



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Nan Nash, Board Chair
Tuesday, January 3, 2023, 9:00 a.m.
Via videoconference

1. **Call to Order.** Chair Nan Nash called the meeting to order at 9:03 a.m. Member Mark Myers was also present, constituting a quorum.
2. **Approval of Agenda.** Chair Nash moved to approve the agenda. The motion was seconded by Member Myers and carried unanimously upon a roll call vote.
3. **Approval of December 6, 2022 Meeting Minutes.** The Chair moved to approve the December 6, 2022 Meeting Minutes. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissals.**
 - a. *NMCPSO v. Santa Fe County*; PELRB 118-22. The Director informed the Board that as part of a settlement of parties' dispute the Complainant withdrew its Complaint prior to a merits hearing pursuant to NMAC 11.21.3.15(D) and he therefore issued a Voluntary Dismissal. No action was required or taken by the Board.
 - b. *AFSCME v. NMCD*; PELRB 128-21. The Director informed the Board that as part of a settlement of parties' dispute the Complainant withdrew its Complaint prior to a merits hearing pursuant to NMAC 11.21.3.15(D) and he therefore issued a Voluntary Dismissal. No action was required or taken by the Board.
6. **Results of Card Check.** *VCPFFA & Valencia County*; PELRB 327-22. Director Griego reported that a card check concerning a unit of Firefighters employed by Valencia County was conducted after the completion of all necessary preliminaries. The card check resulted in a finding that the union demonstrated majority support and he issued a Certification of Representation as may be seen on the Card Check Report Form and Certification in the Board's meeting packet. After inviting the parties to address the Board and receiving no response, Chair Nash moved to affirm the results and ratify the Certification of Majority Support. Member Myers seconded the motion and the motion passed unanimously upon a roll call vote.
7. **Director's Dismissal**
 - a. *AFSCME 3022 v. ABCWUA*; PELRB 120-22. The Director informed the Board that he had dismissed this complaint on *res judicata* or collateral estoppel grounds as

the issue had already been litigated by the parties and staff had received no request for Board review of his decision. Neither party addressed the Board after an invitation to do so. Member Myers moved to affirm the Dismissal. Chair Nash seconded the motion and the motion passed unanimously upon a roll call vote.

- b. *SCPFFA & Sandoval County*; PELRB 325-22. The Director informed the Board that he had dismissed this Petition on procedural grounds because it sought to accrete a number of employees that was more than 10% of the existing bargaining unit and must proceed under the rules for an election or card check. The dismissal was without prejudice to the Union's desire to include Lieutenants in its existing unit, provided it files an appropriate representation petition with required support but no subsequent petition had yet been received by the time of meeting. Member Myers moved to affirm the Dismissal. Chair Nash seconded the motion and the motion passed unanimously upon a roll call vote.
8. **Cases on Appeal.** The Director reported that Notices of Appeal had been filed in District Court regarding PELRB Cases 104-22 *MCFUSE v. Gallup-McKinley Schools* and 111-22 *UHPNM v. UNM-SRMC*, and that staff anticipated an appeal of 303-22 *LAMAW & UNM-SRMC* because arrangements had been made for the preparation of the administrative record. Counsel for the Board, John Krienkamp, stated that the Board was not a named party in the appeal of 111-22, but was named as party in the appeal of 104-22 and it would be appropriate to go into closed session to discuss the pending litigation. The Chair moved to go into closed executive session pursuant to section 10-15- 1(H)(7) of the Open Meetings Act, to discuss item 8(a) on the agenda. Member Myers seconded the motion and the motion passed 2-0 upon a roll call vote, and the Board went into executive session at 9:25 a.m.

At 9:47 a.m. Chair Nash 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 matter discussed in the closed executive session was agenda Item 8(a), PELRB 104-22, *MCFUSE v. Gallup-McKinley Schools*. Member Myers seconded the motion, which passed unanimously upon a roll call vote.
9. **Director's Reports.** Agency CFO, Tanya Ramirez, delivered her regular quarterly financial report. She reported that she had submitted the "50% Memo" for FY23, which is required annually halfway through the fiscal year, and that the agency was on track to remain within budget for the rest of the fiscal year. She further stated that there was sufficient funds in the budget to resume the Board members' per diem payments for attending Board meetings, which they had graciously waived up to the present. It was agreed that the CFO would prepare the ISTE forms for the members to sign.
10. **Schedule of 2023 meetings and Adjournment.** With the arrival of a new year, Director Griego reminded the Board that it was time to schedule the Board's meetings for 2023. Pursuant to the Board's Open Meetings Resolution, meetings are to be held on the first Tuesday of the month unless the Board directs otherwise and he asked the members to consult their calendars for that purpose. The Chair pointed out that she had no conflicts but noted that the first Tuesday of July was a holiday and recommended that the July meeting be held on the following Tuesday, July 11. Member Myers and staff concurred. Staff were directed to schedule the 2023 meetings accordingly and place them on the online Hearing Calendar. The Chair then moved to adjourn. The motion was seconded by Member Myers and carried unanimously upon a roll call vote. The time was 9:58 a.m.