



**MINUTES**  
**STATE OF NEW MEXICO**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**  
Mark Myers, Board Chair  
**Tuesday, January 4, 2022, 9:00 a.m.**  
**Via videoconference**

1. **Call to Order.** Before calling the meeting to order, the Board's Chair, Mark Myers, announced that Lori Chavez was no longer serving as the Board's legal counsel. Sally Malave introduced herself and stated that she works for the AG's office and would be serving as the Board's counsel until another attorney could be assigned. The Chair commended Ms. Chavez for her years of dedication and service to the Board. The Chair then 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.** Member Bowers moved to approve the agenda. The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote.
3. **Approval of December 7, 2021 Meeting Minutes.** Member Bowers moved to approve December 7, 2021 Meeting Minutes. Nan Nash seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Public Comments.** At this point in the meeting the Board was informed that the link to the virtual meeting on the PELRB home page was not functioning properly. Counsel for the Board recommended going into recess. Vice-Chair Nash moved to go into recess until 9:20 a.m. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. At 9:23 the Chair called the meeting back to order. The administrative assistant informed the Board that the link on the home page now led to the virtual meeting. There were no further public comments.
5. **Summary Dismissals**  
*AFSCME 1782 & Santa Fe County*; PELRB 316-21. The administrative assistant presented the procedural background and the reason for the summary dismissal of the accretion Petition in PELRB 312-21; the employees involved are currently represented by a different exclusive representative. Because the time to request Board review of the dismissal had not passed, no action was taken by the Board.

The administrative assistant addressed *AFT & LAMAW v SRMC*, PELRB 127-21; *UHPNM & SRMC*, PELRB 306-21; and *UHPNM & SRMC*, PELRB 309-21 collectively. The Board was informed that these three cases has been summarily dismissed as a result of the issuance of a Writ of Mandamus by the District Court. Member Bowers moved to ratify the dismissals. The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote.

6. **Voluntary Dismissal**  
*NM1199-NUHHCE v. UNM Hospitals*; PELRB 124-21. The administrative assistant informed the Board that a Voluntary Dismissal had been issued in this case after the complainant withdrew the PPC prior to a hearing. Staff was directed to close the file.
7. **Results of Card Check**

*UE & UNM*; PELRB 307-20. After the administrative assistant provided the procedural posture of the case, the Board heard argument from counsel for UNM and UE. After confirming that both counselors had no further comments for the Board, the Chair moved under section 10-15-1(H)(3) of the Open Meetings Act, to go into closed executive session to discuss Item 7a on the agenda, UE & UNM, PELRB 307-20. The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 10:29 a.m.

At 11:03 a.m. the Chair moved to return to open session, and stated that and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matter discussed in the closed executive session was Item 7a on the agenda, UE & UNM, PELRB 307-20. The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Chair then announced the decision of the Board: "Following deliberation of the facts presented by counsel for the parties during this morning's hearings in the matter of UE v. UNM, PELRB no. 307-20, the Board finds that a majority of the employees of the proposed bargaining unit have signed valid authorization cards within 3 months of the petition and that UNM's other objections are otherwise without merit. I therefore move that the Board direct counsel to draft a final order memorializing the board's findings, as discussed in closed session, for my review and signature." The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote.

*CSEC-Las Cruces & Las Cruces Public Schools*; PELRB 311-21. The administrative assistant informed the Board that a card check had been conducted and the union had demonstrated majority support. After confirming the accuracy of the reported results, Vice-Chair Nash moved to affirm the results of the card check and that a certification be issued. The motion was seconded by member Bowers and carried unanimously upon roll call vote.

#### 8. **Director's Reports**

- a. Quarterly financial report. The CFO, Tanya Montoya-Ramirez, reported to the Board that the FY21 Audit had been successfully completed and the State Auditor had given permission to publish the audit but she was awaiting delivery of the final report by the auditor. She went on to report on the state of the budget, informing the Board that the agency would be within its budget when the appropriations requests go through. The Chair thanked her for her diligent efforts.
- b. *NMCP SO & SFCD SA v. Santa Fe County*; PELRB 133-21 The administrative assistant informed the Board that the Executive Director had denied a request for preliminary injunctive relief in this case. No action was taken by the Board.
- c. *AFSCME, Council 18 v. Bd. of County Comm'rs Bernalillo County*; PELRB 101-21 The administrative assistant informed the Board that staff had confirmed all remedial actions ordered in that case had been performed and the file had been closed.
- d. *AFSCME, Local 2851 v. City of Las Vegas*; PELRB 305-20 The administrative assistant informed the Board that it appeared there had been no further appeal of decision of the District Court affirming the Board and that staff would close the file after confirming that the time to request a writ of certiorari from the NMCA had passed.
- e. *AFSCME, Local 3022 v. ABCWUA*; PELRB 107-21 & 109-21 The administrative assistant informed the Board that this case had been appealed and the record on appeal had been filed with the District Court.
- f. *PFUSE v. Peñasco ISD*; A-1-CA-39990 The administrative assistant informed the Board that a petition for a writ of certiorari had been filed with the NMCA, but the Court had not taken any action thus far.
- g. Biennial Affirmations under NMSA 1978 § 10-7E-10(D) The administrative assistant

informed the Board that the following local labor boards had timely submitted the biennial affirmation required by Section 10(D) of the PEBA and would continue to operate:

1. *City of Hobbs*
2. *Albuquerque Public Schools*
3. *City of Deming*
4. *Zuni Public Schools*
5. *City of Roswell*
6. *Los Alamos County*
7. *City of Albuquerque*

The Board was also informed that CNM had submitted an affirmation timely, but it contained a request for variance that, due to notice requirements, could not be heard by the Board until the next meeting.

9. **Pending Litigation** The Chair moved under section 10-15-1(H)(2) and (7) of the Open Meetings Act, to discuss *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 and some personnel matters. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. The time was 11:19 a.m. At 11:29 a.m. the Chair moved to return to open session, and stated that and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session were *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.
10. **Personnel Matters** The Chair announced that on advice of counsel the Board did not discuss any personnel matters during the closed session. The motion to return to open session was then seconded by Vice-Chair Nash and carried unanimously upon a roll call vote.
11. **Adjournment** Vice-Chair Nash confirmed with the administrative assistant that Items 5a and 10 as well as CNM's request would be moved to the February agenda then moved to adjourn. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. The time was 11:31 a.m.