



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Mark Myers, Board Chair

Regular Meeting

Thursday September 5, 2024, 10:00 a.m.

2929 Coors Blvd. NW, Suite 303, Albuquerque, NM 87120

1. **Call to Order.** Chair Myers called the meeting to Order at 10:02 a.m. having assumed the Chair by operation of NMAC 11.21.1.33.; Member Nelson was also in attendance, constituting a quorum. Vice-Chair Nash was not present.
2. **Approval of Agenda.** Member Nelson moved to approve the agenda. The motion was seconded by Chair Myers and carried unanimously upon a roll call vote.
3. **Approval of August 6, 2024, Meeting Minutes.** Member Nelson moved to approve the August 6, 2024 minutes. The motion was seconded by Chair Myers and carried unanimously upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissals.** *United Academics of the University of New Mexico, Unit I v. Regents of the University of New Mexico*; PELRB 110-24 and *Bernalillo County Firefighters' Association v. Bernalillo County*; PELRB 118-23. The Executive Director stated he had dismissed these cases after the Complaints were withdrawn prior to a hearing in each instance. Therefore, no action by the Board is called for, and the dismissals are presented for the Board's information only.
6. **Summary Dismissal.** *Lucero v. North Central Regional Transit District*; PELRB 112-24. The Executive Director explained he had dismissed the case on a Motion for Summary Judgment by the Respondent. No request for review had been filed, so no action by the Board is called for, and the dismissal is presented for the Board's information only.
7. **Hearing Officer's Reports and Recommended Decisions.** The Chair expressed his intention to hear argument for both cases before the Board would go into closed session for deliberations before asking the Executive Director to introduce the first matter.
 - a. *United Health Professionals of New Mexico, American Federation of Teachers v. UNM Regents*; PELRB 117-23. The Executive Director explained that this case concerned allegations that Respondent made unilateral changes in terms and conditions of employment in violation of the Public Employee Bargaining Act. After conducting a hearing on those claims he issued and issued a Report and Recommended Decision dismissing the Union's complaint as being without merit. The Union had filed a request for Board Review and the Employer provided a timely Response.

The Board then heard argument of the parties' representatives, James Montalbano for the Complainant and Kevin Gick representing the Respondent.

- b. *United Health Professionals of New Mexico, American Federation of Teachers v. UNM Regents*; PELRB 121-23. Director Griego told the Board that this case concerned an allegation that Respondent denied non-employee Union representatives reasonable access to its UNM Sandoval Regional Medical Center campus in violation of the PEBA. After a hearing he issued a decision in favor of the union from which the Employer sought Board review and the Union filed a timely Response.

The Board then heard argument of the parties' representatives, Shane Youtz for the Complainant and Kevin Gick representing the Respondent.

Chair Myers then 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 Member Nelson and carried unanimously upon a roll call vote. The Board went into closed session at 11:47 a.m.

At 12:28 a.m. Chair Myers 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 Nelson seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 12:28 a.m.

Concerning agenda Item 7(a), Chair Myers moved to affirm and uphold the Hearing Officer's Report and Recommended Decision, with the caveat that this decision is limited to the narrow facts concerning the employer's response in this case and is not to be cited as precedent in any future case before this Board as an example of an adequate response. Member Nelson seconded the motion and the motion was carried unanimously upon a roll call vote. Member Nelson noted that the Employer's actions underlying the Complaint were less than ideal and that more open communication and the sharing of more information would have been preferable. The transition, with unclear lines of communication had a detrimental effect on employees, and on the union, and its ability to represent its members.

Concerning Agenda Item 7(b), the Chair then called for a motion. Member Nelson moved to affirm and uphold the Hearing Officer's Report and Recommended Decision. Chair Myers seconded the motion and the motion was carried unanimously upon a roll call vote.

8. Director's Reports.

- a. **Director Recruitment update.** The Executive Director reported that he had received six applications, but two had withdrawn, leaving four; he anticipated receiving more applications before the application period ends on September 13, 2024. The new Director would begin at the beginning of December.

- b. **Rulemaking update.** No written comments on the Rule changes had been so far, but the process was proceeding as planned and the Rulemaking Hearing at the October meeting would proceed as scheduled.
- c. **Denial of Writ of Certiorari** April 19, 2024 – Case Closure in re: *United Health Professionals of New Mexico, AFT, AFL-CIO v. UNM Sandoval Regional Medical Center, Inc.*, Sup. Ct. No. S-1-SC-40270; Ct. App. No. A-1-CA-41371; D-202-CV-2022-07805. The Executive Director informed the Board that all avenues of appeal had been exhausted and staff had closed the file.
- d. **Appropriation Request.** The FY26 Appropriation request had been timely submitted. It was an 8% increase over the previous request to increase the wages of staff and includes a request for additional funds to update the technological capacity of the Board’s hearing room. Funds were also requested to pay additional Hearing Officers if they become necessary.
9. **Adjournment.** After a discussion the Board agreed to schedule the next meeting to begin at 9:00 a.m. on Tuesday, October 1, 2024, to be held at the Board’s offices in Albuquerque. Member Nelson moved to adjourn. The motion was seconded by Chair Myers and carried unanimously upon a roll call vote. The time was 12:46 p.m.