



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

**Minutes of Board Meeting held Tuesday, July 10, 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 9:30 a.m. Member Jay Bledsoe and Vice-Chair R.E. Bartosiewicz were in attendance so that a quorum was present.
2. **Approval of Agenda.** Member Bledsoe moved to approve the agenda. Vice-Chair Bartosiewicz seconded the motion and the agenda was approved 3-0 after a roll call vote.
3. **Approval of May 1, 2018 meeting minutes.** Director Griego asked the Board to amend the last sentence of Minutes item 6 to read that “The Board took no action”, rather than “There was no action for the Board to take” in order to reflect that the Director would be asking the Board at this meeting to ratify his action in the union’s disclaimer of interest in the same case, *AFSCME, Local 2976 & City of Moriarty*; PELRB No. 302-18. Chair Westbrook moved to amend the minutes as requested and approve them as amended. Vice-Chair Bartosiewicz seconded the motion and the motion carried on a 3-0 roll call vote.
4. **Public Comments.** There were several members of the public in attendance but no comments were offered.
5. **Voluntary Dismissals.** At the Chair’s suggestion Director Griego addressed both cases together; *AFSCME, Local 2516 v. Grant County*; PELRB No. 109-18 and *Teachers’ Association of Lordsburg v. Lordsburg Municipal Schools*; PELRB No. 102-18. Mr. Griego reported that prior to scheduling a hearing in either case, the disputes were resolved and settlement agreements reached. The Complaints were withdrawn and voluntary dismissals entered as appears in the Board’s packets. There was no action for the Board to take; however, Member Bledsoe moved to ratify the Director’s Dismissals. Vice-Chair Bartosiewicz seconded the motion and it carried upon a 3-0 roll call vote.
6. **Union Disclaimer of Interest.** Director Griego requested that the Board ratify his acceptance of the union’s disclaimer of interest presented at the Board Meeting on May 1, 2018 in re: *AFSCME, Local 2976 & City of Moriarty*; PELRB No. 302-18. Member Bledsoe moved to ratify the disclaimer and Chair Westbrook seconded the motion. The motion carried 3-0 upon a roll call vote.
7. **Amended Certification of Representation.** Cibola County requested amendment of a Certification of Representation issued January 10, 2014 to reflect that it had closed its Detention Center and the positions formerly employed by the County at that facility and included within our certification of the bargaining unit, no longer exist. The Director reported that the Petition filed in *Cibola County & NMCP SO*; PELRB 303-18 and the surrounding circumstances justified amending the certification as requested. He reported that all objections to the amended

certification had been resolved and permission was verbally granted by NMCPSO's representative to inform the Board that it had no remaining objection to amending the certification. A copy of an Amended Certification showing that all the requirements of NMAC 11.21.2.37 and that the positions of Dispatchers and Dispatch Supervisors remain in the recognized bargaining unit was included in the Board's packets. Chair Westbrook moved to ratify the Director's issuance of the Amended Certification at issue. The Motion was seconded by Vice-Chair Bartosiewicz and passed unanimously 3-10 after a roll call vote.

8. **Enforcement of Board Orders.** Director Griego reported that, as had been directed to do by the Board at its May 1, 2018 meeting, he sent a letter to counsel in each of the following two cases demanding compliance with the Board's Orders:
 - a. *AFSCME v. N.M. Dep't. of Corrections*; PELRB No. 105-09; Ct. App. No. A-1-CA-34737; Sup. Ct. No. S-1-SC- 36688; and,
 - b. *Central Consolidated Education Ass'n v. Central Consolidated School District #22*; PELRB No. 101-13; Second Judicial Dis. Ct. No. D-202-CV-2013-08758; Ct. App. No. A-1-CA-34843.

He further told the Board that employer's counsel in each case indicated their intention to comply with the Board's Orders. Attorneys for Central Consolidated School District #22 responded by mail on May 25, 2018 agreeing to comply. Attorney Jim Brewster addressed the issue on behalf of the Department of Corrections reporting that Deputy General Counsel, Paula Ganz, responded to the Director's letter on May 15, 2018 stating that they also would comply with the Board's Order posting notice of the violation found for 45 days beginning June 18, 2018. Stephen Curtice on behalf of AFSCME stated he had no information contrary to the Department's stated intent to comply, but would verify and report back. Attorney Autumn Bergh, on behalf of Central Consolidated Education Association stated that she also needed to confirm that the Central Consolidated School District #22 had complied as promised. Chair Westbrook told Director Griego to leave the files open until each union had been able to confirm compliance, whereupon each file could then be closed.

9. **Director's Dismissal of Petition.** In *AFSCME, Local 3103 and San Miguel County*; PELRB 304-18, the union submitted dues deduction authorization cards as support required by NMAC 11.21.2.38. Director Griego told the Board that he did not consider dues deduction cards to be adequate to support a recognition petition because they do not demonstrate that the employee wishes to be "represented by the exclusive representative as part of the existing unit." NMAC 11.21.2.38 (B). Therefore, there is a Question Concerning Representation present and he was dismissing the Petition as required by 11.21.2.37(B). In answer to a question put to him by Chair Westbrook Director Griego stated that he saw no reason why the union could not refile with proper support.
10. **Executive Session Recess pursuant to Section 10-15-1(H)(2) of the Open Meetings Act; discussion of limited personnel matters – Affiliation for Fiscal Management.** Chair Westbrook moved to go into executive session pursuant to section 10-15-1(H)(2) of the Open Meetings Act, to discuss limited personnel matters, i.e. affiliation for fiscal management. Member Bledsoe seconded the motion and the Board voted 3-0 upon a roll call vote in favor of the motion. The Board recessed for executive session at 9:47 a.m.

The Board resumed its open session at approximately 10:20 a.m. after chair Westbrook so moved. He stated that pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session was the Board's affiliation with another agency for fiscal management. Member Bledsoe seconded the Motion and a roll call vote taken whereupon the motion passed 3-0.

11. **Set Next Meeting Date and Adjournment.** The Board tentatively set the next meeting for Friday, August 10, 2018 depending on confirmation of Board counsel's calendar. Chair Westbrook moved to adjourn. The Motion was seconded by Vice-Chair Bartosiewicz and passed after a 3-0 roll call vote and the Board meeting was adjourned at 10:44 a.m.

DRAFT