



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

Duff Westbrook, Board Chair

Minutes of Board Meeting held Thursday, July 16, 2015 at the PELRB offices, 2929 Coors Blvd. NW, Albuquerque, New Mexico; Chair Duff Westbrook, presiding.

1. Chair Westbrook called the meeting to order at 9:34 a.m.
2. **Approval of Agenda.** The first item of business was approval of the meeting agenda. Vice-Chair Bartosiewicz moved and Member Shaffner seconded the motion to approve the agenda. After a 3-0 roll call vote the agenda was approved without modification.
3. **Approval of June 2, 2015 meeting minutes.** Member Shaffner moved to approve the June 2, 2015 meeting minutes. Vice-Chair Bartosiewicz seconded the motion and after a 3-0 roll call vote the minutes were approved without modification.
4. **Approval of June 19, 2015 meeting minutes.** Member Shaffner moved approval of the June 19, 2015 special meeting minutes. Vice-Chair Bartosiewicz seconded the motion and after a 3-0 roll call vote the minutes were approved without modification.
5. **Amendment of the May 5, 2015 meeting minutes.** Director Griego told the Board that although the approved minutes of the May 5, 2015 meeting indicate that the Board's call for parties who may be interested in serving as the Board's neutral member to submit their résumés was published in both the Albuquerque Journal and the New Mexico Bar Bulletin, as he had represented at the time, he has since learned that it was published only in the Bar Bulletin and posted on the Board's website. He asked that the Board amend those minutes to reflect that fact. Vice-Chair Bartosiewicz moved to amend the minutes as requested. Member Shaffner seconded the motion and after a 3-0 roll call vote amendment of the minutes of the May 5, 2015 Board Meeting was approved.
6. **Public Comments.** There were no public comments.
7. **Review of H.O.'s Report and Recommended Decision-*CEA v. Central Consolidated School District*, PELRB No. 102-15.** Director Griego informed the Board that his Recommended Decision in this case was unusual in that, while finding that a PPC had been committed, the Complainant was denied relief because the occurrences were so long ago. Therefore there was a possibility that either or both parties might have appealed the Recommended Decision. However, the deadline for appeal of the decision passed without either party appealing the Recommended Decision. Therefore, there was no action for the Board to take and the case was presented for informational purposes.
8. **Closed Executive Session pursuant to §10-15-1(H)(7) to discuss *CWA v. State and the PELRB*, District Court Cause No. D-202-CV-2015-03814, PELRB No. 122-14.** Chair Westbrook moved that the Board recess to closed Executive Session in pursuant to §10-15-1(H)(7) in order to discuss *CWA v. State and the PELRB*, District Court Cause No. D-202-CV-

2015-03814, PELRB No. 122-14. The Motion was seconded by Vice-Chair Bartosiewicz and after a 3-0 roll call vote the Board recessed at 9:40 a.m. The Board returned to open session at 9:45 a.m. and Chair Westbrook announced that the only matter discussed in closed session was *CWA v. State and the PELRB*, District Court Cause No. D-202-CV-2015-03814, PELRB No. 122-14. No action was taken by the Board.

9. **Certification of Incumbent Representative - *NEA-Raton & Raton Public Schools*, PELRB 303-15.** Director Griego referred the Board to the materials submitted to them in the Board's packet; i.e. his letter decision outlining the reasons why he approved NEA-Raton as the incumbent representative and the constitutions of both Raton Education Association and NEA-Raton. No objections to the certification were raised prior to the Board meeting, consequently, the Executive Director asked that Chair Westbrook approve the certification where indicated.
10. **Amendment of Certification-*Teamsters Local 492 & North Central Regional Transit District*, PELRB 304-15.** Director Griego stated that the Employer does not object to the accretion of new positions into an existing bargaining unit and the parties have stipulated to title changes to the positions currently within the bargaining unit. Mr. Pohl on behalf of Teamster's Local 492 addressed the Board in support of the Certification as Amended by the Director.
11. **Director's Reports.** The Director reported that all of the Voluntary Dismissals listed on the Agenda involves either cases in which a settlement was reached and the case withdrawn or because the complaint was deficient in some respect and withdrawn after notice of deficiency was sent by the Director. Ms. Brown addressed the Board to state for the record that *AFSCME, Council 18 v. Santa Fe County*, PELRB No. 101-15, was one of the cases referred to by the Director as having been withdrawn and dismissed due to deficiencies in the complaint Voluntary Dismissal. With regard to the status of the Board's FY 16 Independent Auditor Contract and prospective RFP for and FY 17 Independent Auditor Contract, the Director presented a memorandum, included in the Board's packet, from State Controller Ronald Spillman reminding the Board that at the conclusion of the FY15 audit the current independent auditor will have completed the 6th year of two multiyear contracts and that according to Executive Order 2012-004, the Board is to consider other approved auditors for FY16. The Director outlined a preliminary timeframe for generating Requests for Proposals and convening a selection Committee to review responses beginning in March or April of 2016. The Chair volunteered to serve on the selection committee and suggested that the Director and the Administrative Assistant also serve.
12. **New Business.** Director Griego informed the Board that while the Board was in closed executive session, he was reminded that although there was a factual error in the May 2, 2015 Board minutes as he pointed out, the minutes in fact accurately reflected the action taken by the Board. Consequently it may not be appropriate to amend those minutes as contrasted with noting the error in these minutes leaving the prior minutes as approved unchanged. There was a brief discussion including the Board's legal counsel, after which Chair Westbrook moved to withdraw the earlier motion by Vice-Chair Bartosiewicz to amend the May 5, 2015 meeting minutes. Chair Westbrook stated the Board recognizes the meeting minutes were in error insofar as they stated that notice was published in the Albuquerque Journal. Vice-Chair Bartosiewicz

seconded the Motion and after the 3-0 roll call vote the Motion passed.

13. **Schedule Next Board Meeting.** After discussion the next Board meeting was scheduled for Tuesday, August 4, 2015, 9:30 a.m.
14. **Adjournment.** Chair Westbrook moved to adjourn. His Motion was seconded by Mr. Bartosiewicz. After a roll call vote the motion passed unanimously and the Board adjourned at 9:58 a.m.