

26-PELRB-2023

STATE OF NEW MEXICO PUBLIC EMPLOYEES LABOR RELATIONS BOARD

**UNITED HEALTH PROFESSIONALS
OF NEW MEXICO, AFT, AFL-CIO,**

Petitioner,

and

PELRB No. 304-22

**UNIVERSITY OF NEW MEXICO
SANDOVAL REGIONAL MEDICAL CENTER,**

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on June 6, 2023 for review of the Executive Director's denial and dismissal of a Request For an Order of Contempt filed by the Petitioner UHPNM. The Board, having reviewed the pleadings and heard argument of counsel, finds that Respondent UNM-SRMC, timely filed an appeal of this Board's decisions 8-PELRB-2023 and 9-PELRB-2023 pursuant to Rule 1-074 NMRA, now pending before the Second Judicial District Court as Case No. D-202-CV-2023-02118, so that jurisdiction over all issues in case number PELRB 304-22 rests with the District Court as of March 7, 2023. Therefore, this Board is without jurisdiction to consider the Union's Request For an Order of Contempt filed on May 5, 2023, after the Second Judicial District assumed jurisdiction. **WHEREFORE**, by a vote of 3-0 this Board affirms the Executive Director's Denial and dismissal of the Union's Request For an Order of Contempt.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Nan Nash

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NAN NASH, BOARD CHAIR

6/9/2023

DATE



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

THOMAS J. GRIEGO
Executive Director

Nan Nash, Chair
Peggy Nelson, Vice-Chair
Mark Myers, Member

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May 11, 2023

Youtz & Valdez, P.C.
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Attn: Shane Youtz

Rodey, Dickason, Sloan, Akin & Robb, P.A.
Post Office Box 1888
Albuquerque, New Mexico 87103
Attn: Melissa Kountz

Re: *UHPNM & UNM Sandoval Regional Medical Center; PELRB 304-22*

Ms. Kountz and Mr. Youtz:

On May 5, 2023 I received the Petitioner's Request for Order of Contempt Regarding Respondent's Refusal to Bargain. According to the Board's records, the Respondent, UNM Sandoval Regional Medical Center, Inc., appealed the Board's Final Decision in this case 8-PELRB-2023 and 9-PELRB-2023, on March 17, 2023 and the case is now pending before the Second Judicial District Court as Case No. D-202-CV-2023-02118. Accordingly, jurisdiction over all issues in PELRB 304-22 now resides with the Second Judicial District Court and this Board can take no action concerning Petitioner's Request.

I note that although the Board certified a bargaining unit and its exclusive representative in PELRB 304-22, giving rise to an obligation to bargain pursuant to NMSA 1978 § 10-7E-17 (2020), Petitioner's request does not direct the reader to the "lawful order of this Board" alleged by the Petitioner to have been violated by Respondent. I also note that Petitioner has raised allegations of Respondent's failure to bargain in the context of disciplinary actions taken by Respondent and unilateral implementation of layoffs, PELRB Nos. 105-23, 109-23 and 110-23, the latter two in which Petitioner specifically requested "assurances that [Respondent] will comply with the law" and to "immediately bargain with the Union regarding a collective bargaining agreement and all other terms and conditions of employment..." Those may supply the bargaining order (if Petitioner is successful) that is a predicate to a request to hold Respondent in contempt.

This matter will be reviewed by the Board at its June 6, 2023 meeting.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director