



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
MEETING MINUTES
Tuesday, May 3, 2022

1. **Call to Order.** Mark Myers, Board Chair, called the meeting to order at 9:00 a.m. Member Marianne Bowers and Vice-Chair Nan Nash were also in attendance so that a quorum was present.
2. **Approval of Agenda.** The Vice-Chair moved to approve the agenda. The motion was seconded by Member Bowers and carried unanimously upon a roll call vote.
3. **Approval of April 5, 2021 Meeting Minutes.** Member Bowers moved to approve the April 5, 2022 Meeting Minutes. The Chair seconded the motion and the motion passed 2-0 upon a roll call vote with Vice-Chair Nash abstaining.
4. **Public Comments.** The Chair asked if there were any public comments. There were none.
5. **Voluntary Dismissal.** The Executive Director informed the Board that although the parties to *DFUSE v. Dulce Independent Schools*; PELRB 103-22 had resolved their dispute and the item had been placed on the agenda in anticipation of a withdrawal of the complaint, staff has not yet received the withdrawal or entered a Voluntary Dismissal. The Vice-Chair moved to table the matter to the next Board meeting. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote.
6. **Fact-Finding Hearing on Objections to Card Check.** The Chair announced that the Board would be conducting a fact-finding hearing on the objections to the card check conducted in *UE & NMSU*; PELRB 313-21. After determining that neither party would be introducing new evidence at the hearing, he invited Dina Holcomb, counsel for NMSU, to address the Board first. After hearing from Ms. Holcomb, Stephen Curtice, counsel for UE, presented his argument. Ms. Holcomb was invited to respond, which she did. After ascertaining that none of the Board members had any questions for the parties, the Chair stated that the Board would move on to the next agenda item and deliberate on both items in one closed session.
7. **Review of Hearing Officer's Report and Recommended Decisions.** The Chair introduced the case, *NMCPSO v. Santa Fe County*; PELRB 133-21, ascertained the presence of counsel, then invited Ms. Holcomb, counsel for the County to address the Board first. After hearing from Ms. Holcomb and clearing up some procedural issues with the Executive Director, the Chair invited Justin Lesky, counsel for NMCPSO to present his argument. After hearing Ms. Holcomb's rebuttal and a brief response from Mr. Lesky, the Chair moved to go into executive session pursuant to section 10-15- 1(H)(3) of the Open Meetings Act, to discuss items 6 and 7 on the agenda. The Motion was seconded by Member Bowers and passed unanimously upon a roll call vote. The time was 9:39 a.m.

At 9:57 a.m. the Chair moved to go back into regular session, and stated that pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session were *UE & NMSU*, PELRB 313-21 and *NMCPSO v. Santa Fe County*, PELRB 133-

21. The Motion was seconded by Member Bowers and passed unanimously upon a roll call vote. The Chair then announced the Board's decision in *UE & NMSU*, PELRB 313-21: the Board found that a majority of the employees in the bargaining unit had submitted authorization cards within 3 months of the petition and that NMSU's other objections were without merit. The Chair then moved to direct the Board's counsel to draft an Order memorializing the Board's finding as discussed in closed session. Member Bowers seconded the motion and the motion passed unanimously upon a roll call vote.

The Chair then moved on to the Board's decision in *NMCP SO v. Santa Fe County*, PELRB 133-21 and moved to adopt the Hearing Officer's Report and Recommended Decision. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

8. Director's Reports.

- a. The Executive Director reported that the agency's loss prevention assessment was meeting deadlines and staff had completed a required cyber security assessment on time. The FY23 Operating Budget had been submitted on time. Additional appropriations to bring staff to the midpoints of their levels had not been obtained, but efforts were ongoing. A new LFC liaison, Joseph Simon had been assigned to the agency. Vice-Chair Nash inquired whether a motion indicating the Board's support for the salary increases was in order. Counsel for the Board stated that such a motion would constitute action by the Board, so it would have to be an agenda item and in answer to a query from the Chair stated that the current agenda item, "Financial Report" was not sufficient. The Chair then directed staff to include this matter on the next agenda with sufficient specificity.
 - b. The Executive Director informed the Board that an ad hoc rules committee composed of various stakeholders from management and unions had met and produced some proposed changes to the Board's procedural rules, which had been provided to the Board. The changes mainly dealing with rules for card checks and the reporting requirements of local labor boards. Staff had also made some modifications to the form authorization card and the Notice of Disclaimer as a result of the proposed rule changes. He also outlined the rulemaking process for the Board. Ms. Bowers asked about the composition of the ad hoc committee. The Executive Director gave the names of the participants. There were no further questions. Staff were directed to proceed with the rulemaking process.
 - c. The Executive Director informed the Board that the Petition for Writ of Certiorari in the appeal of PFUSE Local 4285, et al. v. Peñasco Independent School District: (PELRB 108-20, D-820-CV-2021-00029; A-1-CA-39990) had been denied by the Court of Appeals. Staff were directed to monitor compliance with the Board's Order in that case and close the file when compliance had been confirmed.
- 9. Adjournment.** Member Bowers moved to adjourn. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The time was 10:20 a.m.