



AGENDA
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Mark Myers, Board Chair
Tuesday, August 2, 2022, 9:00 a.m.
Via videoconference

1. **Call to Order.** In the absence of the Board's Chair, who called to inform staff that he would be late to the meeting, Vice-Chair Nan Nash called the meeting to order at 9:03 a.m. Member Marianne Bowers was also in attendance so that a quorum was present.
2. **Approval of Agenda.** The Executive Director informed the Board that the issues associated with Item 8 concerning compliance with Board Order 16-PELRB-2022 and Employer's Objections to Employee List Request in *LAMAW & UNM-SRMC*; PELRB 303-22 and *UHPNM, AFT & UNM-SRMC*; PELRB 304-22 had been resolved and suggested that the agenda item be removed so that parties attending for the sake of that item could be excused. The Vice-Chair moved to approve the agenda with Item 8 removed. The motion was seconded by Member Bowers and carried unanimously upon a roll call vote.
3. **Approval of July 12, 2022 Meeting Minutes.** Member Bowers moved to approve the July 12, 2022 Meeting Minutes. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissal of *DFUSE v. Dulce Independent Schools*; PELRB 103-22.** The Executive Director informed the Board that the PPC had been withdrawn prior to a hearing and he issued a Voluntary Dismissal. No further action was required and the Board directed staff to close the file.
6. **Amended Certification in *RRSEU & Rio Rancho Schools*; PELRB 309-22.** The Executive Director told the Board that the parties agreed on the accretion of Instructional Coordinators and Instructional Coaches to an existing bargaining unit. After review to ensure that the agreed-upon accretion would not render the unit inappropriate, he issued an amended certification on July 18, 2022 and asked that the Board ratify the amendment. Member Bowers moved to ratify the amended certification. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.
7. **Request for Board review In re: *AFSCME 3022 v. ABCWUA*; PELRB 106-22.** The Executive Director called the Board's attention to his June 27, 2022 granting the Union's Motion for Summary Judgement, while granting in part and denying in part, the water Authority's Motion for Summary Judgement. According to his decision Complainant's claims brought under NMSA 1978 §§ 10-7E-15; 10-7E-22; 10-7E-24; 10-7E-25 and 10-7E-26 were summarily dismissed but Summary Judgement in favor of ABCWUA was denied in all other respects. The Union, on the other hand, was granted Summary judgment in its favor with regard to its claims that Article 61 of the parties' CBA, as applied by ABCWUA in this case, violated §§ 2 and 17 of the Act. Accordingly, the Director concluded that ABCWUA committed a prohibited labor practice in violation of § 10-7E-19(F) by its refusal to engage in negotiations and it was ordered to immediately begin good faith negotiations

with AFSCME, Local 3022.

ABCWUA requested Board review of that decision. Vice-Chair Nash invited Dina Holcomb, counsel for ABCWUA, to address the Board first. The Board then heard a response by Rocky Gutierrez, the union's representative. After hearing from Mr. Gutierrez, the Vice-Chair noted for the record that Chair Myers had joined the meeting at 9:20 a.m. and, after confirming that Chair Myers wanted her to complete the agenda item before he assumed Chair duties, called for a reply by Ms. Holcomb. After hearing Ms. Holcomb's reply, Ms. Holcomb answered a clarifying question from Vice-Chair Nash, Member Bowers moved that the Board go into executive session pursuant to section 10-15- 1(H)(3) of the Open Meetings Act, to discuss item 7, *AFSCME 3022 v. ABCWUA*; PELRB 106-22; she further moved that the Board go into executive session pursuant to section 10-15- 1(H)(2) of the Open Meetings Act, to discuss item 9, Personnel Matters regarding staff compensation. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:29 a.m.

At 10:02 a.m. Chair Myers moved that the Board go back into regular session and stated that pursuant to sections 10-15-1(I) and 10-15-1(J), the only matters discussed in the closed executive session were items 7, *AFSCME 3022 v. ABCWUA*; PELRB 106-22 and item 9, Personnel Matters regarding staff compensation. The motion was seconded by Member Bowers and carried unanimously upon a roll call vote. The Executive Director stated that staff had been present for the discussions of Item 9, but they were not present for the deliberations on Item 7. Member Bowers then moved to affirm the Executive Director's denial of the respondent's request for reconsideration. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

8. **Review Compliance with Board Order 16-PELRB-2022 and Employer's Objections to Employee List Request.** Item was removed prior to approval of the agenda (see Item 2, above).
9. **Personnel matters re: staff compensation.** The Vice-Chair moved to direct staff to request approval from the governor's office to add \$30,200.00 to the 200 category of the budget. The motion was seconded by Member Bowers and carried unanimously upon a roll call vote.
10. **Director's Reports.** The Executive Director reported that he had nothing to report.
11. **Adjournment.** The Vice-Chair moved to adjourn. The motion was seconded by Member Bowers and carried unanimously upon a roll call vote. The time was 10:07 a.m.