



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

Nan Nash, Board Chair

**Tuesday, September 6, 2022, 9:00 a.m.**

**Via videoconference**

1. **Call to Order.** Chair Nan Nash called the meeting to order at 8:59 a.m. and noted that pursuant to NMAC 11.21.1.33, she had assumed the position of Chair; Marianne Bowers had become Vice-Chair and Mark Myers a member of the Board. All three were present so that a quorum was achieved. She thanked Mr. Myers for his service as the Board's chair.
2. **Approval of Agenda.** Chair Nash moved to approve the Amended Agenda. The motion was seconded by Mr. Myers and carried unanimously upon a roll call vote.
3. **Approval of August 2, 2022 Meeting Minutes.** Chair Nash moved to approve the August 2, 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. **Re-Appointment of Board Member Nan Nash.** The Executive Director informed the Board that Ms. Nash had been appointed to serve the remainder of the term of the previous neutral appointment, and that term had expired; pursuant to the New Mexico Constitution, she would continue to serve until replaced, and had expressed a willingness to do so, but the other two members of the Board must make a recommendation to the Governor for her re-appointment pursuant to NMSA 1978 § 10-7E-8(A). Vice-Chair Bowers moved to recommend the re-appointment of Nan Nash as the third, jointly recommended member of the PELRB. Member Myers seconded the motion and the motion carried 2-0 with Chair Nash abstaining from the vote.
6. **Voluntary Dismissals.** The Executive Director informed the Board that the complaints in *NMCPSO v. Santa Fe County*; PELRB 107-22 and *AFSCME v NMCD*; PELRB 115-22 had been withdrawn prior to their respective hearings and he had issued Voluntary Dismissals in each. Staff were directed to close the files.
7. **Amended Certifications**
  - a. *New Mexico State University & UERMWA*; PELRB 310-22. The Executive Director informed the board that a branch of NMSU had separated from the university to form its own school. The parties had filed a petition for clarification to sever the employees at that campus from the bargaining unit and he had issued an Amended Certification reflecting that change. The Chair invited representatives of the parties to address the Board, and none availed themselves of the opportunity. The Chair moved to approve the Amended Certification. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.
  - b. *District 1199NM, NUHHCE & University of New Mexico Hospitals*; PELRB 308-22. The Executive Director informed the board that the union had filed an uncontested

petition for accretion to add Urology Techs to the existing bargaining unit and he had issued an Amended Certification; he added that during this process he was able to compile a complete list of all the positions now included in the bargaining unit, something that had not been done for quite some time. The Chair invited representatives of the parties to address the Board, who reiterated the Executive Director's summary of the case and stated they had nothing to add. The Chair moved to approve the Amended Certification. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

8. **Request for Board review In re: *LAMAW and University of New Mexico Sandoval Regional Medical Center*; PELRB No. 303-22.** The Executive Director informed the Board that he had conducted a unit composition hearing in this case and issued a Report and Recommended Decision finding that the "lead" employees were not supervisors as that term is defined in the PEBA, and that employees in their orientation period were probationary employees as under the PEBA and should not be included in the group of bargaining unit employees considered when determining majority support. He further stated that the employer had requested the Board review his recommended decision, to which the union had submitted a reply, both of which had been provided to the Board. The Chair invited Kevin Gick, counsel for the employer to address the Board first. He began by stating he had only been notified that this case was on the Agenda on the previous Friday, and that it was his position that NMAC 11.21.1.16 required five-days' notice, but without waiving any right to object to the notice, he was willing to present his argument. After presenting his argument, the Vice-Chair asked Mr. Gick to confirm that UNM-SRMC was not waiving any notice requirements. Upon hearing Mr. Gick's confirmation and confirming that notice was not provided more than five days previous, she moved to table Item \* from the agenda until the October meeting. The Chair Seconded the motion and the motion carried unanimously on a roll call vote. The Board then heard from the Executive Director regarding Item 9 (see below). At this point, Stephen Curtice, counsel for the union voiced his objection to the tabling of the matter and stated that he does not share Mr. Gick's view that NMAC 11.21.1.16 imposes a five-day notice requirement. After reviewing the rule and consulting with the Board's counsel, John Kreienkamp, the Vice-Chair moved to re-open Item 8. The Chair Seconded the motion and the motion carried unanimously on a roll call vote. The Board then invited the other members of the Board to pose any questions they might have had for Mr. Gick, as the item had been tabled before after a single question from the Vice-Chair. There being no questions, Mr. Curtice was invited to present his argument. After hearing from Mr. Curtice and determining there were no questions from the Board for him, the Chair invited Mr. Gick to provide a brief rebuttal. The Chair then moved that the Board go into executive session pursuant to section 10-15- 1(H)(3) of the Open Meetings Act, to discuss item 8, *LAMAW and University of New Mexico Sandoval Regional Medical Center*; PELRB No. 303-22. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:42 a.m. At 10:00 a.m. the Chair moved that the Board go back into regular session, and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session was item 8, *LAMAW and University of New Mexico Sandoval Regional Medical Center*; PELRB No. 303-22. Once back in open session, the

Chair moved to adopt the Hearing Officer's Report and Recommended Decision in the case. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

9. **Personnel matters re: staff compensation.** The Executive Director informed the Board that the budget submission for FY24 had been submitted and it included a request for additional funds to cover the increases to staff compensation that they had previously approved. The matter was now one for the legislature, who will hold hearings in January, and asked that the members be prepared to do some advocacy on behalf of the Board with the powers that be when the time comes.
10. **Director's Reports**
  - a. *Santa Fe County v. NMCPPO/SFCDSA*, No. D-101-CV-2022-00913. The Executive Director informed the Board that counsel for the county, Dina Holcomb was present. Ms. Holcomb was invited to address the Board and stated that the parties had not reached a settlement and the matter continues on appeal.
  - b. *AFSCME v ABCWUA*; D-202-CV-2021-06572. The Executive Director informed the Board that the final payments of the settlement had been made, or would be made soon, and the appeal would be withdrawn. Stephen Curtice, counsel for the union was invited to speak and he stated that the Executive Director's report was accurate and the final payment would be provided in the very near future, all necessary calculations having been completed.
11. **Adjournment.** The Vice-Chair moved to adjourn. The motion was seconded by Member Myers and carried unanimously upon a roll call vote. The time was 10:06 a.m.