



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Mark Myers, Board Chair

Regular Meeting

Tuesday October 1, 2024, 9:00 a.m.

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

1. **Call to Order.** Chair Myers called the meeting to Order at 9:00 a.m. Vice-Chair Nash and Member Nelson were also in attendance, constituting a quorum.
2. **Approval of Agenda.** Vice-Chair Nash moved to approve the agenda. The motion was seconded by Member Nelson. carried unanimously upon a roll call vote. Prior to the vote the Executive Director explained that the Notice for the rulemaking hearing in Item 7 stated a starting time of 10:00 a.m., so the Board might choose to address other items on the agenda if Item comes up before 10:00 a.m. The motion to approve the agenda then carried unanimously upon a roll call vote.
3. **Approval of September 5, 2024, Meeting Minutes.** Member Nelson moved to approve the September 5, 2024 minutes. The motion was seconded by Chair Myers and carried 2-0 upon a roll call vote, with Vice-chair Nash abstaining.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissals.** *United Staff-UNM, Local 6155 v. UNM; PELRB No. 103-24; United Health Professionals of New Mexico, AFT, AFL-CIO v. Regents of the University of New Mexico, for its Public Operations Known as the University of New Mexico Hospital, Specifically Including the UNM Sandoval Regional Medical Center, PELRB No. 115-24; Albuquerque Area Firefighters, LAFF Local 244, Bernalillo County Chapter v. Bernalillo County; PELRB 117-24; District 1199NM, National Union of Hospital and Health Care Employees v. Regents of the University of New Mexico, for its Public Operations Known as the University of New Mexico Hospital; PELRB 123-24.* The Executive Director stated he had dismissed these cases after the Complaints were withdrawn prior to a hearing in each instance.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. **Approval of Amended Certification.** *AFSCME, Local 2260 and Bernalillo County; PELRB No. 311-24.* The Executive Director informed the Board that the Union had filed a Petition seeking to clarify the bargaining unit to accrete new positions. After determining that the Petition did not raise a question concerning representation and presented sufficient facts to show that an amendment should be made, he issued an Amended Certification of Representation now before the Board for approval. Counsel for the County, Dina Holcomb, stated that the County had no objection to the Amended Certification. Member Nelson moved to affirm the Amended Certification and the findings contained therein. The motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote.

The Chair then proceeded to Agenda Item 10.

10. **Director's Reports.** The Executive Director yielded the floor to the agency CFO, Tanya Ramirez. She informed the Board that the FY24 financial audit was nearing completion; certain adjustments to accommodate the retirement of the Executive Director were made; the FY26 appropriation request was submitted on time and requested an 8% increase primarily to improve the A/V equipment in the hearing room.

The Chair then announced the Board would now take up Item 8 on the agenda

8. **Review of Applications and Public Comment for Executive Director Position.** The Chair stated the Board's intention that each candidate be allowed the opportunity to address the Board regarding their fitness for the position of Executive Director. He invited Pilar Vaile, one of the applicants to address the Board first. She gave a brief summary of her CV and expressed her desire to serve as the Executive Director. Mark Bierdz was then invited to address the Board. He also summarized his professional experience and its relevance to the position of Executive Director.

The Chair then invited members of the public to comment on either of the candidates; no public comments were offered.

Chair Myers then moved that the Board go into executive session pursuant to section 10-15-1(H)(2) and (7) of the Open Meetings Act, to discuss Items 8, 9, and 10 on the agenda; the motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 9:29 a.m.

At 10:25 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 8, 9, and 10 on the agenda. Vice-Chair Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 10:27 a.m.

The Chair then announced the Board would take up Item 7 on the agenda

7. **Rulemaking Public Comment: 11.21.1.17 EVIDENCE ADMISSIBLE and 11.21.2.37 UNIT CLARIFICATION** The Chair announced the beginning of the rulemaking hearing pursuant to the State Rules Act and outlined the specific steps undertaken by PELRB staff regarding the posting of notices required by the Rules Act. He also stated the general procedure to be followed during the hearing. He then asked if there were any comments from those attending; there were none. The Chair then asked the Executive Director if he had any evidence to enter into the rulemaking record. The Executive Director yielded the floor to PELRB Administrative Assistant, Matthew Huchmala, who presented the following exhibits:

Exhibit 1 Legal notice published in the New Mexico Register

Exhibit 2	Notice sent to Interested Parties
Exhibit 3	Notice sent to the Sunshine Portal
Exhibit 4	Notice sent to Legislative Council
Exhibit 5	Proposed changes to the Board's Rule 11.21.1.17 NMAC entitled "EVIDENCE ADMISSIBLE"
Exhibit 6	Proposed changes to the Board's Rule 11.21.2.37 "UNIT CLARIFICATION"

The Chair then entered the exhibits into the rulemaking record.

The Chair then introduced each rule and asked for comment from the public; there were no comments on either rule. There were no comments from the Board members. The Chair then closed the rulemaking hearing.

Chair Myers then returned to regular business and invited a motion on the proposed rules changes. Vice-Chair Nash moved to approve the proposed changes to the Board's Rule 11.21.1.17 NMAC. The motion was seconded by Member Nelson and carried unanimously upon a roll call vote.

Vice-Chair Nash moved to approve the proposed changes to the Board's Rule 11.21.2.37 NMAC. The motion was seconded by Member Nelson and carried unanimously upon a roll call vote.

8. **Review of Applications and Public Comment for Executive Director Position**

Chair Myers then moved that the Board go into executive session pursuant to section 10-15-1(H)(7) of the Open Meetings Act, to discuss Item 8 on the agenda; the motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 10:42 a.m.

At 10:43 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 no matters were discussed in the closed executive session. Vice-Chair Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 10:44 a.m.

Chair Myers then moved that the Board go into executive session pursuant to section 10-15-1(H)(2) of the Open Meetings Act, to discuss Item 8, on the agenda; the motion was seconded by Vice-Chair Nash and carried unanimously upon a roll call vote. The Board went into closed session at 10:45 a.m.

At 12:53 p.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 was Item 8 on the agenda. Vice-Chair Nash seconded the motion and the motion was carried unanimously upon a roll call vote. The Board resumed open session at 12:55 p.m.

Vice-Chair Nash then moved to offer the position of Executive Director to Pilar Vaile. Member Nelson seconded the motion and the motion was carried unanimously upon a roll call vote.

11. **Adjournment.** Vice-Chair Nash asked the Board's counsel if the details of the hiring needed to be discussed in open session. After being informed by counsel that it was not necessary to do so, she moved to adjourn. Before proceeding to a vote, Member Nelson prompted a brief discussion about the November meeting, after which it was decided that the next meeting would be held on Tuesday November 12, 2024, at the PELRB offices. Member Nelson then seconded the motion to adjourn and it carried unanimously upon a roll call vote. The time was 1:00 p.m.