



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Peggy Nelson, Board Chair
Tuesday, April 2, 2024, 9:00 a.m.
Via videoconference

1. **Call to Order.** Chair Nelson called the meeting to Order at 9:00 a.m. Member Nash and Vice-Chair Myers were also present, constituting a quorum.
2. **Approval of Agenda.** Member Nash moved to approve the agenda. The motion was seconded by Chair Nelson and carried unanimously upon a roll call vote.
3. **Approval of March 5, 2024 Meeting Minutes.** Chair Nelson moved to approve the March 5, 2024 Meeting Minutes. The motion was seconded by Member Nash and carried unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Amended Certification.**
 - a. *VCPFFA, LAFF Local 5399 & Valencia County*; PELRB 304-24. The Executive Director informed the Board that he had issued an Amended Certification for the bargaining unit after resolving any unit composition issues and conducting a card check that demonstrated the petition was supported by an adequate showing of interest. Member Nash moved to affirm the Card Check Results as well as the Amended Certification and the findings contained therein. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.
6. **Approval of Consent Election Agreement.**
 - a. *AFSCME, Council 18 & Middle Rio Grande Conservancy District*; PELRB 305-24. The Executive Director informed the Board that the parties had given their assent to a Consent Election Agreement, but it had not yet been signed by MRGCD's representative. He stated that in such a case, the Board should issue an Election Order instead of affirming the Consent Election Agreement, without changing the details of how the election would proceed. James Montalbano addressed the issue on behalf of the Union. No one was present from the Conservancy District. Member Nash moved to enter the terms of the Consent Election Agreement as an Election Order. The motion was seconded by Chair Nelson and carried unanimously upon a roll call vote.
7. **Requests for Interlocutory Appeal.** *UHPNM v. UNM-SRMC*; PELRB 117-23 & *UHPNM v. UNM-SRMC*; PELRB 121-23. The Chair introduced the Agenda Item and stated that since both requests were nearly identical, the Board would take them both up at the same time. The Board heard from Kevin Gick, Counsel for UNM-SRMC, first, followed by James Montalbano,

Counsel for UHPNM. The Executive Director reminded the Board that the issue was whether or not to allow an interlocutory appeal, not to decide the merits of the interlocutory appeal, if permission to appeal is granted.

After hearing argument of both counsel, the Chair moved that the Board go into executive session pursuant to section 10-15-1(H)(3) of the Open Meetings Act, to discuss items 7(a) and 7(b) on the agenda; the motion was seconded by the Member Nash and carried unanimously upon a roll call vote. The Board went into closed session at 9:29 a.m.

At 9:41 a.m. the Chair moved that the Board go back into regular session pursuant to sections 10-15-1(I)(l) and 10-15-1(J) and stated that the only matters discussed in the closed executive session were items 7(a) and 7(b) on the agenda. Member Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 9:41 a.m.

Member Nash moved to deny the request for interlocutory appeal in both cases. The motion was seconded by the Vice-Chair and carried unanimously upon a roll call vote.

8. District Court Proceedings.

- a. *Regents of UNM, Plaintiff Appellant v. United Health Professionals of New Mexico, AFT AFL-CIO, Defendant Appellee*; D-202-CV-202401995 (In re: PELRB 109-23).
- b. *Regents of UNM, Plaintiff Appellant v. United Health Professionals of New Mexico, AFT AFL-CIO, Defendant Appellee*; D-202-CV-202401996 (In re: PELRB 110-23).
- c. *UNM Sandoval Regional Medical Center, Inc. v. New Mexico Public Employee Labor Relations Board, and United Health Professionals of New Mexico, AFT, AFL-CIO*, D-202-CV-2023-09345 (In re: PELRB No's 109-23, 110-23, 111-23, 117-23, and 121-23; Petition for Writ of Mandamus).

The Executive Director informed the Board that Counsel for the Board, Todd Baran would be leaving his position as counsel for the Board on April 9, 2024. Mr. Baran then gave a summary status report of the above cases. The Board thanked Mr. Baran for his service as counsel to the Board.

9. Director's Reports.

- a. FY24 Budget Projections and Budget Reconciliation. CFO Quarterly Report. CFO Tanya Ramirez reported to the Board on the state of the agency budget. She stated that the agency was on track to stay within budget and a BAR was being processed to allow the hiring of a temporary worker.
- b. *UE v. NMSU*; PELRB 122-23. The Director reported that he verified NMSU's full compliance with the Board's Order in this case and that the file had been closed.
- c. General Appropriation Act of 2024. The Director supplemented the CFO's budget report with additional details of the General Appropriations Act, such as the 3% compensation increase to appear on July 19, 2024 and additional appropriations to cover the employer's share of insurance premium increases.
- d. Rules Changes. The Director informed the Board that the Rulemaking Notice would be published in the New Mexico Register on April 9, 2024. The comment period would last

until May 28, 2024; and the rulemaking hearing would be part of the regular monthly meeting on June 4, 2024.

e. Executive Director Recruitment

10. **Adjournment.** The Chair moved to adjourn. The motion was seconded by Member Nash and carried unanimously upon a roll call vote. Member Nash reminded the other members that she would not be able to attend the May meeting. The meeting was adjourned at 9:59 a.m.

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