



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday August 17, 2021
at 8:00 a.m. via web conference. Marianne Bowers, presiding.

1. **Call to Order.** Chair Marianne Bowers called the meeting to order at 8:00 a.m. Nan Nash was in attendance so that a quorum was present. Vice-Chair Myers had not been able to log into the meeting remotely at the time the meeting was called to order but staff was aware that he was trying to do so.
2. **Approval of Agenda.** Chair Bowers moved to approve the agenda. Member Nash seconded the motion and the motion carried 2-0 upon a roll call vote.
3. **Approval of August 3, 2021 Meeting Minutes.** Chair Bowers moved to approve the August 3, 2021 Minutes. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.
4. **Board Review of Recommended Decision** *In re: United Electrical, Radio and Machine Workers of America & UNM*; PELRB 307-20. The Chair introduced the agenda item and then moved to go into closed executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act to discuss the matter. Member Nash seconded the motion, the motion carried upon a unanimous roll call vote and the Board went into closed executive session at 8:15 a.m. Immediately after recessing to executive session Vice-Chair Myers joined the meeting by conference call and so was able to participate in the closed session deliberations. At 9:03 a.m. Chair Bowers moved to go back into regular session and stated pursuant to sections 10-15-1(I)(l) and 10-15-1(J), that the only matter discussed in the closed executive session was PELRB 307-20. Member Nash seconded the motion. The motion carried on a 3-0 vote and the Board went back into open session. The Chair then moved to adopt the Hearing Officer's findings in his Recommended Decision with the following amendments:
 - a. The Board struck Finding of Fact Number 11, i.e. "The term 'Regular Employees' is defined for purposes of this case as those who are 'appointed for an indefinite period of time subject to satisfactory performance and availability of funding'".
 - b. The Board made the following conclusions of law reversing any contrary conclusions in the Recommended Decision:
 - i. The Public Employee Bargaining Act (PEBA) does not exclude graduate student from its definition of "regular employees";
 - ii. The PEBA specifically includes work funded in whole or in part by grants or other third-party sources;
 - iii. Other public employees with definite terms are guaranteed collective bargaining rights; and
 - iv. Graduate students fall within the PEBA's definition of "public employee".

The Chair then invited discussion from the other Board members; both had no further comment. Member Nash seconded the motion and the motion carried upon a unanimous roll call vote.

5. **Adjournment.** The Chair then moved to adjourn the meeting; Member Nash seconded the motion and the motion passed unanimously upon a roll call vote. The time was 9:07 a.m.