



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday, December 7, 2021
at 9:00 a.m. via videoconference. Chair Mark Myers presiding.

1. **Call to Order.** The Board's Chair, Mark Myers, called the Board meeting to order at 9:00 a.m. Vice-Chair Nan Nash and Member Marianne Bowers were also in attendance so that a quorum was present.
2. **Approval of Agenda.** Before calling for a vote on approval of the Agenda, Director Griego told the Board that there were three typographical errors that needed to be corrected before a final version was posted on the Board's website. Vice-Chair Nash moved to approve the agenda with the corrections noted by the Executive Director. The motion was seconded by member Bowers and carried unanimously upon a roll call vote.
3. **Approval of November 2, 2021 Meeting Minutes.** After calling for a motion, Member Bowers moved to approve November 2, 2021 Meeting Minutes. Nan Nash seconded the motion and it passed on a roll call vote 3-0.
4. **Public Comments.** No one requested to speak under this agenda item.
5. **Summary Dismissal.** Director Griego presented the procedural background and the reason for his summary dismissal of the accretion Petition *AFSCME 1782 & Santa Fe County*; PELRB 312-21, because the employees involved are already represented by a different collective bargaining representative. Because there was no request for Board review of the dismissal, no action by the Board was required or taken and staff will close the file.
6. **Hearing Officer's Decisions (No Request for Review).** Mr. Griego reported on two cases in which he conducted hearings, issued Reports and Recommended Decisions and in which neither party requested Board review: *AFSCME, Local 3022 v. ABCWUA*; PELRB 114-21 and *AFSCME v. CYFD*; PELRB 120-21. Because there were no requests for Board review, no action by the Board was required or taken and staff will close the files after monitoring compliance with the decisions.
7. **Request for Board Review in *AFSCME and CYFD*; PELRB 303-21.** Chair Myers called upon counsel for the parties in this case to present arguments concerning CYFD's request that the Board reject the Hearing Officer's Report and Recommended Decision, find instead that the petitioned-for employees are supervisory and managerial employees excluded from collective bargaining under the Act, that they do not share a community of interest with the existing bargaining unit and that their inclusion in the bargaining unit would render the unit inappropriate. Kathryn Grusauskis, appearing for CYFD, deferred to her legal brief on file and declined to make further oral argument. In consideration of CYFD's decision not to present further argument, Stephen Curtice, appearing for AFSCME, also declined to present further argument. Therefore, Mr. Myers moved that he Board go into closed executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act, to discuss PELRB 303-21. His motion was seconded by Ms. Nash and passed unanimously upon a roll call vote.

The Board returned to open session at 9:23 a.m. following a motion by Chair Myers, a second by Ms. Nash and a 3-0 roll call vote, whereupon Mr. Myers moved to affirm the Hearing Officer's Recommended Report and Recommended decision and adopt it as its own Order. Member Bowers seconded the motion and it passed 3-0 upon a roll call vote.

8. **Director's Reports.** Following the vote to adopt the Hearing Officer's decision in PELRB 303-21, the Executive Director reported on the procedural status of the following:
 - a. *AFSCME, Local 2851 v. City of Las Vegas*; PELRB 305-20
 - b. *AFSCME, Local 3022 v. ABCWUA*; PELRB 107-21 & 109-21, Notice of Appeal
 - c. *AFSCME, Local 3022 v. ABCWUA*; PELRB 108-21
 - d. Town of Silver City's Biennial Affirmation under NMSA 1978 § 10-7E-10(D)
 - e. *PFUSE v Peñasco ISD*; A-1-CA-39990

No Board action was required under this agenda item and none was taken.

9. **Pending Litigation and Limited Personnel Matters.** Mr. Myers moved that he Board go into closed executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act, to discuss pending litigation involving the Board in *University of NM v. United Electrical Radio and Machine Workers of America*; D-202-CV-2021-06615 and *SRMC v. PELRB et al.*; D-202-CV-2021-06067, as well as section 10-15- 1(H)(2), to discuss agenda item 10, limited personnel action concerning staff salaries. Member Bowers seconded the Motion. The Board voted 3-0 upon a roll call vote to pass the motion and the Board recessed into closed session at 9:36 a.m.

At 10:51 a.m. the Board returned to open session pursuant to sections 10-15-1(I)(I) and 10-15-1(J) of the Open Meetings Act following a Motion by Chair Myers, seconded by Member Bowers and passed unanimously on a roll call vote.

Once in open session, Chair Myers moved to affirm the Executive Director's denial of UNM's motion to stay proceedings in PELRB 307-20 as it is consistent with the Board's prior Order 73-PELRB-2021 requiring the Executive Director to proceed with a card check without delay, and its position that 73-PELRB-2021 was not a final order subject to appeal under rule 1-074. His motion was seconded by Ms. Bowers and passed unanimously upon a roll call vote. No other action was taken concerning any of the other matters discussed in closed session.

10. **Adjournment.** Having completed the Board's business for this meeting and noting the scheduled meeting for the calendar year 2022, moving the July meeting to the 12th of that month, Vice-Chair Nash moved to adjourn. Member Bowers seconded the motion and it passed unanimously following a roll call vote at 10:56 a.m.