



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Peggy Nelson, Board Chair
Tuesday, December 5, 2023, 9:00 a.m.
Via videoconference

1. **Call to Order.** Chair Nelson called the meeting to Order at 9:00 a.m. Upon a roll call, Member Nash was present, constituting a quorum even though Vice-Chair Myers was absent.
2. **Approval of Agenda.** Member Nash moved to approve the agenda. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
3. **Approval of November 7, 2023 and November 20, 2023 Meeting Minutes.** Member Nash moved to approve the November 7, 2023 and November 20, 2023 Meeting Minutes. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary dismissals.** The Executive Director explained that the complaints in *LAMAW v. UNM SRMC*; PELRB 108-23 and *UWUA v. Bosque Farms*; PELRB 119-23 had been withdrawn prior to hearing and he had issued a Voluntary Dismissal for each case. Member Nash moved to approve the Voluntary Dismissals. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
6. **Summary Dismissal, *AFSCME v. NM Corrections Dept.***; PELRB 116-22. Executive Director Griego informed the Board that the parties reached a settlement in this case and began circulating it for signatures more than a year ago. Mr. Griego received no response despite several prompts calling for a status report. Therefore he summarily dismissed the PPC pursuant to NMAC 11.21.1.29. Member Nash moved to approve the Summary Dismissal. The motion was seconded by the Chair and carried unanimously upon a roll call vote.
7. **Amended Certifications.** The Chair recommended addressing the cases as a group. The Executive Director gave a summary of the procedural history of the cases and asked the Board to approve the Amended Certifications issued in each case and affirm findings contained in the certifications. Member Nash moved to approve the Amended Certifications and affirm the findings contained therein for the cases listed below:
 - a. *AFSCME, Council 18 & N.M. SPHO (NMCD - Adult Prisons Division)*; PELRB 337-23
 - b. *AFSCME, Council 18 & N.M. SPHO (NMCD - Probation and Parole Division)*; PELRB 338-23
 - c. *District 1199NM, NUHHCE & University of New Mexico Hospitals (Therapist Aides-Support Unit)*; PELRB 333-23
 - d. *District 1199NM, NUHHCE & University of New Mexico Hospitals (Physical and Occupations Therapists-Licensed and Technical Unit)*; PELRB 334-23

- e. *District 1199NM, NUHHCE & University of New Mexico Hospitals (Neuropsychology Licensed and Technical Unit)*; PELRB 336-23.

The motion was seconded by the Chair and carried unanimously upon a roll call vote.

8. **Certification of Bargaining Unit, *Professional Fire Fighters of Torrance County, LAFF Local 5441 & Torrance County***; PELRB No. 332-23. The Executive Director explained that the union had filed a petition along with a sufficient showing of interest from employees in the bargaining unit to demonstrate majority support. He therefore issued a Certification of Representation after conducting a card check. He asked the Board to affirm the Card Check Results and the resulting Certification of Representation along with the findings contained therein. Member Nash moved to approve the Card Check Results and the Certification and affirm the findings contained therein. The motion was seconded by the Chair and carried unanimously upon a roll call vote.

9. **Director's Reports.**

- a. **Proposed Memorandum of Understanding Between the New Mexico Public Employee Labor Relation Board and the New Mexico Administrative Hearings Office.** The Executive Director explained that a proposed agreement had been negotiated with the AHO to provide for cross training and sharing Hearing Officers. A copy of that MOU was presented to them for review and comment. Staff were directed to proceed with the agreement.

- b. **Local Board Affirmations under § 20(D) of the PEBA.**

The Executive Director stated that because this is an odd-numbered year, pursuant to NMSA 10-7E-10(E), the local boards still existing (listed below) are required to submit an affirmation by December 31st that the local body and all exclusive representatives representing employees of that body had elected to continue to operate under the local board:

- i. City of Albuquerque
- ii. Town of Silver City
- iii. City of Roswell
- iv. Alamogordo Public Schools
- v. Albuquerque Public Schools
- vi. City of Deming
- vii. Los Alamos County
- viii. Zuni Schools

As of the meeting, only the City of Albuquerque and the Town of Silver City had submitted the necessary affirmations so that they would definitely continue to operate. One of the unions representing employees of the City of Roswell informed this Board that it did not elect to continue to operate under the Roswell local board, so that unless that notice was withdrawn and proper re-affirmations submitted, the Roswell local board would not continue operations. He noted that each remaining local board has until December 31st to submit such affirmations, so the ultimate fate of the other boards could not be known at that time. No information was received about the other boards so far, with the exception of Zuni Public Schools. The Human Resources Director for Zuni Public Schools informed Executive Director Griego on the day prior to the meeting, that their local board experienced a vacancy exceeding

sixty days in length, which the Director told meant that their board no longer existed. Both the School District and the Union had representatives in attendance that wished to address the Board. The Chair called upon Tucker Simons, HR Director for Zuni Schools. He confirmed that due to an oversight the Zuni Public Schools LRMB had experienced a vacancy on the board that lasted for more than sixty days after the previous neutral member had resigned. He asked the Board if their local board could nevertheless continue if they were to appoint a third member. Marisa Sanchez, speaking for the union, stated the union would like to continue under the local board as well. After reviewing NMSA 10-7E-10(F), which states: “Beginning on July 1, 2020, if at any time thereafter a local board has a membership vacancy exceeding sixty days in length, the local board shall cease to exist” and NMSA 10-7E-10(F) which states “Once a local board ceases to exist for any reason, it may not be revived” the Board members were in agreement that the PEBA did not grant the Board any discretion in such a circumstance.

Final action on all local labor board re-affirmations will take place after the December 31, 2023 deadline.

- c. **Executive Director job posting.** Chair Nelson moved that the Board go into executive session pursuant to section 10-15-1(H)(2) of the Open Meetings Act, to discuss item 9(c) on the agenda; the motion was seconded by Member Nash and carried unanimously upon a roll call vote. The Board went into closed session at 9:40 a.m.

At 10:26 a.m. the Chair moved that the Board go back into regular session, and pursuant to sections 10-15-1(I)(l) and 10-15-1(J), the only matters discussed in the closed executive session Item 9(c) on the agenda. Member Nash seconded the motion and the motion was carried unanimously upon a roll call vote. In the closed session, the Board and staff had produced a timeline for filling the Executive Director position so it could be filled before the current Executive Director departs in September 2024:

- Advertise the position in February 2024
- Deadline for submission of applications: April 29, 2024
- Special meeting to discuss applicants: May 17, 2024
- Individual interviews in June
- Position filled by August 27, 2023

- d. **Per Diem authorization.** The Executive Director informed the Board that a special letter was needed to authorize his travel expenses for his attendance of the National Association of Administrative Law Judges conference in October, which had already been approved by the Board. The Board approved the letter after reviewing a copy.

10. **Schedule 2024 meetings and Adjournment.** After reviewing the 2024 calendar and a brief discussion, the Board stated that regular meetings would be on the first Tuesday of every month, with the exceptions of January 9, and November 12, 2024, and the previously mentioned special meeting on May 17th to discuss Executive Director applicants. Member Nash moved to adjourn;

the motion was seconded by the Chair and carried unanimously upon a roll call vote. The meeting was adjourned at 10:38 a.m.