



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Minutes of Board Meeting held Tuesday November 2, 2021
at 9:00 a.m. via web conference. Vice-Chair Nan Nash, presiding.

1. **Call to Order.** Vice-Chair Nan Nash called the meeting to order at 9:00 a.m. in the absence of Board Chair Mark Myers. Member Marianne Bowers was present so that there was a quorum.
2. **Approval of Agenda.** After calling for approval of the agenda Member Bowers moved for approval The Vice-Chair seconded the motion and the motion carried upon a 2-0 roll call vote.
3. **Approval of October 5, 2021 meeting minutes.** After calling for approval of the October 5, 2021 meeting minutes, Member Bowers so moved. The Vice-Chair seconded the motion and it passed upon a 2-0 roll call vote.
4. **Public Comments.** No public comments were made by those in attendance.
5. **Amendment of Certification - AFSCME Council 18 and Luna County; PELRB 308-21.** Director Griego told the Board that after receiving a Joint Motion to amend Certification of an existing Unit in Luna County he issued the amendment on September 30, 2021 as requested. He asked that the Board affirm the amendment. Stephen Curtice on behalf of AFSCME Council 18 and Charles Kretek representing Luna County, each addressed the Board supporting affirmation of the Amended Certification of Representation. Vice-Chair Nash moved to approve the Amended Certification. The Motion was seconded by Member Bowers and passed upon a 2-0 roll call vote.
6. **Hearing Officer's Report and Recommended Decision - AFSCME and CYFD; PELRB 303-21.** Director Griego informed the Board that his Report and Recommended Decision was issued October 18, 2021 and placed on the Agenda in case no Request for Review was received. The CYFD's Request for Review was filed on October 22nd, with the deadline for the Union's Response set for November 5. The Director stated that if the Union elected to proceed with an oral argument without awaiting the deadline for a written response it could so and the Board could then deliberate over the issues. Otherwise the matter should be tabled until the next meeting in order to give the Union time to submit its written Response to the Request for Review. Stephen Curtice requested that the Board table the matter to the next meeting. Vice-Chair moved to table the Request for Review and the Motion received a second from Member Bowers. The Motion carried 2-0 upon a roll call vote.

Before calling the next matter on the Agenda, Vice-Chair Nash, noted that several attendees joined the meeting after calling for public comment and asked whether any of them wanted to make a public comment now. No one requested to make a comment.
7. **Request for Board Review - UE & UNM; PELRB 307-20.** As it was the University of New Mexico's Request for Review being heard, Vice-Chair Nash called upon Dina

Holcomb, representing the University in this appeal, to address the points on review first. After hearing her argument, Vice-Chair Nash called upon Stephen Curtice, representing United Electrical, Radio and Machine Workers of America, to argue the Union's points. After completing his remarks, Vice-Chair Nash called upon Member Boyers for any questions she may have. Member Bowers asked what the Board of Regents' position is regarding the issue of over-fragmentation of bargaining units. Ms. Holcomb's answer in summary was that typically the question of how fragmentation of bargaining units would effect the efficient administration of government is left to the employer and in this case the Regents believe two different units – one comprising teaching graduate assistants and the other comprising research graduate assistants, would be appropriate. Including them all in one unit would result in labor unrest. Member Bowers asked Mr. Curtice for a reply. Mr. Curtice stated to the effect that the Board has a policy against over-fragmentation of bargaining units and given the movement among the various types of graduate assistantships, a single unit is more efficient.

Vice-Chair Nash asked Ms. Holcomb about how the University regards those graduate assistants who are not designated as research or teaching assistants. Ms. Holcomb answered that the question illustrates that an issue exists as to whether the union has petitioned to represent them because they petitioned to represent only those involved in teaching or research. Beyond that, if they are to be represented, she thought they would more appropriately be included in the union comprising teaching assistants, not research. In reply, Mr. Curtice stated that the Petition specified the positions UE seeks to represent and it included those positions asked about. There was no follow-up question by Ms. Bowers. The Vice-Chair moved to go into closed executive session pursuant to Section 10-15-1(H)(3) of the Open Meetings Act, to discuss agenda item 7, *UE & UNM*; PELRB 307-20. Her Motion was seconded by Member Bowers and following a unanimous roll call vote, the Board recessed to closed executive session at 9:35 a.m.

The Board returned to open session pursuant to Sections 10-15-1(I)(l) and 10-15-1(J) of the Open Meetings Act, upon a motion by the Vice-Chair, seconded by Member Bowers. Vice-Chair Nash announced that while in closed session the only matter discussed was UNM's Request for Board Review of the Hearing Officer's Report and recommended Decision concerning bargaining unit composition in *UE & UNM*; PELRB 307-20. The Board voted 2-0 to return to regular session following a roll call vote.

Vice-Chair Nash moved to adopt the Hearing Officer's Report and Recommended Decision, which motion received a second by Member Bowers. Before voting on the Motion, Ms. Bowers requested to make a statement concerning what she understood adopting the Recommended Decision entailed. She noted that the Board's adoption of the Recommended Decision included the finding therein that it is appropriate to proceed with a card check and she requested that card be scheduled without delay.

The Motion passed unanimously upon a roll call vote.

8. **Voluntary Dismissals - *NEA-Las Cruces v. Las Cruces Public Schools*; PELRB 121-21 and *NMCPSO v. Sandoval County*; PELRB 123-21.** Mr. Griego gave a

brief procedural history of each case under this agenda item leading up to the voluntary withdrawal and dismissal of each complaint. No action was required and none taken by the Board.

9. **Director's Reports**

a. *AFSCME 2079 & Doña Ana County*; PELRB 503-21. Director Griego reported that upon submission of the parties' bargaining impasse to the Federal Mediation and Conciliation Service, they were able to agree to a replacement Collective Bargaining Agreement and the case may now be closed.

b. Audit report and exit interview. The Director reported that an exit interview with Chair Mark Meyers attending, was conducted during the prior week. There were no audit findings this year and the Board had no questions about the power point slides submitted by the Independent Auditor during the interview. The Board's CFO Tanya Ramirez commented on the deadlines for upcoming deficiency and supplemental budget requests.

c. *United Health Professionals of New Mexico, AFT, AFL-CIO & UNM Sandoval Regional Medical Center, Inc.*; PELRB cases 306-21 and 309-21. Director Griego explained that the Board received a Writ of Mandamus issued by the Second Judicial District Court staying further proceedings by the Board until the scheduled hearing on the Writ and requested a conference with the Board in closed session to discuss the pending litigation. Member Bowers opined that it might be a good idea to include the limited personnel actions, the next agenda item, in the motion for a closed session. All agreed and the Vice-Chair moved to go into closed executive session both pursuant to Section 10-15-1(H)(7) of the Open Meetings Act, to discuss PELRB cases 306-21 and 309-21 and the effect of the Writ of Mandamus on them and pursuant to into executive session pursuant to section 10-15-1(H)(2) of the Open Meetings Act, to discuss recruitment and replacement of the Executive Director upon his future retirement. The Motion was seconded by member Bowers and after a 2-0 roll call vote the Board recessed to executive session at 10:05 a.m.

The Board returned to open session pursuant to Sections 10-15-1(T)(l) and 10-15-1(J) of the Open Meetings Act, upon a motion by the Vice-Chair, seconded by Member Bowers. Vice-Chair Nash announced that while in closed session the only matters discussed were PELRB cases 306-21 and 309-21 and the effect of the Writ of Mandamus and limited personnel matters concerning the Director's future retirement. The Board voted 2-0 to return to regular session following a roll call vote and returned to open session at 11:18 a.m.

10. **Adjournment.** Having completed the Board's business for this meeting and noting that the next meeting is scheduled for December 7, 2021, Vice-Chair Nash moved to adjourn. Member Bowers seconded the motion and it passed unanimously following a roll call vote at 11:18 a.m.