



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Mark Myers, Board Chair

Regular Meeting

Tuesday November 12, 2024, 9:00 a.m.

2929 Coors Blvd. NW, Suite 303, Albuquerque, NM 87120

1. **Call to Order.** Chair Myers called the meeting to Order at 9:06 a.m. Vice-Chair Nash and Member Nelson were also in attendance, constituting a quorum.
2. **Approval of Agenda.** Vice-Chair Nash moved to approve the agenda. The motion was seconded by Member Nelson and carried unanimously upon a roll call vote.
3. **Approval of October 1, 2024, Meeting Minutes.** Vice-Chair Nash moved to approve the October 1, 2024 minutes. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissals.** *United Health Professionals of New Mexico, AFT, AFL-CIO v. Regents of the University of New Mexico, for its Public Operations Known as the University of New Mexico Hospital, Specifically Including the UNM Sandoval Regional Medical Center*; PELRB No. 109-24. *Professional Fire Fighters of Torrance County, LAFF Local 5441 v. Torrance County*; PELRB 111-24. *Belen Schools v. Belen Federation of United School Employees*; PELRB 118-24. *AFSCME Local 1188 v. Española*; PELRB 124-24. The Executive Director stated he dismissed these cases after the Complaints were settled and withdrawn prior to a hearing in each instance. Therefore, no action by the Board is called for, and the dismissals are presented for the Board's information only.
6. **Approval of New Certifications and Amended Certifications.**
 - a. **CSEC, Las Cruces & Las Cruces Public Schools; PELRB No. 313-24.** The Executive Director informed the Board that the parties had resolved any issues of unit inclusion and he had determined that the petition did not raise any issues concerning representation, so he had issued an Amended Certification as petitioned for. Vice-Chair Nash moved to adopt the findings contained therein affirm the Amended Certification. The motion was seconded by Chair Myers and carried 3-0 upon a roll call vote.
 - b. **AFSCME Council 18 & Luna County; PELRB 319-24.** The Executive Director reported that the parties had resolved any issues of unit inclusion and he had determined that the petition did not raise any issues concerning representation, so he had issued an Amended Certification. Vice-Chair Nash moved to affirm the Amended Certification adopt the findings contained therein. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.
 - c. **AFSCME Council 18 & Bernalillo County; PELRB 320-24.** The Executive Director informed the Board that the parties had resolved any issues of unit inclusion and he had determined that the petition did not raise any issues concerning representation, so he had issued an Amended Certification. Vice-Chair Nash moved to affirm the Amended Certification adopt

the findings contained therein; the motion was seconded by Member Nelson. Counsel for the employer, Dina Holcomb stated that there was an issue regarding term employees that had been resolved by the parties. The motion then carried 3-0 upon a roll call vote.

7. **Request for Board Review.** *Torrance County & PFFTC, LAFF Local 544;* PELRB 318-24. After the Executive Director introduced the matter, the Board heard argument from counsel for the Union, James Montalbano, followed by counsel for the Employer, Dina Holcomb. Mr. Montalbano was permitted a brief response, after which counsel answered questions from the Board. The Board then stated it was sufficiently informed of the issues and would take up the matter in a closed session later in the meeting and moved on to Item 8.

After returning from the closed session at 10:29 a.m. (see below), Vice-Chair Nash moved to amend the original certification of the unit represented by IAFF Local 5441 in PELRB case number 332-23, nunc pro tunc, to reflect the petitioned-for bargaining unit of positions up to and including the rank of Captain. Member Nelson seconded the motion and the motion carried unanimously upon a roll call vote. The Board expressly did not adopt, reverse or modify the Executive Director's Report and Recommended Decision.

8. **Hearing Officer's Report & Recommended Decision.** *United Health Professionals of New Mexico, AFT, AFL-CIO v. Regents of the University of New Mexico, for its Public Operations Known as the University of New Mexico Hospital, Specifically Including the UNM Sandoval Regional Medical Center;* PELRB No. 114-24. The Executive Director reported that he had conducted a hearing and issued a Report and Recommended Decision and no request for Board review had been received. Vice-Chair Nash moved to adopt the Hearing Officer's Report and Recommended Decision. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.
9. **Dismissal of Decertification Petition.** *Montanez & United Health Professionals of New Mexico, AFT, AFL-CIO;* PELRB 321-24. The Executive Director explained that he had dismissed the decertification petition as untimely for the reasons stated in the Dismissal Letter and asked the Board to affirm the Dismissal. Counsel for the union, James Montalbano, stated the union had no objection to the Dismissal; no one appeared on behalf of the Petitioner. Vice-Chair Nash moved to affirm the Dismissal; The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.
10. **Open Meetings Act Resolution.** The Executive Director presented the Board with a Resolution regarding Open Meetings to satisfy the requirements of the Open Meetings Act. Vice-Chair Nash moved to approve the Resolution; The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.

The Executive Director suggested the Board take up Item 12, Director's Reports before discussing the Request for Board Review in Item 7 and the pending litigation in Item 11 in closed session. The Board agreed and he presented his reports (see below).

12. Director's Reports.

- a. **Rule Changes effective November 5, 2024.** The Director reported that the rule changes approved at the October meeting had been published in the New Mexico Register and had become effective November 5, 2024.
- b. **FY26 Budget Update.** The Director reported that the LFC hearing had proceeded as scheduled and he had informed the LFC that the Board meets regularly and has a full complement of members. The next LFC hearing would be in January under the new Executive Director and he would work with her to prepare her for that event.

c. **New agency CFO.** The Director reported that the new agreement with the Administrative Office of the District Attorneys had been executed and the transfer of duties was proceeding smoothly.

Chair Myers 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 7 and 11 on the agenda; the motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 10:10 a.m.

At 10:27 a.m. Chair Myers moved that the Board go back into regular session pursuant to sections 10-15-1(I)(l) and 10-15-1(J) and stated that the only matter discussed in the closed executive session was Item 7 on the agenda. Vice-Chair Nash seconded the motion, and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 10:29 a.m.

As stated above, Vice-Chair Nash delivered the Board's decision on the Request for Board Review from Item 7, *Torrance County & PFFTC, LAFF Local 544*; PELRB 318-24.

11. **Pending Litigation.** *United Health Professionals of New Mexico, AFT, AFL-CIO v. UNM Sandoval Regional Medical Center, Inc. and New Mexico Public Employees Labor Relations Board*; D-202-CV-2023-09660 (In re: PELRB Case No. 304-22); *Hobbs Professional Firefighters Association, Local 4384 v. City of Hobbs and New Mexico Public Employees Labor Relations Board*; D-202-CV-2024-07148 (In re: PELRB No. 303-24); *Regents of UNM, Plaintiff Appellant v. United Health Professionals of New Mexico, AFT AFL-CIO, Defendant Appellee*; D-202-CV-202401996 (In re: PELRB 110-23); *United Health Professionals of New Mexico, AFT, AFL-CIO v. UNM Sandoval Regional Medical Center, Inc. and New Mexico Public Employees Labor Relations Board*; D-202-CV-2024-07978 (In re: PELRB Case No. 117-23).

Chair Myers again moved that the Board go back into executive session pursuant to section 10-15-1(H)(7) of the Open Meetings Act, to discuss Item 11 on the agenda; the motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 10:40 a.m.

At 11:36 a.m. Chair Myers moved that the Board go back into regular session pursuant to sections 10-15-1(I)(l) and 10-15-1(J) and stated that the only matter discussed in the closed executive session were Item 11(a)-(d) on the agenda. Vice-Chair Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 11:37 a.m.

Vice-Chair Nash moved to direct the Executive Director to conduct another card check in PELRB case number 304-22 without the PRN employees and either issue an Amended Certification or proceed to a Representation Election pursuant to the Board's rules. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.

13. **Adjournment.** Before the meeting was adjourned, Vice-Chair Nash called the administrative assistant to the meeting and stated to all present that the Board wished to thank the Executive Director for his years of service and commend him for a job very well done during his tenure. The Executive Director made a brief acknowledgement and thanked all present. Member Nelson announced that the Board would be taking staff out to lunch, but no Board business would be discussed. Chair Myers moved to adjourn. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote. The time was 11:45 a.m.

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