



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

**Minutes of Board Meeting held Tuesday, July 13, 2016 9:30 a.m. at the PELRB offices, 2929
Coors Blvd. NW, Albuquerque, New Mexico; Chair Westbrook, presiding.**

1. **Call to Order.** Chair Westbrook called the meeting to order at 9:30 a.m. Vice-Chair Bartosiewicz and Member Bledsoe were also present.
2. **Approval of Agenda.** Director Griego asked that the Board amend the Agenda to remove items 7, 8 and 9 based upon agreements made prior to the publication of the July Agenda. Member Bledsoe moved to approve the Agenda as amended. Vice-Chair Bartosiewicz seconded the motion. On a 3-0 roll call vote the motion passed.
3. **Approval of May 3, 2016 meeting minutes.** Member Bledsoe moved to approve the Minutes of the Board's May 3, 2016 meeting. Vice-Chair Bartosiewicz seconded the motion. Upon a 3-0 roll call vote the Minutes were approved.
4. **Public Comments.** There were none.
5. **Review of Third Motions to Disqualify the Executive Director in *AFSCME, Council 18 v. Luna County*; PELRB No's 105, 108, 112-16, and *AFSCME, Council 18 & Luna County*; PELRB No.'s 310-15 & 304-16.** Jonlyn Martinez appeared on behalf of Luna County. Before presenting her motions Ms. Martinez requested that Chair Westbrook recuse himself from all cases involving Luna County and AFSCME based upon his disclosure at a prior meeting that his firm had entered into a business relationship with the firm representing AFSCME and that he would recuse himself from any cases involving AFSCME, Council 18 upon request. Chair Westbrook granted Ms. Martinez' request and Vice-Chair Bartosiewicz assumed chairmanship *pro tempore* of the meeting.

Ms. Martinez reiterated the allegations made in her previous motions to disqualify the Director at the May 3, 2016 and March 31, 2016 Board meetings both of which were denied as having no merit. Stephen Curtice, on behalf of AFSCME Council 18, spoke in opposition to the motion and in support of the actions taken by the Director during the proceedings in question indicating that, for the most part the grounds alleged for disqualification not already found to be without merit were the same arguments as those stated by the County in opposition to certification of the election to be heard on this agenda.

Vice-Chair Bartosiewicz moved to go into closed session pursuant to §10-15-1(H)(3) of the OMA in order to deliberate over the motions. Member Bledsoe seconded the motion. On a 2-0

roll call vote (Duff Westbrook abstaining) the motion passed and the Board went into executive session at 10:15 a.m.

Vice-Chair Bartosiewicz brought the Board back into open session at 11:08 a.m. stating that the matters discussed in the executive session were limited to the Motions to Disqualify the Executive Director in PELRB No.'s 105, 108, 112-16, 310-15 and 304-16. He stated that "unsupported attacks against Mr. Griego are insufficient to require his recusal. The unfounded attacks on Mr. Griego's integrity that have been publicly repeated in this current motion never had any factual evidence or any legal basis." Vice-Chair Bartosiewicz then moved to deny the Motions to Disqualify Director Griego. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed. Chair Westbrook abstained.

6. **Appeal of Hearing Officer's Reports on Objections and Proposed Certification of Elections in *AFSCME, Council 18 & Luna County*; PELRB No. 310-15 and *AFSCME, Council 18 & Luna County Sheriff's Department*; PELRB No. 304-16.** Present for Luna County was Jonlyn Martinez and Stephen Curtice for AFSCME. Ms. Martinez raised allegations of electioneering within 50 feet of the polling location; that Director Griego spoke with AFSCME members after the polls closed on the first day of the two-day election and that he failed to segregate a contested ballot. In support of her objections Ms. Martinez submitted three written statements by county employees voting on the days in question which she alleged showed intimidation by AFSCME as well as 9 hours and 15 minutes of security surveillance footage from the days of the elections.

Stephen Curtice responded that not all electioneering is prohibited by the PELRB rules; only that electioneering taking place within 50 feet of any room wherein polling is taking place. Not only did the County fail to produce evidence that any electioneering took place within 50 feet of the polling place it did not allege that any of the acts it claims to have constituted electioneering took place within 50 feet of the polling place. He affirmatively represented that all AFSCME members and employees remained well outside of the 50 feet limitation while the polls were open except for the designated election observer who was privileged by virtue of his status as an observer to be present during the polling. Mr. Curtice stated that the documents submitted to the County Manager county employees supposedly alleging intimidation, did not actually contain any allegations of intimidation – all three of the employees submitting written statements were not impaired in voting. Turning to the issue of comingling the challenged ballot, Mr. Curtice pointed out that it was unintentional and a mistake that was acknowledged by Director Griego at the time it occurred. He pointed out that the County's election observer also failed to prevent the comingling of the challenged ballot. The mistake was immaterial because the final results of the ballot tally were 34 votes in favor of the union and one vote in opposition.

Mr. Griego submitted the results of the ballot counts served on the parties in both elections as part of the packet submissions to the Board prior to the meeting which showed the requisite percentage of eligible voters participated so that the elections were valid and that in each case the union prevailed with the requisite majority.

Vice-Chair Bartosiewicz moved to deny the objections to the election and certify the election results in the two cases, PELRB 310-15 and 304-16. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed. Chair Westbrook abstained.

7. **Approval of Consent Election Agreements**

- a. **NEA Clayton & Clayton Public Schools; PELRB 302-16.** Representatives of both parties were present; however they were working out final details of their Consent Election Agreement (CEA). Vice-Chair Bartosiewicz moved to recess until the parties could present their CEA. Member Bledsoe seconded the motion. On a 3-0 roll call vote the motion passed and the Board recessed at 11:32.

When the Board reconvened, Ms. Holcomb, the representative for Clayton Public Schools, presented the parties' CEA. Present for the Union was Ms. De Santiago who concurred with Ms. Holcomb's presentation.

Vice-Chair Bartosiewicz moved to approve the CEA. Chair Westbrook seconded the motion. On a 3-0 roll call vote the motion passed.

- b. **AFSCME, Council 18 & Rio Arriba County; PELRB No 306-16.** Dina Holcomb appeared for the County and Stephen Curtice for the Union. Ms. Holcomb presented the CEA as agreed upon and Mr. Curtice concurred with Ms. Holcomb's presentation.

Member Bledsoe moved to approve the CEA. Chair Westbrook seconded the motion. On a 3-0 roll call vote the motion passed.

8. **New Business**

- a. **Presentation of Certificate of Appreciation to Jennifer Salazar.** Mr. Griego informed those present that the Board's legal counsel, Jennifer Salazar, left the Attorney General's office to accept a position as General Counsel for the Department of Cultural Affairs. Mr. Griego lauded her contribution to the citizens of the State and the Board while serving as our counsel and the Board presented a Certificate of Appreciation, *in absentia*, to Ms. Salazar for her outstanding work.

The Certificate was accepted by the Board's interim counsel, Jennie Lusk.

- b. **Foundation for Open Government (FOG) New Mexico Inspection of Public Records Act (IPRA) Three Year Audit Report.** New Mexico Foundation for Open Government (NMFOG) conducts an audit of all State Boards, Agencies and Counties every three years testing for Inspection of Public Records Act (IPRA) compliance and turnaround time. This year the Agency received a request for any IPRA logs for the calendar years 2014, 2015 and 2016. The Agency responded the very next day after having received the request. Only 15 entities responded faster than the PELRB.

The Board and the Director thanked Operations Manager and Records Custodian Matthew Abousleman for his responsiveness to IPRA requests.

9. **Schedule Next Two Board Meetings.** The Board scheduled Tuesday, August 9 at 9:30 a.m. and Tuesday, September 13 at 9:30 a.m. for their next two Board meetings.

10. **Adjournment.** Vice-Chair Bartosiewicz moved to adjourn. Member Bledsoe seconded the motion and upon a 3-0 roll call vote the meeting adjourned at 11:59 a.m.

