



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Peggy Nelson, Board Chair
Tuesday, November 7, 2023, 9:00 a.m.
Via videoconference

1. **Call to Order.** Chair Nelson called the meeting to Order at 9:00 a.m. Upon a roll call, Vice-Chair Myers was present, constituting a quorum even though Member Nash was absent.
2. **Approval of Agenda.** The Chair recommended moving Item 7 ahead of Agenda Item 5. The Vice-Chair moved to approve the agenda as amended. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
3. **Approval of October 3, 2023 Meeting Minutes.** The Vice-Chair moved to approve the October 3, 2023 Meeting Minutes. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Amended Certifications.** The Chair recommended addressing the cases as a group. The Executive Director gave a summary of the procedural history of the cases and asked the Board to approve the Amended Certifications issued in each case and affirm findings contained in the certifications. Lisa Garcia of the State Personnel Office (SPO) stated that the SPO and the union had agreed to the “wall-to-wall” language used to describe the units. Shane Youtz spoke on behalf of AFSCME and reiterated that both parties had agreed to the unit descriptions contained in the certifications. The Vice-Chair moved to approve the Amended Certifications and affirm the findings contained therein. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
 - a. *In re: State Personnel Office (DWS) & AFSCME, Council 18, PELRB 319-23*
 - b. *In re: State Personnel Office (HSD) & AFSCME, Council 18, PELRB 320-23*
 - c. *In re: State Personnel Office (EXPO NM) & AFSCME, Council 18, PELRB 321-23*
 - d. *In re: State Personnel Office (DOH/NMBHI) & AFSCME, Council 18, PELRB 322-23*
 - e. *In re: State Personnel Office (DOH/FBMC) & AFSCME, Council 18, PELRB 323-23*
 - f. *In re: State Personnel Office (DOH/LLCP) & AFSCME, Council 18, PELRB 324-23*
 - g. *In re: State Personnel Office (DOH/NMVH) & AFSCME, Council 18, PELRB 325-23*
6. **Remand For Further Proceedings.** *In re: UHPNM & UNM-SRMC; D-202-CV-2023-02118 (PELRB 304-22).* The Chair expressed her preference for having one closed Executive Session to address Items 6, 7, and 8 on the revised agenda. The Executive Director inquired as to whether the Board would like to entertain oral argument in the review of the Recommended Decision in *UHPNM v. UNM Sandoval Regional Medical Center*, PELRB 105-23. She stated that she would like to discuss the case with the Vice-Chair in closed session first, and if they felt further argument would be beneficial, they would hear it after coming back to open session. The

Board's counsel, Todd Baran, was asked for his opinion of the propriety of such a course of action and stated that it was an acceptable way to proceed. The Vice-Chair then moved that the Board go into executive session pursuant to section 10-15-1(H)(3) and (7) of the Open Meetings Act, to discuss items 6, 7, and 8 on the revised agenda; the motion was seconded by the Chair and carried unanimously upon a roll call vote. The Board went into closed session at 9:12 a.m.

At 9:41 a.m. the Chair moved that the Board go back into regular session, and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session were Items 6, 7, and 8 on the revised agenda. The Vice-Chair seconded the motion and the motion was carried unanimously upon a roll call vote. The Board returned to open session at 9:42 a.m. The Chair then moved that the Board approve the Order presented to them by their counsel in *UHPNM & UNM-SRMC*; D-202-CV-2023-02118 (PELRB 304-22). The Executive Director asked for clarification as to which version of the Order she referred, as there were asterisks and other indications of missing language in version he had seen. The Board's counsel then showed attendees the Order as presented to the Board and explained that the asterisks indicated that some language from the cited statutes had been omitted. She then instructed staff to change the asterisks to ellipses and reiterated her motion to approve the Order with those changes. The Vice-Chair seconded the motion, and the motion was carried unanimously upon a roll call vote.

7. **Discussion of Order Striking Statement of Appellate Issues.** *In re: UNM Sandoval Regional Medical Center v. LAMAW & State of New Mexico Public Employee Labor Relations Board*; Cause No. D-202-CV-2023-00132 (PELRB 303-22) The Chair stated that the Board discussed the developments in the case in the executive session but were taking no action.
8. **Review of H.O. Report and Recommended Decision.** *In re: UHPNM v. UNM Sandoval Regional Medical Center*; PELRB 105-23. The Chair stated that the discussion of this case in the closed session had been procedural in nature and the Board would now entertain oral argument from the parties. The Vice-Chair stated he would like to allow each party to make a brief argument before the Board. The Chair asked counsel for the parties to identify themselves and make their appearances. James Montalbano appeared on behalf of the union and Samantha Hults appeared for the employer. After hearing from the parties' counsel, the Chair moved that the Board go into executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act, to deliberate; the motion was seconded by the Chair and carried unanimously upon a roll call vote. The Board went into closed session at 10:19 a.m.

At 10:33 a.m. the Chair moved that the Board go back into regular session, and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session was Item 8 on the revised agenda, *UHPNM v. UNM Sandoval Regional Medical Center*; PELRB 105-23. The Vice-Chair seconded the motion and the motion was carried unanimously upon a roll call vote. The Board returned to open session at 10:44 a.m. The Vice-Chair then moved to affirm the Hearing Officer's Report and Recommended Decision in *UHPNM v. UNM Sandoval Regional Medical Center*; PELRB 105-23. The motion was seconded by the Chair and carried unanimously upon a roll call vote.

9. **Director's Reports.** The Executive Director reported to the Board that he attended a meeting of the Legislative Finance Committee (LFC) on October 26th regarding the FY25 budget. The budget process was proceeding as usual and there were no further LFC meetings scheduled at this time but he expected another one in December.

10. **Adjournment.** The Chair moved to adjourn and reminded everyone that the next regular meeting would be December 5, 2023. The Vice-Chair seconded the motion it carried unanimously after a roll call vote. The meeting was adjourned at 10:37 a.m.