



MINUTES
STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Mark Myers, Board Chair

Regular Meeting

Thursday February 6, 2025, 10:00 a.m.

Held in-person at the PELRB Offices, 2929 Coors Blvd. NW, Albuquerque, NM

1. **Call to Order.** Chair Myers called the meeting to Order at 10:00 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 and carried unanimously upon a roll call vote.
3. **Approval of January 7, 2025, Meeting Minutes.** Vice-Chair Nash moved to approve the January 7, 2025 minutes. The motion was seconded by Member Nelson and carried 3-0 upon a roll call vote.
4. **Public Comments.** There were no public comments.
5. **Voluntary Dismissal.** *CWA v. NMDOH*; PELRB 122-24 The Executive Director informed the Board that the case had been dismissed after the Complaint was withdrawn prior to a hearing. Therefore, no action by the Board is called for, and the dismissals was presented for the Board's information only. Staff were instructed to close the files.
6. **Dismissal of Petition.** *NMCP SO v. Otero County*; PELRB 113-24. The Executive Director informed the Board that subsequent to a Status and Scheduling Conference on July 1, 2024, which established a timeline for dispositive motions, no action had been taken by either party. Staff had informed the parties of their intention to dismiss the case under NMAC 11.21.1.9, and neither party expressed any objection, so the case will be dismissed. No action was taken by the Board.
7. **Review of Hearing Officer's Reports & Recommended Decisions.**
 - a. *AFSCME 3422 v. New Mexico Corrections Dept.*; PELRB 104-24. The Chair announced the Item and invited representatives of the parties to address the Board. Carol Domiguez Shay, counsel for the NMCD, addressed the Board first, followed by Stephen Curtice, counsel for the Union. Counsel then answered questions from the Board. The Chair announced that the Board would deliberate the matter in a closed session later in the meeting.

- b. *UHPNM v. UNM-SRMC*; PELRB 116-24. The Chair announced the Item and invited representatives of the parties to address the Board. Stephen Curtice, counsel for the Union, addressed the Board first, followed by Michael Calderon, counsel for SRMC. Counsel then answered questions from the Board. The Chair announced that the Board would deliberate the matter in a closed session later in the meeting.

8. **Staff Reports.**

- a. *LFC update.* The Executive Director gave a report on the status of the PELRB FY26 budget request. The LFC/DFA Consent Budget provides for a 3.7% increase over FY25. The PELRB had sought an increase of 8.4% over FY25, to place Staff at their salary mid-points, and for contract services and improved hearing IT. Based on current forecasts, the Director anticipates ongoing budgetary challenges in FY26.
- b. *Lease update.* The Executive Director informed the Board that the lease extension for the PELRB offices had been approved and was circulating for signatures.
- c. *Pending Litigation.* The Board went into closed session to discuss appeals currently pending in the District Courts (see below).
- d. *New Director entry interview.* The Board went into closed session to hold an entry interview with the new Executive Director (see below).

Chair Myers then moved that the Board go into executive session pursuant to section 10-15-1(H)(2), (3) and (7) of the Open Meetings Act, to discuss Items 7(a), 7(b), 8(c) and 8(d) 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 12:05 p.m.

At 1:00 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 were Items 7(a), 7(b), 8(c) and 8(d) 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 1:00 p.m.

The Chair then called for a motion on Item 7(a). Member Nelson moved to affirm the findings and decision of the Hearing Officer in *AFSCME 3422 v. New Mexico Corrections Dept.*; PELRB 104-24. Vice-chair Nash seconded the motion, and it carried unanimously on a roll call vote.

The Chair then called for a motion on Item 7(b). Vice-chair Nash began by reiterating the Board's position that the Employer has a duty to bargain and inherent in that duty is a prohibition against direct dealing with employees in the bargaining unit, and that these obligations are present even where no changes are implemented. She then moved to affirm the findings and decision of the Hearing Officer in *UHPNM v. UNM-SRMC*; PELRB 116-24. Before seconding the motion, Member Nelson reminded the parties that this is the second case with these two litigants involving direct dealing, and regardless of the Board's decisions in the cases, where the employer had avoided being found in violation of the PEBA due to

procedural/technical grounds, it is the Board's position that direct dealing is seriously detrimental to the bargaining process and admonished the parties to remain cognizant of that fact going forward. The motion then carried unanimously on a roll call vote

9. **Adjournment.** After a brief discussion, the next meeting was scheduled for Tuesday March 4, 2025, at 10:00 a.m. in the PELRB offices, the venue to be decided later. Vice-chair Nash moved to adjourn. The motion was seconded by Member Nelson and carried 3-0. The time was 1:05 p.m.

DRAFT