



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Peggy Nelson, Board Chair
Tuesday, February 6, 2024, 9:00 a.m.
Via videoconference

1. **Call to Order.** Chair Nelson called the meeting to Order at 9:05 a.m. The Vice-Chair had previously informed staff that he would arrive late, but Member Nash was present, constituting a quorum.
2. **Approval of Agenda.** The Chair suggested Moving Item 12 before Item 11 so the two items requiring closed session could be addressed in a single closed session and moved to approve the agenda with that change. The motion was seconded by Member Nash and carried 2-0 (Vice-Chair Myers being absent) upon a roll call vote.
3. **Approval of January 9, 2024 Meeting Minutes.** Member Nash moved to approve the January 9, 2024 Meeting Minutes. The Director announced that the Vice-Chair was now in attendance. The motion was seconded by the Chair and carried 3-0 upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissal - *The Committee of Interns and Residents, SIEU v. UNM*; PELRB 124-23.** The Director informed the Board that the parties settled their dispute and the Complaint had been withdrawn. He had then issued a Voluntary Dismissal and the file would be closed.
6. **Summary Dismissals.**
 - a. *Rio Rancho School Employees Union & NEA-NM*; PELRB 301-24. The Director informed the Board that the Petitioner filed a petition seeking to change their national affiliation. Upon review, the existing Certification named the RRSEU as the exclusive representative without reference to any national affiliation. He therefore found the Petition inadequate. No amended petition had been filed and the case was summarily dismissed. Neither party had filed any objection to the dismissal. No action was taken by the Board.
 - b. *Herrin v. Albuquerque Teachers' Federation*; PELRB 102-24. The Director informed the Board that a Prohibited Practice Complaint had been filed by an employee of Albuquerque Public Schools. Because APS has a local board established under Section 10 of the PEBA, he dismissed the PPC for lack of jurisdiction. Neither party had filed any objection to the dismissal. No action was taken by the Board.
7. **Determination of Default.** *UE Local 1498 v. NMSU*; PELRB 122-23. The Director informed the Board that after the Union filed a PPC on November 30, 2023, and an Amended PPC on December 5, 2023. On January 23, 2024, having received no Answer from the Employer, he issued a Determination of Violation by Default pursuant to NMAC 11.21.3.11 based upon the

allegations of the complaint and any evidence submitted in support of the complaint. The Employer did file an answer the morning of the meeting. The Chair asked the Director about the procedural history. He clarified that he was compelled by the rules to issue the default determination and because no Motion had been filed seeking to set aside the default, the only matter then before the Board was whether an Order affirming the Default should issue. Counsel for NMSU, Jeff Jensen, was invited to address the Board. After hearing from Mr. Jensen, Margot Nikitas, counsel for the Union, addressed the Board. After hearing the arguments of counsel, the Chair moved to affirm the Determination of Default. The motion was seconded by Member Nash and passed unanimously upon a roll call vote.

8. **Amended Certifications.** Chair Nelson recommended addressing all three cases on the agenda as a group and the other members agreed to do so. The Executive Director gave a summary of the procedural history of each case and asked the Board to approve the Amended Certifications issued in each case and affirm findings contained in the certifications. Member Nash moved to approve all of the Amended Certifications and to affirm the findings contained therein for the cases listed below:
 - a. *AFSCME Council 18 & NM DVR*; PELRB 342-23
 - b. *AFSCME, Local 1782 & Santa Fe County*; PELRB 302-24
 - c. *CSEC-LC & Las Cruces Public Schools*; PELRB 345-23

The motion was seconded by Vice-Chair Myers and carried unanimously upon a roll call vote.

9. **Election Results.** *Urbaniak & AFSCME, Council 18*; PELRB 335-23. The Director reported that following their approval of the Consent Election Agreement at the January meeting, a Decertification Election had been conducted as called for in that Agreement. However, Objections to the election had been timely filed pursuant to NMAC 11.21.2.34. The required investigation was ongoing and he will present his Report on Objections at the March meeting. No action was taken by the Board.
10. **District Court Remand for Further Proceedings *in re: AFSCME, Council 18 v. Doña Ana County, Case Nos. A-1-CA-39783 and D-307-CV-2020-02329*; PELRB No. 123-23.** The Executive Director reported that he had received the information necessary to do the calculations of damages ordered by the District Court and would have an Order for their approval at the March meeting.
11. **Director's Reports**
 - a. **Resolutions of Impasse.**
 - i. *United Steelworkers Local 9424 & Las Cruces*; PELRB 501-23. The Director informed the Board that after mediation with an FMCS mediator was unsuccessful, the parties submitted their last, best offers to Arbitration. On November 11, 2023 the Arbitrator selected the City's noting serious deficiencies in both LBOs. The Director stated his view that the Arbitrator's decision was well written and could be instructive to those engaging in arbitration in the future. As there was no appeal of the decision to the District Court, Staff will close the file.
 - ii. *The Committee of Interns and Residents, SIEU v. UNM*; PELRB 501-24. The Director informed the Board that the parties had resolved their dispute in mediation and ratified a contract. Staff will close the file.

12. **Alternative Writ of Mandamus and Petition for Writ of Certiorari** - *UNM Sandoval Regional Medical Center, Inc. v. New Mexico Public Employee Labor Relations Board and United Health Professionals of New Mexico, AFT, AFL-CIO*, D-202-CV-2023-09345, and *UHPNM v. UNM-SRMC*; PELRB 111-23, S-1-SC-40270. Chair Nelson suggested the Board consider both these pending matters, items 12 and 13 on the agenda in one closed session after hearing from the parties, to which there was agreement from the other members of the Board.

The Chair moved that the Board go into executive session pursuant to section 10-15-1(H)(7) of the Open Meetings Act, to discuss items 12 and 13 on the agenda; the motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote. The Board went into closed session at 9:53 a.m.

At 10:04 a.m. the Chair moved that the Board go back into regular session pursuant to sections 10-15-1(I)(I) and 10-15-1(J) and stated that the only matters discussed in the closed executive session were items 12 and 13 on the agenda. Member Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 10:04 a.m. No action was taken by the Board concerning either of the pending cases.

13. **Adjournment.** Vice-Chair Myers stated that he had a conflict with the special meeting to discuss applications for the Executive Director Position, currently scheduled for May 17th. After a brief discussion, the special meeting was moved to May 31st. The Chair moved to adjourn. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote. The meeting was adjourned at 10:11 a.m.