



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Nan Nash, Board Chair

Tuesday, April 4, 2023, 9:00 a.m.

Via videoconference

1. **Call to Order.** Chair Nan Nash called the meeting to order at 9:00 a.m. After a roll call, Vice-Chair Peggy Nelson and Member Mark Myers was present in addition to the Chair, constituting a quorum.
2. **Approval of Agenda.** Member Myers moved to approve the agenda. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.
3. **Approval of March 7, 2023 Meeting Minutes.** Chair Nash moved to approve the March 7, 2023 Meeting Minutes. Member Myers seconded the motion and the motion passed 2-0 upon a roll call vote with Vice-Chair Nelson abstaining. The Executive Director informed the Board and the public that the PELRB's new website would be active in the next day or two. The Administrative Assistant shared his screen to show attendees what it looks like. Attendees were invited to visit the website and inform the Board staff if there are any issues with functionality.
4. **Public Comments.** There were no public comments.
5. **Summary Dismissals**
 - a. *AFSCME v. HSD & SPO*; PELRB 102-23. The Executive Director reminded the Board that this item had appeared on the March Agenda and had been tabled to allow the full 10-day appeal period provided for in the Board's Rules. An appeal had been filed by the Complainant and the time to answer the appeal had run. There was no one present appearing on behalf of the Complainant. Counsel for the Respondents were invited to address the Board but stated they had nothing to add. The Chair noted that the Agenda indicated that the Board might go into closed session to discuss this item. Member Myers stated that since no oral argument had been presented, he felt sufficiently informed by the record and would prefer to move forward without an executive session. He then moved to affirm the Summary Dismissal. Vice-Chair Nelson noted her agreement and seconded the motion. The motion carried unanimously on a roll call vote.
 - b. *SCDSA & FOP*; PELRB 304-23. The Executive Director explained that after informing the Petitioner that the Petition was facially inadequate under NMSA 11.21.2.35, the Petition had been withdrawn and a Voluntary Dismissal was issued on March 27, 2023, so there was no action for the Board to take.
6. **Amended Certifications**
 - a. *NMCPSO & Santa Fe County*; PELRB 303-23. The Executive Director gave the procedural history of the case and stated the parties had come to an agreement regarding certain new positions created by the County; having found nothing in his investigation of the Petition

that would render the bargaining unit inappropriate with the new positions included, he had issued an Amended Certification. The Chair invited representatives of the parties to address the Board. Rachel Brown, on behalf of the County thanked the Executive Director for his efforts. The Vice-Chair moved to affirm the Amended Certification. Chair Nash seconded the motion and the motion was carried unanimously on a roll call vote.

7. **Hearing on Sanctions**

- a. *Los Lunas Firefighters Ass'n, Local 4297 and Village of Los Lunas*; PELRB 301-23. The Executive Director gave the procedural history of the case and a summary of the facts leading to calling upon the Board to consider sanctions against Union President Andrew Valdez or his union for failure to affect service of the Petition in this case. Mr. Valdez explained that he had only recently taken up the role of union president and had no experience with Board procedures prior to the filing of the petition. The delay in serving the petition was due to his inexperience and a misunderstanding of the appropriate person at the Village to serve due to the recent resignation of the person at the County he had been in communication with. After being informed of the appropriate persons to serve, service was effectuated. Member Myers expressed his appreciation of Mr. Valdez's appearance and sympathized with his predicament as a newly elected union official. The Chair moved to deny any sanctions as a result of the hearing conducted in this agenda item. The motion was seconded by the Vice-Chair and carried unanimously on a roll call vote.

8. **Director's Reports**

- a. FY 24 Budget Appropriation. The Executive Director informed the Board that despite the best efforts of Board members and staff, the Legislature did not approve the Board's budget request for sufficient increase to raise staff compensation to the mid-points of their pay scales. Chair Nash thanked the staff for their efforts and asked that they renew the attempt in the next budget cycle.
- b. CFO Quarterly Financial Report. Tanya Ramirez, agency CFO, stated that the Board was on track to stay within the budget for the rest of the fiscal year. She also informed the Board that staff would be getting new desktop computers, which would be the major new business going forward. The Chair invited questions from attendees about the budgetary presentations. There were none.

9. **Discussion of Cases on Appeal.** Chair Nash noted that the Board would go into closed executive session to discuss some of these items before inviting the Executive Director to address the Board.

- a. *UNM Sandoval Regional Medical Center, Inc., v. United Health Professionals of New Mexico, AFT, AFL-CIO*; Case No. D-202-CV-2022-07805 (In re: PELRB 111-22). The Executive Director informed the Board that UNM SRMC's Statement of Issues had been filed in this case and a copy had been provided to the Board for their perusal.
- b. *UNM Sandoval Regional Medical Center, Inc. v. International Association of Aerospace Workers (LAMAW), AFL-CIO*; Case No. D-202-CV-2023-00132 (In re: PELRB 303-22). The Executive Director informed the Board that UNM SRMC's Statement of Issues had been filed in this case and a copy had been provided to the Board for their perusal. Counsel for the Board, Jeff Herrera, requested that the Agenda be amended to add a discussion of this case to the executive session. After a brief discussion of the propriety of such an amendment and the possibility of a special meeting, the Board directed the Executive Director to consult with Mr. Herrera apart from this meeting, without discussing this case in Executive session, and after such consultation to take such actions that would be in the best interests of the Board.
- c. *UNM Sandoval Regional Medical Center, Inc. v. United Health Professionals of New Mexico, AFT, AFL-CIO*; Case No. D-202-CV-2023-02118 (In re: PELRB 304-22). The Director reported

that the Record on Appeal would be fully filed and served by the end of the day on April 5, 2023, well within the April 16, 2023 deadline.

The Chair then moved that the Board go into executive session pursuant to section 10-15-1(H)(7) to discuss items 9(d), (e) and (f). Member Myers seconded the motion and the motion passed unanimously upon a roll call vote. The Board went into closed session at 9:37 a.m.

At 10:11 a.m. the Chair called the meeting back to order and moved that the Board go back into regular session. She announced that pursuant to sections 10-15-1(I)(l) and 10-15-1(J) of the Open Meetings Act, the only matters discussed in the closed executive session were agenda items 9(d), (e) and (f). Member Myers seconded the motion and the motion passed unanimously upon a roll call vote. The Board returned to open session at 10:12 a.m.

10. **Adjournment.** After a brief discussion, it was decided to begin the June meeting at 10:30 a.m. to allow the Board members sufficient time to travel to the Board's offices. Vice-Chair Nelson moved to adjourn. Member Myers seconded the motion and the motion passed unanimously on a roll call vote. The time was 10:14 a.m.