



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

Nan Nash, Board Chair  
**Tuesday, July 11, 2023, 9:00 a.m.**  
**Via Videoconference**

1. **Call to Order.** Chair Nan Nash called the meeting to order at 9:01 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. Chair Nash welcomed Todd Baran as the Board's new legal counsel.
2. **Approval of Agenda.** Vice-Chair Nelson moved to approve the agenda. The motion was seconded by the Member Myers and carried unanimously upon a roll call vote.
3. **Approval of June 6, 2023 Meeting Minutes.** Chair Nash moved to approve the June 6, 2023 Meeting Minutes. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Amended Certification** *In re: CWA & State of New Mexico, Department of Information Technology;* PELRB 315-22. Director Griego gave a history of the bargaining unit: it was originally a part of the General Services Department until the creation of DoIT by statute in 2007, where the employees in the positions listed in the Amended Certification currently work. Nan Nash moved to approve the Amended Certification. The motion was seconded by Vice-Chair Nelson and carried unanimously upon a roll call vote.
6. **Summary Dismissal** *In re: CSEC-LC & Las Cruces Public Schools;* PELRB 306-23. The Executive Director informed the Board that he found the petition inadequate due to a lack of clarity regarding the existing unit, the positions to be accreted and the positions held by those submitting interest cards and gave the Union the requisite five days to cure the deficiencies. The period to cure passed without an amendment, so he dismissed the petition as required by the Board's rules. The Summary Dismissal is without prejudice however, and the Director is informed that a new petition will be filed soon. No action was required or taken by the Board.
7. **Requests for Stay** *In re: UHPNM v. UNM-SRMC,* PELRB 109-23; PELRB 110-23; *In re: UHPNM v. UNM-SRMC,* PELRB 111-23. Chair Nash asked counsel for the parties to enter their appearances. Stephen Curtice was present on behalf of Petitioner and Michael Calderon for the Respondent. The Chair asked counsel if they would consent to the Board hearing all three cases together, as they involved identical issues. Both counselors agreed that would be the most efficient way forward. The Chair invited Mr. Calderon, as the representative of the moving party, to address the Board first. In his presentation Mr. Calderon raised the issue regarding the Board's jurisdiction to hear the motions in light of the appeal of the underlying case PELRB 304-22. Mr. Calderon additionally objected to the Board hearing the Motions without the matter

first having been determined by the Board's Hearing Officer. Chair Nash then asked her fellow board members if they agreed it would be appropriate to allow Mr. Curtice to respond to the jurisdictional and procedural issues before proceeding to the substantive issues. The other members agreed and Mr. Curtice gave his response. Mr. Calderon offered brief reply. Rather than hear further argument on the substance of the Motions, the Board decided to confer and decide the jurisdictional and procedural issues first, as the outcome might render it unnecessary for the Board to hear the merits of the Motions. Accordingly, Chair Nash 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 7(a) and (b) 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 9:25 a.m. At 9:39 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 7(a) and (b). The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote. The Board returned to open session at 9:39 a.m.

The Chair moved that the Board find that it does have jurisdiction over the three cases listed as Agenda Items 7 (a) and 7 (b), but NMAC 11.21.1.27 requires a recommended decision before Board review and therefore the Board's hearing officer should decide the Motions. The Vice-Chair seconded the motion and the motion passed unanimously upon a roll call vote.

Member Myers then had to leave the meeting. The meeting proceeded with a quorum of the Chair and Vice-Chair.

**8. Dismissal of Appeal, Settlement and Enforcement of Board Order 25-PELRB-2022**

*AFSCME Local 3022 v. ABCWUA*, PELRB 114-22; D-202-CV-202300071. The Executive Director informed the Board that the parties had settled the issues on appeal in a manner that essentially fulfilled the Board's Order and that staff would close the case upon receiving notice from the parties that they complied with the Order concerning posting notice of the violations found.

**9. Director's Reports**

- a. The Executive Director informed the Board that the FY24 CFO MOU had been reviewed and approved and would be fully executed in the near future. Staff were directed to route it for signatures.
- b. CFO Tanya Montoya-Ramirez delivered the Quarterly Financial Report. She reported that FY23 had ended and end-of year tasks to close the books were proceeding and all Department of Finance and Administration deadlines had been met. Other deadlines are approaching but she expressed confidence in being able to meet them. The audit contract for the audit of FY23 had been executed and the audit would commence in the next few weeks.
- c. Director Griego reported that the re-appointment letter for Vice-Chair Nelson had not yet been issued by the Governor's office, but he expected it soon. Her term expired on June 30, 2023, but she would continue to serve until re-appointed or replaced pursuant to the NM Constitution Art II §20. The Chair's term runs to July 1, 2025 and Member Myers's term to July 1, 2024.
- d. The Executive Director informed the Board that in *AFT v. UNM Sandoval*: PELRB No. 107-23, an issue involving protected health information had been filed and the parties had applied to the District Court (No. D-202-CV-2023-04175) for a protective order to seal any

protected information that might be submitted in the course of the proceedings. Such a protective order had been issued by the court and staff would fully comply to keep the protected information confidential.

10. **Adjournment.** The Chair moved to adjourn. The Vice-Chair seconded and the motion passed 2-0 after a roll call vote and the meeting was adjourned at 9:55 a.m.