



**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday September 8, 2020
at 9:30 a.m. via web conference. Marianne Bowers, presiding.**

1. **Call to Order.** In the absence of Chair Westbrook, Marianne Bowers, acting as Chair-designate, called the meeting to order at 9:31 a.m. Member Mark Myers was also present, so that a quorum was established.
2. **Approval of Agenda.** Member Myers moved to approve the agenda. Member Bowers seconded the motion and the agenda was unanimously approved upon a roll call vote.
3. **Approval of August 13, 2020 meeting minutes.** Member Myers moved to approve the minutes of the Board's August 13, 2020 meeting. Member Bowers seconded the motion and the minutes were unanimously approved without modification upon a roll call vote.
4. **Public Comments.** Several members of the public were present; none offered comment
5. **Approval of Model Ordinance/Resolution/Charter Amendments for Local Boards.** The Administrative Assistant, Matt Huchmala informed the Board that PELRB staff made the changes to the templates resulting from the discussion at the August meeting. Dina Holcomb stated that there were still some issues with the templates. The Executive Director suggested that the PELRB staff meet with Ms. Holcomb to discuss any issues and present the outcome of those discussions at the next Board meeting. Member Bowers stated that she felt that representatives of labor organizations should be invited to these discussions. The Board directed staff to effectuate the suggested discussions. The Executive Director asked for direction concerning the presence of the model templates on the PELRB website. The Board directed staff to leave them on the website during the review process. Ms. Holcomb suggested that the discussions include the ad hoc rules committee and the Board directed staff to invite the ad hoc rules committee to participate in the discussions.
6. **Use of electronic signatures for showing of interest under NMAC 11.21.1.10(C) and 11.21.2.11.** Member Bowers referred to a memorandum prepared by PELRB counsel regarding the state of the law in New Mexico regarding electronic signatures and stated that she felt that the laws of New Mexico already acknowledge and accept the use of electronic signatures and that no action by the Board was needed for the PELRB to accept electronic signatures for a showing of interest. She stated that the record should reflect that the PELRB recognizes that the use of electronic signatures is legal and recognized by the laws of New Mexico. Member Myers suggested that the Board direct staff to create procedures for accepting electronic signatures. Member Bowers solicited input from those present on the topic. Shane Youtz stated that he felt that it was a good idea and that the NLRB already has procedures relating to the use of electronic signatures. Mark Meinster stated that he also agreed that the law allowed for the use of electronic signatures and the development of policies was a good idea. Member Myers moved to direct the staff to assemble the rules committee to explore the creation of policies and procedures relating to electronic signatures and report back to the Board at the next meeting. Member Bowers seconded the motion and the motion carried by unanimous roll call vote.
7. **Hearing Officer's Reports and Recommended Decisions.**

- a. *In re: AFSCME v. Santa Fe*; PELRB 101-20. The Administrative Assistant, Matt Huchmala informed the Board that the Hearing Officer's Report and Recommended Decision in this case had been issued and that the time to request Board review had passed without such request having been made. Member Myers moved to adopt the decision as the Board's. Member Bowers seconded the motion and the motion carried by unanimous roll call vote.
 - b. *In re: NMPRLEA v. NMEMNRD*; PELRB 301-20. Mr. Huchmala reported that although the Respondent had timely requested Board review of the Hearing Officer's Report and Recommended Decision in this case, the Petitioner was entitled to 10 days in which to respond pursuant to NMAC 11.21.2.22(B) and the response period had not yet passed. Based on that information, Member Myers moved to table review of this case until the next meeting. Member Bowers seconded the motion and the motion carried by unanimous roll call vote.
8. **Voluntary Dismissals.**
- a. Mr. Huchmala informed the Board that *In re: AFSCME v. NMHSD*; PELRB 111-20 had been voluntarily dismissed after the withdrawal of the complaint prior to a hearing. Staff were directed to close the file.
 - b. Concerning *AFSCME v. SPO & NMCD*; PELRB 104-20, Mr. Huchmala reported that the case was scheduled for Board review in anticipation of settlement and withdrawal of the complaint, which had not been filed prior to the meeting. Counsel for the union, Shane Youtz, stated that settlement negotiations were nearing completion and that a settlement and withdrawal of the claim was imminent. No action was taken by the Board.
9. **Director's Reports.**
- a. Mr. Huchmala reported that the Board's final order in PELRB 106-19 had been appealed to the district court. Staff was preparing the record on appeal and anticipated filing it within the deadlines imposed by the rules of civil procedure. No action by the Board was necessary.
 - b. The Board's CFO was absent due to illness, so in her absence, Mr. Huchmala reported that the FY22 appropriations request had been completed and submitted to the DFA on time. The Executive Director, Mr. Griego, further informed the Board that due to anticipated state revenue shortfalls, the budget had to be cut back to bare minimums. He also stated that he would be meeting with the Legislative Finance Committee in October and would report back to the Board the results of that meeting at the next meeting.
 - c. Mr. Huchmala reported that the annual audit was proceeding according to schedule without any problems.
10. **Set Next Meeting Date and Adjournment** After a brief discussion the next meeting was set for October 6, 2020 at 9:30 a.m. Member Myers moved to adjourn. Member Bowers seconded the motion and the motion carried by unanimous roll call vote. The time was 10:09 a.m.