when, in fact, the minutes were of the June 1, 2021 meeting. The Executive Director suggested a motion to approve the June 1, 2021 minutes be entertained. The Chair so moved; Member Nash seconded the motion and the motion passed unanimously upon a roll call vote. The Chair then moved to adjourn the meeting; Member Nash seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:42 a.m.

Updated and amended Agendas may be picked up at the PELRB office up to seventy-two hours in advance or at the board meeting. If you are an individual with a disability in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Executive Director at the PELRB office located at 2929 Coors Blvd. NW Suite 303 Albuquerque, New Mexico, Telephone 505-831-5422 at least two weeks prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive Director at the PELRB Office at the address and telephone number above if a summary or other type of accessible format is needed.