



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

Peggy Nelson, Board Chair  
**Tuesday, March 5, 2024, 9:00 a.m.**  
**Via videoconference**

1. **Call to Order.** Chair Nelson called the meeting to Order at 9:01 a.m. Member Nash and Vice-Chair Myers were also present, constituting a quorum.
2. **Approval of Agenda.** Member Nash moved to approve the agenda. The motion was seconded by Chair Nelson and carried unanimously upon a roll call vote.
3. **Approval of February 6, 2024 Meeting Minutes.** Chair Nelson moved to approve the February 6, 2024 Meeting Minutes. The motion was seconded by Member Nash and carried 3-0 upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Summary Dismissals.** *NMCPSO v. County of Santa Fe* PELRB 116-23; and *Int'l. Union of Police Associations & Chaves County*, PELRB 343-23. (Disclaimer of Interest) The Chair stated that the Board had reviewed the files and was sufficiently informed. No one in attendance wished to address the Board regarding the cases. Because there were no requests for Board review filed in either case, no action was taken by the Board.
6. **Amended Certifications.**
  - a. *SFCC AFT-AAUP & Santa Fe Community College*; PELRB 306-24. The Executive Director informed the Board that the union's petition to amend certification sought to reflect the affiliation of the recognized exclusive representative, the American Association of University Professors, with the American Federation of Teachers. The Petition does not raise a question concerning representation and it presents sufficient facts to show that the amendment should be made. No one expressed any opposition to the proposed amendment.
  - b. *District 1199NM, NUHHCE & UNM Hospitals*; PELRB 344-23. The Executive Director informed the Board that the union's petition in this case sought to accrete Chaplains, Chaplains I and Chaplains II into the existing Licensed and Technical unit. He found no issues of unit scope or inclusion and asked the Board to approve the Amended Certification he had issued. No one present wished to address the Board regarding the case.

Member Nash moved to approve both Amended Certifications. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.

7. **Election Results in re: *Urbaniak & AFSCME, Council 18*; PELRB 335-23.**

- a. *Report on Objections to Conduct of Election.* Director Griego reported that a Decertification Election was conducted on January 12, 2024, over the internet. The results of that election are that only 33% of eligible voters in the bargaining unit cast ballots in favor of decertifying AFSCME, Council 18 so that it remains as the exclusive representative with demonstrated majority support of the bargaining unit. The Petitioner, Joseph Urbaniak, filed objections to the conduct of the election on January 22, 2024. As required by NMAC 11.21.2.34 Director Griego investigated those objections and issued a report on February 16, 2024. That report recommends dismissal of all objections as being without merit and requested that the Board affirm the election results – the next item on the agenda. Member Nash moved to affirm the Director’s Report and dismiss the objections. The motion was seconded by Vice-Chair Myers and carried unanimously upon a roll call vote.
- b. *Review of Election Results.* The Executive Director informed the Board that the result of the election was that the union continued to be the exclusive representative of the subject bargaining unit. He asked the Board to affirm the results. Member Nash moved to affirm the Election Results. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.

**8. District Court Remand for Further Proceedings.**

- a. *AFSCME, Council 18 v. Doña Ana County;* Case Nos. A-1-CA-39783 and D-307-CV-2020-02329; PELRB No. 123-23. As previously reported by Director Griego at the Board’s February meeting, he received the information necessary to do the calculations of damages ordered by the District Court and drafted an Order for the Board’s including that calculation. Chair Nelson stated that she would sign the Order when staff provide it to her in the appropriate format for digital signature.

**9. Director’s Reports.**

- a. *Annual Report.* The Executive Director reported that staff had completed the 2023 Annual Report and posted it on the Board’s website. Matters of significance included:
  - i. The number of PPCs (25) was the same as last year, and staff expected a decrease in the number of PPCs filed in the current year, as the two previous years were higher than average and the dissolution of local boards had not led to the Board assuming jurisdiction over a significant number of cases;
  - ii. Despite the increase in cases overall in recent years, current staff were sufficient to handle the case load; in the event that the case load approaches becoming overwhelming, the Board will utilize their arrangement with the Administrative Hearings Office to have their cross-trained hearing officers help with the case load;
  - iii. There was an increase in the number of Representation cases, but that was an anomaly, because a significant number of the Representation cases in 2023 were the result of CWA and AFSCME clarifying their state agency bargaining units – process not expected to be repeated on a wholesale basis in future.
  - iv. There were three Petitions for Decertification filed in 2023; one was dismissed, one resulted in a Disclaimer of Interest by the union and the third went to an election in which the Decertification failed and the union remained the exclusive representative.

While this represents a slight increase in Decertification Petitions filed over prior reporting periods, the number is too small to be of any statistical significance;

- v. There were four Impasse files filed in 2023. Again, while this represents an increase over prior years, the number increase is too small to be statistically significant;
  - vi. There were eight District Court reviews of Board decisions. One was overturned outright, and one was affirmed outright. Two were voluntarily dismissed. The remaining decisions involved the UNM-Sandoval Regional Medical Center and remained pending in the appellate process.
- b. *Rules Changes.* The Executive Director informed the Board that the proposed changes to the administrative rules would be published in the NM Register on March 26, 2024 and the Board could conduct their Rulemaking Hearing at their May 5, 2024 meeting after the notice and comment period. Approved changes to the rules would take effect in June. The Chair inquired about what steps had been taken to arrive at the proposed changes. The Executive Director informed the Board that an ad-hoc committee met and discussed the proposed changes, and the result was the proposed changes provided to the Board earlier for its approval to move forward with publication and public comment.
- c. *Executive Director Recruitment.* Director Griego reported that the Executive Director job opening was posted on the PELRB website as well as several other job posting websites and he had received some interest in the position. Member Nash announced that she would not be able to attend the May 5, 2024 regular business meeting, and asked Director Griego to clarify the special meetings timeline for considering applicants for the Executive Director position. The Executive Director said that no discussion of the applicants would occur at the May 5, 2024, meeting. A discussion of the applicants would be conducted during a special meeting for that purpose in May. After a brief discussion it was determined that the special meeting would be held on May 24, 2024, at 9:00 a.m. via videoconference where the Board will select the applicants to be interviewed in-person at the June 4, 2024, meeting; the public would be allowed to comment on the applicants at the June meeting and the candidates would be interviewed in closed session. The time of the June meeting will be determined at the special meeting on May 24, 2024.

10. **Adjournment.** The Chair moved to adjourn. The motion was seconded by Member Nash and carried unanimously upon a roll call vote. The meeting was adjourned at 9:47 a.m.