



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Nan Nash, Board Chair

Saturday, November 19, 2022, 9:00 a.m.

Via videoconference

1. **Call to Order.** Chair Nan Nash called the meeting to order at 9:00 a.m. Vice-Chair Bowers and Member Mark Myers were also present, constituting a quorum.
2. **Approval of Agenda.** The Vice-Chair moved to approve the agenda. The motion was seconded by Member Myers and carried unanimously upon a roll call vote.
3. **Approval of November 5, 2022 Meeting Minutes.** Vice-Chair Bowers moved to approve the November 5, 2022 Meeting Minutes. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Approval of Open Meetings Act Resolution.** Vice-Chair Bowers moved to approve the 2022 Open Meetings Resolution. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.
5. **Certifications.** *IAMAW & UNM-SRMC*; PELRB 303-22 (fact-finding hearing pursuant to NMAC 11.21.2.34). The Chair stated that this was a fact-finding hearing to address the Respondent's objections to the results of the card check conducted in this case, pursuant to NMAC 11.21.2.34. Having determined that neither party intended to present witnesses, the Chair proceeded to oral argument and invited Samantha Hults, attorney for SRMC, to address the Board first. After Ms. Hults had presented her argument and answered the Board's questions, the Chair invited Shane Youtz, attorney for the IAMAW, to present the union's arguments. Ms. Hults was then allowed a brief rebuttal. The Chair then polled the other Board members about their preference for going into closed session to deliberate. The Board reached a consensus to defer the closed session until after all items on the agenda calling for deliberation were heard, and then deliberate about all of them in one closed session. The Chair then moved on to the next agenda item.
6. **Requests for Board review:**
 - a. ***UHPNM & University of New Mexico Sandoval Regional Medical Center*; PELRB No. 304-22.** After introducing the item, the Chair stated that she had reviewed the recording of the October 4, 2022 meeting where the parties had presented their arguments to the other Board members and asked the parties if they wished to present further oral argument or if the Board could proceed directly to deliberations. The Chair allowed Samantha Hults, attorney for SRMC, to address the Board. She claimed that under existing case law, the Board could not revisit their review of the Hearing Officer's Recommended Decision after a 'split decision' at the October 4, 2022 meeting. Shane Youtz, attorney for the union, asserted that what had occurred at the October meeting was failure of consensus followed by a motion to table the item, which had carried unanimously. The Chair stated that the parties' arguments would be duly considered during the executive session.
 - b. ***MCFUSE v. Gallup-McKinley Schools*; PELRB 104-22.** The Chair introduced the item and invited counsel for the parties to make their appearances. Stephen

Curtice announced his appearance for the union and A. Lynn Himes announced his for the School District. Vice-Chair Bowers then stated that she had reviewed the School District's motion to recuse her and the response thereto. Because there was neither actual bias nor the appearance of bias, she would not recuse herself. She further stated that the motion and the issue of recusal should be addressed in the Board's final written Order. Chair Nash invited Mr. Himes to present his arguments, objecting to the Recommended Decision, followed by Mr. Curtice's response. Mr. Himes presented a brief rebuttal and the Chair stated that the Board would deliberate during the upcoming executive session.

- c. ***UHPNM v. UNM-SRMC; PELRB 111-22.*** The Chair introduced the item invited counsel for the parties to make their appearances. Shane Youtz appeared on behalf of the union and Linda Vanzi on behalf of SRMC, and both stated that they were counsel for their respective parties in Items 6(c), (d), and (e). Ms. Vanzi was invited to address the Board first. Ms. Vanzi recommended that Item 6(e) be heard before this case, as the issues in PELRB 108-22 would have a bearing on the instant case. Vice-Chair Bowers moved to hear Item 6(e), *AFT & IMAAW v. UNM-SRMC*, PELRB 108-22, before taking up Items 6(c) and 6(d). Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.

After hearing the arguments from counsel in *AFT & IMAAW v. UNM-SRMC*, PELRB 108-22, the Board returned to Item 6(c). Ms. Vanzi presented SRMC's arguments, followed the Mr. Youtz with the union's arguments. Ms. Vanzi was allowed a brief rebuttal, after which the Chair stated that the arguments would be considered during the upcoming executive session.

- d. ***AFT & IMAAW v. UNM-SRMC; PELRB 112-22.*** The Chair introduced the item and invited Ms. Vanzi to address the Board first, followed by Mr. Youtz. Ms. Vanzi presented a brief rebuttal, after which the Chair stated that the matter would be taken up during the upcoming executive session.
- e. ***AFT & IMAAW v. UNM-SRMC; PELRB 108-22.*** As noted above, this item was addressed prior to Items 6(c) and 6(d). The Chair introduced the item and invited Ms. Vanzi to present her arguments first, followed by Mr. Youtz. Ms. Vanzi was allowed a brief rebuttal, and counsel answered the Board's questions. The Chair then stated that their arguments would be considered during the upcoming executive session.

At 10:27 a.m. the Chair moved that the Board go into executive session pursuant to section 10-15- 1(H)(3) of the Open Meetings Act, to discuss Items 5(a) *IAMAW & UNM-SRMC*; PELRB 303-22 (fact-finding hearing pursuant to NMAC 11.21.2.34); 6(a) *UHPNM & University of New Mexico Sandoval Regional Medical Center*; PELRB No. 304-22, 6(b) *MCFUSE v. Gallup-McKinley Schools*; PELRB 104-22, 6(c) *UHPNM v. UNM-SRMC*; PELRB 111-22, 6(d) *AFT & IMAAW v. UNM-SRMC*; PELRB 112-22, and 6(e) *AFT & IMAAW v. UNM-SRMC*; PELRB 108-22. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

At 11:57 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 were agenda items 5(a), 6(a), 6(b), 6(c), 6(d) and 6(e). The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

The Chair invited a motion concerning item 5(a), *LAMAW & UNM-SRMC*; PELRB 303-22. The Vice-Chair moved to adopt the reasoning of the Hearing Officer's Recommended Decision, overrule SRMC's objections, and affirm the Certification of Representation. Member Myers seconded the motion and the motion carried unanimously upon a roll call vote.

With regard to agenda item 6(a) *UHPNM & University of New Mexico Sandoval Regional Medical Center*; PELRB No. 304-22, Chair Nash moved to deny Ms. Hults's oral motion that the union's objections fail due to the Board's tabling of the item at the previous meeting. Member Myers seconded the motion and the motion carried unanimously upon a roll call vote. The Chair then moved reverse the Hearing Officer's Recommended Decision only in respect to PRNs and remand the matter for the Hearing Officer to determine whether the PRNs share a community of interest with others in the petitioned-for unit. The Vice-Chair seconded the motion and the motion carried unanimously upon a roll call vote. Ms. Hults requested clarification as to whether this would be a final, appealable order, and it was determined that due to the remand to the Hearing Officer, this would not be a final, appealable order. The final order would come after the Hearing Officer determines whether a single bargaining unit is appropriate.

The Chair invited a motion on agenda item 6(b), *MCFUSE v. Gallup-McKinley Schools*; PELRB 104-22. Member Myers moved to affirm the Hearing Officer's Recommended Decision. The Chair seconded the motion and the motion carried unanimously upon a roll call vote. Before moving on to the next matter, the Chair stated that the Board found no merit in the District's request for Vice-Chair Bowers to recuse herself.

The Chair then called for a motion concerning agenda item 6(c), *UHPNM v. UNM-SRMC*; PELRB 111-22. Vice-Chair Bowers moved to reject the Hearing Officer's determination of a violation of § 19(B) of the PEBA as not supported by the evidence and affirm the remaining portions of the Recommended Decision. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.

Concerning agenda item 6(d) *AFT & LAMAW v. UNM-SRMC*; PELRB 112-22, Member Myers moved to affirm the Hearing Officer's Recommended Decision. The Vice-Chair seconded the motion and the motion carried unanimously upon a roll call vote.

Chair Nash invited a motion concerning 6(e) *AFT & LAMAW v. UNM-SRMC*; PELRB 108-22. Vice-Chair Bowers moved to reject the Hearing Officer's determination of a violation of § 19(B) of the PEBA as not supported by the evidence and to dismiss the complaint. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.

7. **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 12:12 p.m.