



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Thursday August 13, 2020
at 9:30 a.m. via web conference. Duff Westbrook, presiding.

1. **Call to Order.** The Board's Chair, Duff Westbrook, called the meeting to order at 9:32 a.m. Member Mark Myers and Member Marianne Bowers were also present, so that a quorum was established.
2. **Approval of Agenda.** Member Bowers moved to approve the agenda. Member Myers seconded the motion and the agenda was unanimously approved upon a roll call vote.
3. **Approval of July 14, 2020 meeting minutes.** Member Bowers moved to approve the minutes of the Board's July 14, 2020 meeting. Member Myers seconded the motion and the minutes were unanimously approved without modification upon a roll call vote.
4. **Public Comments.** Because the appointment of a replacement for Chair Westbrook position on the Board is on the day's agenda as approved, Sandy Martinez from the State Personnel Office, thanked him for his service on the Board.
5. **Approval of Model Ordinance/Resolution/Charter Amendments for Local Boards.** The Executive Director reminded the Board that at the July meeting the Board directed staff to add approval of the Board's revised Model Ordinance and Resolution templates to the Board's agenda for public comment. Dina Holcomb offered several comments which the Board took under advisement to take up again at its September meeting. In the interim, staff was directed to make the changes as discussed and send the revisions to Ms. Holcomb and any interested parties for review before the September meeting.
6. **Use of electronic signatures for showing of interest under NMAC 11.21.1.10(C) and 11.21.2.11.** Director Griego informed the Board that he received at least two inquiries from unions asking whether the Board would accept electronic signatures for the required showing of interest in its representation proceedings. As this is a policy decision to be made by the Board the Director asked the Board to consider two questions: First, does the Board favor accepting electronic signatures for that purpose; and second, if the Board does favor accepting electronic signatures for that purpose, do the Board's current rules, particularly, NMAC 11.21.1.10(C) and 11.21.2.11 permit such acceptance without further amendment. He introduced Mark Meinster of the United Electrical, Radio and Machine Workers of America union to address the issues. Mr. Meinster stated that there were both state and federal laws permitting the use of electronic signatures and governing their use. The NLRB had addressed this issue as well and permits electronic signatures to support a showing of interest. After discussion, the Board directed its counsel to prepare a report on the state of the law regarding the use of electronic signatures and inform the Board of her findings at the next meeting.
7. **Voluntary Dismissals.** The Executive Director informed the board that the complaints in the cases *MCFUSE v. Gallup-McKinley Schools*, PELRB 113-20; *NMPRLEA v. NMEMNRD*, PELRB 117-20; and *AFSCME v SPO & NMCD*, PELRB 107-20 had been withdrawn and he issued Voluntary Dismissals for each of them. No action was required of the Board.

8. **Summary dismissal.** Director Griego reported his Summary Dismissal of the Complaint in *Akins v. N.M. Taxation and Revenue Dept.*, PELRB 115-20 for facial inadequacy. After notice and an opportunity to cure the deficiencies, no timely cure was submitted by the Complainant.
9. **Order to Show Cause In re: City of Las Vegas.** The Executive Director informed the Board that after the Hearing on this matter was tabled from the July agenda, the City of Las Vegas submitted meeting minutes and a copy of a revised Ordinance demonstrating that it had repealed its labor-management relations ordinance rendering the hearing moot. The Board directed staff to close the file for *In re: City of Las Vegas*; PELRB 201-20.
10. **Dissolution of Local Boards in the City Alamogordo and in Bernalillo County.** The Executive Director informed the Board that the City of Alamogordo completed the repeal of its labor-management relations ordinance. Representatives of the City were present and confirmed the recent repeal. The director presented meeting minutes showing that the Bernalillo County Labor Management Relations Board had voted to dissolve, and a letter from the PELRB assuming jurisdiction over pending matters, requesting the transfer of any pending files. No response to that letter had yet been received and no files transferred. The Director is unaware of any pending matters in Bernalillo County. Accordingly, the cases *In re: City Alamogordo*, PELRB 203-20 and *In re: Bernalillo County*, PELRB 202-20 would be closed.
11. **Director's Reports.** The Director turned the floor over to the Board's CFO, Tanya Montoya-Ramirez, for her monthly financial report and Audit update. She stated that she had been working with the DFA and LFC on making the requested budget cuts for FY22 and preparing this year's appropriations request. She also stated that the annual audit was progressing as scheduled with nothing further to report at this time.
12. **Recommendation of Neutral Board Member.** The Executive Director reported that staff conducted inquiries as directed seeking the names of interested persons willing to serve as the jointly recommended Board member. Several responses were received and the Director referred the Board members to the information about each provided. Chair Westbrook recused himself from the discussion. Member Bowers stated that of the candidates, she preferred retired judge Nan Nash because her experience as a jurist would be helpful to the Board. Member Myers also expressed his preference for Judge Nash. Dina Holcomb stated that in her experience former judges have worked well on other labor boards. James Montalbano agreed that Judge Nash was a good choice and also said that the Board should take care that the presence of a former judge on the Board would not result in the Board becoming less accessible to non-lawyers. Member Bowers agreed. The Executive Director stated that his position also functions as an aid to accessibility by laypersons. Member Bowers moved to nominate Nan Nash as the joint recommendation. Member Myers seconded the motion and the motion carried 2-0 with the Chair abstaining. The Executive Director stated that he would inform the Governor's office of their recommendation.
13. **Executive Session to discuss personnel matters** Chair Westbrook moved that the Board go into executive session pursuant to section 10-15-1(H)(2) of the Open Meetings Act, to discuss limited personnel matter. Member Myers seconded the motion and the motion carried unanimously upon a roll call vote. The Board moved into executive session at 11:25 a.m. Upon return, Chair Westbrook 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 were limited personnel matters. Member Myers seconded the motion and the motion carried

unanimously upon a roll call vote. The time was 11:37 a.m.

14. **Set Next Meeting Date and Adjournment** After a brief discussion the next meeting was set for September 8, 2020 at 9:30 a.m. In anticipation of his imminent departure from the Board, Chair Westbrook thanked everyone involved for all their help over the years. Chair Westbrook then moved to adjourn; Member Myers seconded the motion and the motion carried unanimously upon a roll call vote. The time was 11:39 a.m.