



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

Minutes of Board Meeting held Tuesday, September 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 9:34 a.m. Vice-Chair Bartosiewicz was absent. Member Bledsoe was present so that there was a quorum.
2. **Approval of Agenda.** Member Bledsoe moved to approve the Agenda. Mr. Abousleman, sitting in for Director Griego who was absent on a scheduled vacation, requested amendment of the Agenda to remove two items: (1) item 5a, *AFSCME, Council 18 & New Mexico Human Services Dep't*; PELRB No. 309-15, and item 5b, *AFSCME Council 18 v. Bd. of Co. Comm'rs of Santa Fe County*; PELRB No. 128-15, because the deadlines for requesting Board review had not yet passed. The items were placed on the Agenda in the event that the parties filed their appeals prior to the meeting and wished to be heard but they were not yet filed and discussion should be tabled until the next meeting. Chair Westbrook suggested that they table the items as they get to them on the agenda and moved to approve the Agenda. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.
3. **Approval of August 9, 2016 meeting minutes.** Member Bledsoe moved to approve the Minutes of the Board's August 9, 2016 meeting. Chair Westbrook seconded the motion. Upon a 2-0 roll call vote the Minutes were approved.
4. **Public Comments.** There were none. Chair Westbrook, who at an earlier meeting offered to recuse himself upon request from cases involving the law firm of Youtz & Valdez, P.C. because of a potential association with his firm on a case, announced that the co-counsel relationship never formed he was no longer going to co-counsel with the firm.
5. **Review of Hearing Officer's Reports and Recommended Decisions.**
 - a. *AFSCME, Council 18 & New Mexico Human Services Dep't*; PELRB No. 309-15. Chair Westbrook moved to table the item based on the information previously provided by Mr. Abousleman under "Approval of the Agenda" item 2. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.
 - b. *AFSCME Council 18 v. Bd. of Co. Comm'rs of Santa Fe County*; PELRB No. 128-15. Chair Westbrook moved to table the item based on the information previously provided by Mr. Abousleman under "Approval of the Agenda" item 2. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.
 - c. *AFSCME, Council 18 & Chris Verduzco v. Luna County*; PELRB 108-16. Present for the County and for the Union were Jonlyn Martinez, and Stephen Curtice, respectively.

Ms. Martinez read from a letter purporting to be from an inmate to a correctional officer at the Luna County Detention Center. Mr. Curtice objected asserting that the County was attempting to introduce evidence and arguments that are not before the Board. Mr. Curtice argued that the County's appeal is limited to the facts established at the Merits hearing held on August 24, 2016, which the County chose not to attend. The facts that Ms. Martinez is now attempting to incorporate were disputed at the merits hearing and contrary facts were found by the Hearing Officer after the Hearing on the Merits. According to Mr. Curtice the sole ground for the County's appeal as pled is the Executive Director's denial of an untimely motion for continuance. A discussion ensued.

Chair Westbrook moved that the Board go into executive session pursuant to 10-15-1(H)3 of the Open Meetings Act to discuss *AFSCME, Council 18 & Chris Verduzco v. Luna County*; PELRB 108-16. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed. The Board went into executive session at 10:18.

Chair Westbrook moved that the Board go back into regular session pursuant to §§10-15-1(I)1 and 10-15-1(J) of the Open Meetings Act. He stated that the only matter discussed during the executive session was *AFSCME, Council 18 & Chris Verduzco v. Luna County*; PELRB 108-16. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.

Chair Westbrook moved to accept and ratify the Hearing Officers Report and Recommended Decision and affirmed that the Board must accept only the facts on record from the Merits hearing as the facts before them on appeal. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.

6. **Hearing on Request for Local Ordinance Variance and Request for Abatement.** *Luna County Ordinance No. 54*; PELRB No. 201-16. Present for the County was Dina Holcomb. Ms. Holcomb reported that she substituted the previously filed Request for Local Ordinance Variance and Request for Abatement for another one, conforming to PELRB Model Ordinance template.

Chair Westbrook inquired as to whether the parties were obligated to go through the rulemaking process, which includes a 30 day notice and public comment period. Ms. Holcomb stated that had never been the process before the PELRB when there is no variance requested. Chair Westbrook asked Mr. Abousleman whether the newly proposed ordinance conformed to the PELRB Model Ordinance. He replied that since Director Griego was on vacation at the time that this new ordinance was filed, and in fact is still on vacation, the Agency had not yet reviewed the proposed ordinance for any variances. Mr. Abousleman also informed the Board that Ms. Holcomb is not wrong, in that traditionally a 30 day rulemaking notice period for public comment is not mandated. However, in this case one was appropriate because of the request for variance that was previously requested.

Ms. Holcomb requested that the 45-day abatement of pending matters begin running from the date of filing of the amended request for approval, September 6, 2016. The Board agreed and Chair Westbrook moved to table item 6a, Request for Local Ordinance Variance and Request for Abatement; *Luna County Ordinance No. 54*; PELRB No. 201-16. Member Bledsoe seconded

the motion. On a 2-0 roll call vote the motion passed.

7. **Approval of Consent Election Agreement; NEA Clayton & Clayton Public Schools;** PELRB 302-16. Present for the District and the Union were Dina Holcomb and Roxie DeSantiago, respectively. Ms. DeSantiago reported to the Board the details contained in the parties' agreement and Ms. Holcomb concurred. Chair Westbrook moved to approve the CEA. Member Bledsoe seconded the motion. On a 2-0 roll call vote the motion passed.

8. **Voluntary Dismissals.**

- a. *Luna County v. AFSCME, Council 18;* PELRB No. 112-16
- b. *Valencia County Sheriff's Officers' Ass'n v. Valencia County and Valencia County Sheriff's Dep't;* PELRB No. 109-16
- c. *AFSCME Council 18 v. City of Santa Fe;* PELRB No. 117-16
- d. *AFSCME Council 18 v. NM Law Offices of the Public Defender;* PELRB No. 118-16.

Mr. Abousleman reported to the Board that since their previous meeting, these were the cases that had either been voluntarily dismissed or withdrawn. No action was required.

9. **New Business.**

- a. FY18 Strategic Plan
- b. FY18 Appropriations Request

Mr. Abousleman noted that there was an error on the Agenda for September. These items should be labeled as FY18 not FY17. He then gave a report on how the anticipated fiscal reduction for FY18 would affect the Agency's budget, performance and Strategic Plan.

10. **Schedule Next Two Board Meetings.** The Board set October 11, and November 1, both at 9:30 a.m., for their next two meetings.

11. **Adjournment.** Member Bledsoe moved to adjourn. Chair Westbrook seconded the motion and upon a 2-0 roll call vote the meeting adjourned at 10:55 a.m.