



**MINUTES**  
**STATE OF NEW MEXICO**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

Mark Myers, Board Chair

**Tuesday, February 1, 2022, 9:00 a.m.**

**Via videoconference**

1. **Call to Order.** The Chair 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 January 4, 2022 Meeting Minutes.** Member Bowers moved to approve January 4, 2022 Meeting Minutes. Vice-Chair Nash seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Summary Dismissal.** *AFSCME 1782 & Santa Fe County*; PELRB 316-21. The Executive Director presented the procedural background and the reason for the summary dismissal of the accretion Petition in PELRB 316-21; the employees involved are currently represented by a different exclusive representative. No request for review of the summary dismissal was filed and no action was taken by the Board.
6. **Request for Exception to NMSA §10-7E-10(D).** *In Re: CNM*; PELRB 206-20. The Executive Director gave the statutory context and procedural history of the case: The CNM Labor Management Relations Board purported to have filed an affirmation required by Section 10(D) of the PEBA required in order to continue to operate. However, that affirmation acknowledged that it did not include an affirmation from Communications Workers of America, a labor organization representing 6.7% of CNM employees. Accordingly, the local board requested a “variance” from, or exception to, the requirement of Section 10(D) that it must submit an affirmation from each labor organization representing employees at CNM. Thomas Manning and Rita Siegel addressed the Board on behalf of the CNM board. They asked the Board to grant a variance based on the Board’s inherent power to enforce the PEBA contained in Section 9(F) of the PEBA. After review of the relevant statutes, a discussion among the members, and having been informed by PELRB counsel that the resulting Order would be a final order subject to appeal to the District Court, Member Bowers moved to deny the request. Chair Myers seconded the motion and opened the question for more discussion upon the request of Vice-Chair Nash. The Vice-Chair stated that she would like the Board’s order to indicate that the Board is without authority to grant such a request because of Sections 9(F), 10(D) and (E) of the PEBA. Vice-Chair Nash then moved to deny the request for a variance and to include language in the Order that the Board’s interpretation of those Sections of the Act require a conclusion that the PELRB are without authority to grant the request. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote.
7. **Consent Election Agreements**
  - a. **Macias & NMCP SO**; PELRB 315-21. After being informed of the procedural posture of the case, Member Bowers moved to approve the agreement and the Vice-Chair seconded the motion. The Board voted 3-0 to approve the Consent Election Agreement.

- b. **TECS-NEA; PELRB 314-21.** The Executive Director informed the Board that rather than a Consent Election Agreement, the parties to this case has entered into a Card Check Agreement under Section 14(C) of the PEBA. Member Bowers moved to approve the agreement and the Vice-Chair seconded the motion; the Board voted 3-0 to approve the Card Check Agreement.
8. **Voluntary Dismissals**
- a. *PFUSE v. Peñasco ISD*; PELRB 310-21
  - b. *Communications Workers of America v. State Personnel Office*; PELRB 131-21
  - c. *TFUSE et al. v. Taos Mun. School Dist.*; PELRB 130-21
- The Executive Director addressed these items collectively. He stated that in each case, the complaint or petition had been withdrawn prior to a hearing and no action was required by the Board. Chair Myers directed staff to close the files.
9. **Director's Reports**
- a. **Budget report after House Appropriations Committee meeting.** The Executive Director informed the Board that the House subcommittee had approved the budget recommended by the LFC.
  - b. **Senate Bill 41.** The Board was informed that Senate Bill 41 had been given a “do pass” recommendation from the Senate Judiciary Committee after being amended to apply only to health care facilities.
  - c. **NMCP SO & SFCDSA v. Santa Fe County; PELRB 133-21** The Executive Director informed the Board that he had denied a request for preliminary injunctive relief in this case.
10. **Pending Litigation and Limited Personnel Matters.** The Chair moved under Sections 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 to discuss personnel matters relating to staff compensation. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. The Board recessed to closed executive session at 9:48 a.m.

At 10:11 a.m. the Chair moved to return to open session and stated that and pursuant to sections 10-15-1(I)(I) 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 and the limited personnel matters. No action was taken by the Board as a result of the closed session.

11. **Adjournment.** Prior to moving to adjourn, Vice-Chair Nash moved to amend the agenda to correct a typographical error in Item 7(a) to reflect the correct file number, 315-21. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. Vice-Chair Nash then moved to adjourn. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote. The time was 10:13 a.m.