



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

**Minutes of Board Meeting held Tuesday, September 4, 2018 9:30 a.m. at the PELRB offices,
2929 Coors Blvd. NW, Albuquerque, New Mexico; Duff Westbrook, presiding.**

1. **Call to Order.** Chair Westbrook called the meeting to order at 9:36 a.m. Upon roll call, Chair Westbrook was present, Vice-Chair R.E. Bartosiewicz attended telephonically and Member John Bledsoe was absent. Because two of the Board's members were in attendance, a quorum was present. The chair served as the Hearing Officer in this rulemaking proceeding.
2. **Approval of Agenda.** Chair Westbrook moved to approve the meeting agenda, which was convened for a single purpose: to take comment and approve proposed changes to NMAC 11.21.1.7 Definitions, 11.21.1.10 Filing with the Director or the Board and 11.21.1.24 Service. Vice-Chair Bartosiewicz seconded the motion and the agenda was approved 2-0 after a roll call vote.
3. **Rulemaking.** After announcing the procedures to be followed during the hearing the Chair requested PELRB Staff to present its basis for approving the proposed changes. Administrative Assistant Matt Abousleman, in the absence of the Board's Director, gave a concise explanatory statement of the purpose or reason for the rules changes, i.e. to facilitate electronic filing and service. He provided the Board and those present with the language of the proposed rules changes in underline and strikethrough format and provided evidence of the following:
 - a. Notice of today's public hearing was published at least 30 days before the hearing;
 - b. Notice of today's hearing was provided to the New Mexico registry; the New Mexico Legislative Council; published in the Albuquerque Journal; sent to the New Mexico Sunshine Portal; and sent to all persons who have participated in the rulemaking process in the form requested i.e. email or USPS. Notice of the rulemaking meeting was also posted at the PELRB's office in Albuquerque and on its website

Mr. Abousleman also verified that the Notice sent to the New Mexico Registry included a summary of the full text of the proposed rules changes in underline and strikethrough format. All notices provided information about how to obtain a copy of the full text of the proposed rules, how a person may comment on the proposed rule, where comments will be received and when comments are due for both written and oral comments along with the date, time and place of the hearing. He reminded the Board that the Board's Director previously held a public hearing to solicit public comment before submitting today's proposed rules to the Board for adoption and made revisions based on that public comment. More than 30 days have elapsed after notice of today's meeting during which additional comment would be accepted. No additional written comments were submitted but there

were two members of the public present who wished to comment orally: Stephen Curtice from the law firm of Youtz & Valdez and Aiden Holcomb with the Holcomb law office. Copies of all prior submitted written comments and the Director's recommendations were available.

Mr. Curtice suggested that section 7 of the service rule needed clarification with regard to an "unrepresented" person being served at home and that interchanging use of the terms "submission" and "transmission" needed to be addressed. Mr. Holcomb also commented on those same aspects of the proposed rules and further commented that Rule 21.1.10(b) should allot three extra days only for mailed service. All present declined the Chairs invitation to ask questions of the others and there were no additional closing statements.

Chair Westbrook admitted all Exhibits into the record and announced that all comments submitted and testimony heard during this rule hearing would be reviewed by the Board and discussed during a separate meeting scheduled for September 18, 2018 at Board office located at 2929 Coors Blvd NW, Albuquerque, New Mexico. The Board will vote on the proposed amendments during that meeting.

4. **Adjournment.** The hearing was adjourned at 9:50 a.m.

Updated and amended Agendas may be picked up at the PELRB office up to seventy-two hours in advance or at the board meeting. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Executive Director at the PELRB office located at 2929 Coors Blvd. NW Suite 303 Albuquerque, New Mexico, Telephone 505-831-5422 at least two weeks prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive Director at the PELRB Office at the address and telephone number above if a summary or other type of accessible format is needed.