



**MINUTES**  
**STATE OF NEW MEXICO**  
**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

Nan Nash, Board Chair

**Tuesday, June 6, 2023, 10:30 a.m.**

**PELRB Offices: 2929 Coors Blvd. NW**

**Albuquerque, NM 87120**

1. **Call to Order.** Chair Nan Nash called the meeting to order at 10:37 a.m. After a roll call, Vice-Chair Peggy Nelson and Member Mark Myers were also present in addition to the Chair, constituting a quorum.
2. **Approval of Agenda.** Director Griego noted some minor punctuation errors that needed correction on the agenda before approval. Member Myers moved to approve the agenda as amended. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.
3. **Approval of May 2, 2023 Meeting Minutes.** Chair Nash moved to approve the May 2, 2023 Meeting Minutes. The motion was seconded by the Vice-Chair and carried 2-0 upon a roll call vote with Member Myers abstaining.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissals.** *In re: American Federation of State, County and Municipal Employees, Local 3022 v. Albuquerque Bernalillo County Water Utility Authority; PELRB No. 106-23. In re: Communications Workers of America v. State Personnel Office; PELRB No. 125-22.* The Executive Director informed the Board that all the cases under agenda item 5 are being Voluntarily Dismissed because each had been withdrawn after the parties settled their disputes. Director Griego informed the Board that staff would close the files after today's meeting. No Board action was required.
6. **Amended Certifications.** *CWA & State of New Mexico, General Services Department; PELRB 317-22; CWA & State of New Mexico, Human Services Department - Behavioral Health Services Division; PELRB 318-22* The Executive Director gave the procedural history of the cases and a summary of the changes to the bargaining units. The Chair invited any interested parties to address the Board; Lisa Garcia from the State Personnel Office was present but did not wish to add anything to the record. Member Myers moved to affirm the Amended Certifications. The motion was seconded by the Vice-Chair and carried unanimously on a roll call vote.
7. **Summary Dismissal.** *SCDSA v. NMCP SO; PELRB 305-23.* The Chair invited any representatives of the parties to identify themselves; none were present. The Executive Director informed the Board that a Decertification Petition had been filed and he had found it to be facially inadequate and requested the Petitioner cure the defects within 10 days. The deficiencies

were not cured and the Petition was subsequently dismissed. He asked the Board to affirm the summary dismissal. The Chair moved to affirm the dismissal. Member Myers seconded the motion and the motion was carried unanimously on a roll call vote.

8. **Review Denial of Request for Order of Contempt.** *In re: UHPNM & UNM Sandoval Regional Medical Center*, PELRB 304-22. The Executive Director gave a procedural history of the case and explained the reasons for his denial of the request for contempt. The Chair invited Stephen Curtice, counsel for the Petitioner, to address the Board first, followed by Samantha Hults, Counsel for the employer. Counsel then fielded questions from the Board. After hearing from the parties' representatives, the Chair announced that the Board would go into closed session to deliberate after taking up Agenda Item 9.
9. **Application for Protective Order.** *In re UHPNM v. UNM-SRMC*, PELRB 107-23; D-202-CV-2023-01475. The Executive Director informed the Board that UNM-SRMC sought a protective order to prevent the disclosure of private medical information relevant to the Employer's affirmative defenses. The Director referred to his Letter Decision of May 11, 2023 directing the Employer to apply to the State District Court for such an order upon reasonable notice and a hearing. from the District Court to protect evidence in the case which would violate the HIPPA. As directed, the UNM-SRMC timely applied to the Second Judicial District Court for a protective order. Stephan Curtice, on behalf of the Union, and Samantha Hults representing UNM-SRMC, provided additional details regarding the procedural posture in the District Court. The Chair stated that the Board would discuss this ongoing litigation in closed session.

The Chair moved that the Board go into executive session pursuant to the Open Meetings Act section 10-15-1(H)(3) and (7) to discuss items 8 and 9 on the agenda. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The Board went into closed session at 11:29 a.m. At 11:59 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 8 and 9. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The Board returned to open session at 11:59 a.m.

The Vice-Chair then moved to affirm the Executive Director's decision to deny Petitioner's Request for Order of Contempt in *UHPNM & UNM Sandoval Regional Medical Center*, PELRB 304-22 on the ground that jurisdiction over the case now lies with the District Court. The motion was seconded by the Chair and carried unanimously upon a roll call vote.

The Chair then announced that the Board agreed with the direction and action taken by the Director in regard to the protective order *In re UHPNM v. UNM-SRMC*, PELRB 107-23.

10. **Director's Reports.** Director Griego informed the Board of the end-of-fiscal-year projections for FY23. He also informed the Board that the new website was up and running and he had received positive feedback from users. Board staff were very pleased with the results. Staff was informed by the Governor's office that the Vice-Chair, having been appointed to serve the remaining portion of the previous appointee's term, which expires at the end of the month, would be re-appointed to serve a full three-year term.
11. **Adjournment.** The Chair reminded everyone present that the July meeting would take place on

the second Tuesday in July rather than the first and would be held online. Member Myers moved to adjourn. The Vice-Chair seconded the motion. Before the vote, the Chair noted that the agenda contained two Item 10's and moved to correct the numbering on the agenda. The Vice-Chair seconded and the motion passed unanimously after a roll call vote. The Board then voted unanimously to adjourn and the meeting was adjourned at 12:10 p.m.