

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

CLAY CULLISON

Petitioners,

v.

PELRB CASE NO. 125-17

SANTA FE COUNTY

Respondent.

ORDER

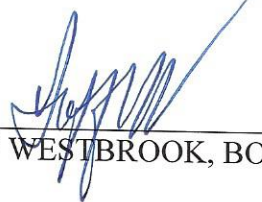
THIS MATTER comes before the Public Employee Labor Relations Board by Director Griego to inform the Board of his Summary Judgment Decision dismissing the case. Respondent was present at the Board's regularly scheduled meeting on January 9, 2018. The Board being sufficiently advised finds by a vote of 3-0 the following:

- A. There is sufficient evidence demonstrating that Director Griego did not err in finding that the petition failed to state a claim when the complaint only cited to the jurisdiction of the PEBA and did not cite to any violation of the PEBA.
- B. Petitioner has not cured the deficiency;
- C. Petitioner has not appealed the Director's decision to dismiss the complaint.

THEREFORE THE BOARD adopts and ratifies Director Griego's Summary Judgement Decision dismissing the complaint.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

1-17-18
DATE



DUFF WESTBROOK, BOARD CHAIR



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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THOMAS J. GRIEGO
Executive Director

December 11, 2017

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Re: *Clay Cullison v. Santa Fe County; PELRB No. 125-17*

This letter is to acknowledge receipt on December 7, 2017 of an "Amended" PPC in this matter. The document was received four days after my letter dismissing the PPC for failure to amend. It is therefore, untimely. I also note that the only "amendment" was an additional reference to NMAC 11.21.3.2 and 11.21.3.8 in the jurisdictional statement, ¶ 5. That change does not address the deficiency identified in the initial letter of November 21, 2017:


"While the PPC refers to §19 of the Act as part of its jurisdictional statement, it does not state which of the several acts or omissions alleged, violate which of §19's several subparagraphs so that the County may frame a response."

The only reference to the PEBA is in the jurisdictional allegations. Which of the several subsections of the Prohibited Practices Section, §19 are alleged to have been violated? Have other provisions of the PEBA been violated? The PPC does not say. Accordingly, the proffered "Amended Prohibited Practices Complaint" changes nothing and so, does not prompt me to set aside the dismissal of this PPC as inadequate. Even if a proper amendment had been made, the attempted "cure" is untimely.

Should counsel elect to try a third time to bring her complaint to this Board for a hearing, she should state with specificity on a form furnished by the director, the specific sections of the PEBA claimed to have been violated. Both counsel are reminded that the Public Employee Bargaining Act (§§ 10-7E-1 through 10-7E-26), the PELRB rules *and forms* can be accessed on our website at www.state.nm.us/pelrb.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director