


JUNE 1995 6.14.95  


1 PELRB No. 13

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

*In the Matter of*

*New Mexico State University Police  
Officers Association  
Petitioner,*

*and*

*New Mexico State University  
Public Employer.*

DECISION AND ORDER DIRECTING ELECTION

On May 31, 1995, the Public Employee Labor Relations Board (PELRB or Board) issued 1 PELRB No. 12, a Decision and Order in the above-captioned matter involving the New Mexico State University Police Officers Association and New Mexico State University, Case No. CP 7-95(0). The Decision and Order in 1 PELRB No. 12 is withdrawn and this one, 1 PELRB No. 13, is substituted for it.

On January 22, 1995, an administrative judge (AJ) issued a Recommended Decision and Direction of Election in *New Mexico State University Police Officers Association and New Mexico State University*, Case No. CP 7-95(0). The petitioner, an affiliate of the Fraternal Order of Police (petitioner hereinafter referred to as FOP), filed exceptions to the AJ's recommended decision. New Mexico State University did not file exceptions to the recommended decision.

The Board reviewed Case No. CP 7-95(0) and rendered a decision reflected in 1 PELRB No. 12 during open session at its May 17, 1995, meeting in Santa Fe, New Mexico, following notice and publication of the meeting pursuant to the Open Meetings Act, NMSA 1978, §§ 10-15-1 to 10-15-4 (Repl. Pamp. 1992).

### **Background**

On August 15, 1994, the FOP petitioned-for a bargaining unit consisting of 24 positions within the Police Department at New Mexico State University (NMSU or public employer): sergeants (4), patrol officers (10), investigators (2), telecommunicator supervisor (1), telecommunicator lead (1), telecommunicators (4) and administrative secretaries (2).

Prior to and at the hearing, the NMSU objected to the inclusion of officers and non-officers in a single or same unit and asserted that sergeants, the telecommunicator supervisor, and the telecommunicator lead were supervisors within the meaning of the Public Employee Bargaining Act, NMSA 1978 §§ 10-7D-1 through 10-7D-26 (Act or PEBA), and therefore not appropriately included in the petitioned-for unit.

### **Administrative Judge's Recommended Decision**

On October 18, 1994, the AJ conducted a hearing on the petitioned-for unit. Following receipt of post-hearing briefs, the AJ issued a report and recommended decision directing an election. The AJ found the organization of the NMSU Police Department as a chain of command: Chief of Police, Assistant Chief of Police, lieutenants at the divisional levels, then sergeants.

The AJ also found that the positions of telecommunicator supervisor and sergeant should be excluded because they were supervisors as that term is defined in § 4.S. of the Act. He also found that administrative secretaries should be excluded on the ground that they did not have a sufficient community of interest with other petitioned-for positions to warrant inclusion in the unit under PEBA § 13.A.

The AJ further concluded that the telecommunicator lead did not satisfy the statutory definition of supervisor and should be included. Finally the AJ concluded that the telecommunicators and patrol officers were appropriately included in the same unit.

Pursuant to PELRB Rule 2.15(a) the petitioner filed a request for review of the AJ's recommended decision excepting to the exclusion of sergeants, administrative secretaries, and the telecommunicator supervisor from the petitioned-for unit.

The NMSU did not file exceptions to the AJ's recommended decision; however, it filed a response to the FOP's exceptions as permitted under PELRB Rule 2.15(b). In addition to its response, the NMSU argues that the FOP's exceptions were not appropriately filed under PELRB Rule 2.15(a).

### PELRB Review of FOP Exceptions and NMSU Response

Pursuant to PELRB Rule 2.15(c) the Board has reviewed the whole record in this matter. As a result of that review, we conclude the following.

First, the exceptions were timely and appropriately filed under PELRB Rule 2.15(a). Furthermore, NMSU was accorded an opportunity to fully respond to the petitioner's exceptions and memorandum of law, has done so and, therefore, has not been prejudiced by any arguably technical defect in the filing of the request for review.

Second, we adopt the AJ's recommended decision with respect to the two administrative secretaries and one telecommunicator supervisor. With respect to the former, they do not share a community of interest with the other petitioned-for positions and, regarding the latter, it is a supervisory position within the meaning of that term at PEBA § 4.S.

Third, in the absence of any exception, we adopt the AJ's recommended decision concerning the telecommunicators and lead telecommunicator. We note that although the NMSU initially objected to the inclusion of telecommunicators with patrol officers<sup>1</sup>, it did not file exceptions to the AJ's recommended decision to consolidate these occupational groups. Since we adopt the AJ's recommended decision in the absence of exceptions, our decision to allow the inclusion of telecommunicators with patrol officers is without precedential effect.

Fourth, we reverse the AJ's recommended decision and find that the four sergeant positions are not supervisory but appropriate for inclusion in the unit. In this regard, the Act defines "supervisor" at § 4.S.:

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<sup>1</sup>The NMSU's objection was based on a provision in the National Labor Relations Act (NLRA) which precludes the inclusion of security guard positions with other positions in the same bargaining unit. "Where provisions of PEBA are the same as or closely similar to those of the NLRA, we will give great weight to interpretations of such provisions made by the NLRB and reviewing courts." *Santa Fe County*, 1 PELRB No. 1, 43 (1993). We find that PEBA and the NLRA are not the "same as or closely similar" on this matter because (1) the PEBA does not contain a security guard provision, (2) § 13 in the Act permits the consolidation of occupational groups by the parties and the Board may, in fashioning an appropriate unit, consolidate them, and (3) PEBA's § 21.A., unlike any provision of the NLRA, unequivocally prohibits strikes and lockouts.

"supervisor" means an employee who devotes a substantial amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other employees and who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively but does not include individuals who perform merely routine, incidental or clerical duties or who occasionally assume supervisory or directory roles or whose duties are substantially similar to those of their subordinates and does not include lead employees or employees who participate in peer review or occasional employee evaluation programs.<sup>2</sup>

Determining whether an employee performs the duties of a "supervisor" within the meaning of § 4.S. entails, initially, satisfying all elements of a 3-part test. That is, the employee must (1) devote a substantial amount of work time to supervisory duties; (2) customarily and regularly direct the work of two or more other employees; and (3) have authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively.

Should the initial 3-part test be satisfied, then the analysis continues to a second inquiry: a determination of whether the employee (a) performs merely routine, incidental or clerical duties; or (b) only occasionally assumes supervisory or directory roles; or (c) performs duties which are substantially similar to those of his or her subordinates. If the analysis indicates an affirmative response to any of these additional provisions, the employee is not a supervisor irrespective of the outcome of the initial 3-part test.

Finally, regardless of the outcome of the first two stages of inquiry, the definition excludes those who are lead employees or who participate in peer review or occasional employee evaluation programs.<sup>3</sup>

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<sup>2</sup>Our interpretation and application of the definition comports with the analytical framework adopted by the Board in *Jemez Valley Public Schools*, 1 PELRB No. 10 (May 19, 1995).

<sup>3</sup>The definition of "supervisor" in the Act is not the "same as or closely similar" to the definition contained in the NLRA. PEBA's definition is narrower than the one found in the NLRA. Consequently positions that may be supervisory under the NLRA and excluded from the bargaining unit may not be supervisory under the Act given the provisos contained in § 4.S.

In interpreting the statutory definition, we note that the word "substantial" is not defined in the Act. We shall construe that term according to its plain and ordinary meaning found in *Webster's New Collegiate Dictionary*: "...considerable in quantity, significantly large...being largely but not wholly that which is specified[.]"

Applying the facts to the definition at § 4.S. we find that sergeants are not supervisors, first, because a sergeant does not devote a "substantial amount of work time" to the performance of supervisory duties.

Testimonial evidence from Sergeant Salas demonstrated that a sergeant spends approximately 15 percent of his or her time during a week on supervisory duties. Lieutenant Cabot, the first line supervisor, disagreed with that testimony but did not provide details to explain his disagreement.

We find the following documentary evidence sufficient to clarify the testimony concerning the amount of time devoted to supervisory duties. In response to a position description questionnaire completed by the sergeants, Sergeant Salas estimated 25 percent, or 10 hours a week, are devoted to supervisory duties. Thereafter, the immediate or first line supervisor (Lt. Cabot), department head or director (Chief of Police), and university vice-president or dean all certified and confirmed that the "statements included in this position description are complete and accurate." [Resp. Exhs. 10, 16]

In our view, 10 hours a week is not "...considerable in quantity, significantly large" to constitute a "substantial amount of work time [devoted] to supervisory duties." Consequently, the first criterion in the 3-part definitional test is not satisfied.

Secondly we find that the sergeants perform duties "substantially similar to those of their subordinates" which, by the terms of one of the exclusionary provisos in § 4.S., removes the position from supervisory status. The testimony reflected that sergeants, when not performing supervisory duties, are engaged in patrol duties. These include patrolling the university, issuing citations, appearing in court, and providing support or back up to other officers. These duties are also the duties performed by patrol officers.

Furthermore, Lt. Cabot confirmed the sameness or substantial similarity of duties performed: "They [sergeants] spend a lot of their time performing those duties[.]" [Tr. 77]'

In sum, having reviewed the whole record in this matter we conclude that the sergeants are not supervisors because they do not devote a "substantial amount of work time" to the performance of supervisory duties. Rather they perform duties substantially similar to those performed by their subordinates. The occasional assumption of a supervisory duty does not cause the position to be supervisory. In the circumstances of this case the position of sergeant, therefore, is appropriate for inclusion in the bargaining unit.

Our conclusions on issues of unit inclusion and exclusion for an appropriate unit in this case are reflected in the Order below.

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'Lt. Cabot also stated that sergeants "are expected to supervise 100% of the time." [Tr. 77] We interpret his statement about the expectation of supervision to mean that sergeants perform such duties when called upon to do so. This is the only way to reconcile his testimony in this regard with his written certification that a sergeant spends 25 percent of his time devoted to supervisory work. Given our finding that sergeants do not devote a substantial amount of work time to supervisory duties, we find that the lieutenant's expectation results in the occasional performance or assumption of supervisory or directory roles. The occasional assumption of supervisory duties is a proviso in the definition for excluding a position from supervisory status. Thus, rather than relying upon an expectation of work that may be performed, we examine the actual duties to determine the supervisory status of a position.

ORDER

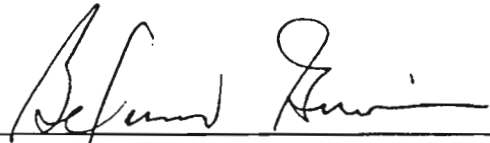
A secret ballot election(s) shall be conducted on site at time(s) and places(s) determined by the Director or by mail procedures as determined by the Director among the employees in the following unit:

Included: Sergeants, patrol officers, investigators, telecommunicator lead, and telecommunicators.

Excluded: All management employees, supervisors, and confidential employees as defined by the Act and all others.

In accordance with the Act and the Board's rules, eligible employees in the unit shall be given an opportunity to vote between representation by NMSU Police Officers Association and "No Representation."

For the Board.



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Belarmino Giron  
Chairman, PELRB

Issued: June 14, 1995  
Santa Fe, New Mexico

NEW MEXICO  
BEFORE THE PUBLIC EMPLOYEE LABOR  
RELATIONS BOARD

New Mexico State University  
Police Officers Association

Petitioner  
PELRB Case No. CP7-95 (O)

And

New Mexico State University

Public Employer

Recommended Decision  
and Direction of Election

Upon a petition duly filed under the provisions of of the New Mexico Public Employee Bargaining Act (NMSA1978), on October 18, 1994, a hearing was held before the undersigned as Administrative Law Judge for the New Mexico Public Employees Labor Relations Board. After due notice, all parties were given the opportunity and did appear in person and by Counsel, present evidence, examine and cross-examine witnesses and submit briefs in support of their respective positions.

After hearing all the evidence and giving careful consideration to that evidence, the entire record in this



proceeding and the briefs and arguments of the parties, the undersigned makes the following findings and recommendations

At the beginning of the hearing, the parties submitted the following written stipulations:

1. New Mexico State Police Officers Association is a labor organization within the meaning of the Public Employee Bargaining Act.
2. New Mexico State University is a public employer within the meaning of the Public Employee Bargaining Act.
3. The designation of an appropriate unit for bargaining is properly before the Public Employee Labor Relations Board.
4. Patrol officers and investigators employed at NMSU are appropriately included in the same bargaining unit.

The above same written stipulations contained the parties agreement on the issues to be determined in this matter.

1. Whether individuals employed as patrol officers and investigators at NMSU are properly included in a bargaining unit

with other non-patrol officers and  
investigators.

2. Whether police sargeants employed at NMSU are supervisors within the meaning of the Public Employees Bargaining Act and should be excluded from the bargaining unit.
3. Whether the police telecommunicator supervisor employed at NMSU is a supervisor within the meaning of the Public Employee Bargaining Act and should be excluded from the bargaining unit.
4. Whether the police telecommunicators and police telecommunicator lead employed at NMSU are properly included in a bargaining unit with patrol officers and investigators.
5. Whether secretaries employed within the Police Department at NMSU are appropriately included in a bargaining unit with police officers and investigators.

Taking the issues in the order of their presentation, NMSU objects to the inclusion of other non-patrol officers and investigators. In other words, the Public Employer herein (also referred to as NMSU or the University)

contends that guards should not be included in a bargaining unit with non-guards. As authority for this position NMSU relies on Section 9 (B)(3) of the National Labor Relations Act and Board and Federal Court decisions which have interpreted that Section of the Act. The answer to this position lies in the fact that there is no such prohibition in the New Mexico Public Employees Bargaining Act. It is to be noted in this regard that public employees are forbidden by the Act to engage in strikes. I shall make no attempt to ascertain or speculate why the New Mexico Public Employee Bargaining Act does not contain a provision having to do with inclusion of guards and non-guards in the same bargaining unit. That is a matter strictly left to the New Mexico Legislature. However, since there is no prohibition in the Act, I will determine the appropriateness of the Unit sought by the New Mexico State University Police Officers Association (hereafter referred to as Petitioner) on the basis of those provisions which are included in the New Mexico Public Employee Bargaining Act. I can not and will not give effect to a provision of a Federal statute and decisions which interpret that provision enacted to govern employment relations of private sector employees and employers in this state proceeding where the state act has no like or similar provision.

New Mexico State University is a public institution of higher education located in Las Cruces, New Mexico. The NMSU Police Department is a full service police department which provides police protection to the university, it's faculty, students, staff and other guests who may come on the campus. It is responsible for maintaining a safe atmosphere on the campus conducive to higher education. It enforces the policies of the Board of Regents of the University and the traffic and criminal statutes of the State of New Mexico. The Police Department is the only law enforcement agency responsible for these functions within the campus properties of NMSU.

The Department is organized in a chain of command fashion with Chief, Jimmy E. Nelson as head of the Department. Above the chief in the organizational structure are the assistant to the President, the President and the Board of Regents. The Department is divided into four divisions. These divisions are: Uniformed Patrol Division, Criminal Investigations Division, Support Services Division and Parking Division. We are not here concerned with the Parking Division. The Petitioner does not seek to represent the employees of the Parking Division and no other party has contended that they should be included in the bargaining

unit. The Uniformed Patrol Division is commanded by a lieutenant and consists of police sergeants, patrol officers and administrative secretaries. There are two police investigators under the supervision and command of a lieutenant and it has been stipulated that these employees properly belong in the unit of patrol officers.

The University contends that the police sergeants are supervisors within the meaning of the Act and should be excluded from any unit found to be appropriate. The Petitioner takes the position that they are in fact employees, not supervisors and should be included in the Unit.

There are currently three police sergeants employed in the University Police Department. Each Sergeant is assigned on a rotating basis to supervise one of the three shifts; graveyard, day shift and swing. There are currently nine patrol officers, three for each shift and two vacant positions now open. The University police officers are uniformed and the only uniformed police officers at the University. They are also certified by the New Mexico Department of Public Safety following the completion of a thirteen week period of training in law enforcement at a Training and Recruiting Division in

Santa Fe, New Mexico. The certification thus obtained authorizes them to perform law enforcement functions throughout the State of New Mexico. The sergeants are responsible for the operation of their shift. In their absence, the sergeants, at their sole discretion, appoint an officer in charge and on the graveyard shift, weekends and holidays, the sergeant is the only supervisory employee on duty. Sergeants are responsible for planning, directing, and controlling the activities of their shift. At the beginning of the shift, the sergeants conduct a briefing during which they communicate critical information to patrol officers and delegate any specific duties for the shift. The sergeants have the responsibility to assign patrols, schedule work, train subordinates and new officers and in scheduling patrol, may use judgment and discretion to use their own scheduling method. Sergeants have the authority to assign officers to specific tasks and should an officer not show up for work they can call in another officer to work and may, if required to properly man a patrol shift, authorize overtime by extending a shifts duty hours. A sergeant described the major purpose of his position as "the protection of life and property and the supervision of police personnel as well as part-time students". This

was written in a Position Description Questionnaire. Sargeants have the authority to discipline employees orally and/or in writing. In that capacity, they exercise their independent judgment to decide whether they will recommend the differing levels of discipline such as written, reprimand, suspension or termination. Oral discipline does not require a clearance from their superior whereas written discipline requires clearance through a superior in the chain of command. This is true however, with regard to written discipline to be imposed by all officers in the Department including lieutenants and the chief of the Department. The recommendations made by sargeants in the process of discipline are generally afforded a great deal of weight.

Sargeants have the responsibility for conducting annual performance evaluations of the patrol officers they supervise. The evaluations are used for pay raises and to identify the need for improvement.

Sargeants wear a distinctive badge and stripes on their uniform. They have access to the personnel files of the employees they supervise and have preference to the newest vehicles and requests for time off. They are paid

substantially more than the patrol officers because in the words of a sargeant they "supervise the shift".

The patrol officers in the field look to the sargeants as their supervisor.

The New Mexico Public Employee Bargaining Act defines supervisors in Section 10-7D-4 as follows:

"Supervisor" means an employee who devotes a substantial amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other employees and who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively but does not include individuals who perform merely routine, incidental or clerical duties or who occasionally assume supervisory or directory roles or whose duties are substantially similar to those of subordinates and does not include lead employees or employees who participate in peer review or occasional employer evaluation programs.

Based upon the evidence herein including testimony and documentary evidence, I find that the police sargeants in the University Uniformed Police Department devote a substantial amount of time to supervisory duties. Granted that they also do patrol duty, I find that they nonetheless customarily and regularly direct the work of two or more other employees and that they effectively recommend, in the interest of the employer, the hire, promotion or discipline of other employees.



I find therefore that the police sargeants are supervisors within the meaning of the Act and must be excluded from any unit found to be appropriate herein.

City of Freeport v Illinois State Labor Relations Board, Supreme Court of Illinois, 135 ILL. 2d 499, 554 N.E. 2d 155; Fraternal Order of Police Captain John C. Post, Lodge 44 et al v City of Dayton, et al, 99 LRRM (BNA) 2276, 60 Ohio App. 2d 259, 396 N.E. 2d 1045; Police Associations, Local 189 v Barrett, U.S. District Court, Northern District of Georgia, 111 LRRM 2728.

The telecommunicators, also called dispatchers, are those employees within the Department who operate the communications apparatus and equipment used to receive information from the public, and are in fact, the communications link between the public and the uniformed police officers. Telecommunicators answer calls from persons requesting police assistance and based upon information received dispatch uniformed officers as needed. They radio information to police units, make record checks and issue keys to students who get locked out of their residence at night. The telecommunicators also answer 911 calls, monitor various alarms on the campus and perform

teletype operations. The telecommunicators are of crucial importance to the police and security operations of the University Police Department. Their importance in the performance of the departments mission was described as, the lifeblood of the University Police Department.

The telecommunicators also perform dispatch services for the Fire Department. Typically in the performance of their duties, the telecommunicator/dispatcher receives a call for assistance from some member of the public on the campus. They then get all the information possible from the caller such as name, address, phone number and the type of incident for which the caller is seeking help or assistance. The telecommunicator then is required to decide what priority is to be given to the call and dispatches an officer or officers to where ever they are needed to respond to that call, having in mind at this time the safety of the public and the safety of the officer or officers being dispatched.

The Telecommunications/Dispatch Section is within the Support Services Division and is commanded by a lieutenant. Currently there are three telecommunicators, a telecommunicator supervisor and a lead telecommunicator with one position open to be filled.

The telecommunicators are also certified by the same State Agency that certifies the uniformed police officers. Their training course is admittedly not as extensive as the officers and their certification is different. They do not carry weapons or wear badges but are required to wear uniforms.

Based upon the above, I find that there is a strong community of interest between the telecommunicators and the uniformed police officers and I therefore recommend that the telecommunicators be included in a Unit appropriate for bargaining with the uniformed police officers.

The telecommunications supervisor is responsible for the overall supervision of the communications personnel. The supervisor, with assistance from the lead, has sole responsibility for scheduling personnel for the various shifts maintained. The supervisor has the authority, in the event an employee does not report for work to require an employee to stay over on his/her shift or to call in an employee to cover the shift. The telecommunications supervisor has the same authority with respect to discipline of employees and evaluation of their performance as the sergeants in the Uniformed Patrol Division. The supervisor

trains the telecommunicators and is responsible for ongoing training to ensure proficiency. In the matter of discipline, the record reflects that the supervisors recommendation that an employee be suspended and provided additional training was adopted over the contention of the lieutenant, his superior officer, that the employee be terminated. The supervisor also has complete control over requests for leave by the telecommunicators.

The record shows, with reference to the lead telecommunicator, only that he fills in for the supervisor during his absence. The record does not reflect that the lead telecommunicator has any specific authority in the discipline of other employees. For the most part, the lead telecommunicator works at the console, receiving and transmitting calls along with the other telecommunicators.

On the basis of these facts, I find that the telecommunicator supervisor is a supervisor within the meaning of the Act and that the lead telecommunicator is a lead person as defined in Section 10-7D-4 of the Act; An employee within the bargaining unit.

I, therefore, recommend that the telecommunicator supervisor be excluded from the Unit found to be appropriate herein.

The last remaining issue for determination is the unit placement of the administrative secretaries who are employed in the Police Department. There are two administrative secretaries in the department with whom we are presently concerned, Candelaria Barreras, Administrative Secretary II, and Della Nieto, Administrative Secretary I. They presently report to Lieutenant Cabot and are part of the Uniformed Police Division in the organizational structure of the department. Some thought is being given to transfer of these employees to the Support Service Division.

The job duties of the secretaries involve record processing, ensuring the accuracy of records and the distributing of records to other departments. Both secretaries have received instruction with respect to the procedure and methods for collection and safekeeping of evidence. One of the administrative secretaries has also been instructed how to take fingerprints. However, they do not fingerprint individuals who have been arrested. Police officers perform this function.

There is a third administrative secretary in the Department who apparently is secretary to the chief. For some unexplained reason, the Petitioner is not seeking to include this employee in the bargaining unit.

The secretaries are not certified in law enforcement, do not wear a uniform, and generally perform clerical duties such as record processing and answering the telephone. There are currently some 76 employees employed by the University in the classification of Administrative Secretary I, including Ms. Nieto and 76 employees in the classification of administrative secretary II, including Ms. Barreras. There is some evidence of interchange but it is not extensive. These employees do not work the same shifts as do the uniformed police officers and the telecommunicators and the record does not show a great deal of contact between the secretaries and these other employees. They are not engaged in the performance of the same or even similar skills and their impact upon the primary function of the department is tangential.

The New Mexico Public Employee Bargaining Statute describes appropriate bargaining units in Section 10-7D-17 thereof. It provides that bargaining units shall be established on the basis of occupational groups, a clear

and identifiable community of interest in employment terms and conditions and related personnel matters among the public employees involved. The same section then further defines occupational groups and provides that they shall generally be identified as blue collar, secretarial, clerical, technical, professional, paraprofessional, police, fire and corrections. It is clear that secretarial clerical employees are intended to be treated as a separate bargaining unit.

I do not find that the administrative secretaries herein, who are in fact secretarial clerical employees, have a clear and identifiable community of interest with police officers and telecommunicators justifying an exception to the normal designations, also used extensively by the NLRB, to treat office clerical employees as separate from other employee bargaining units. Shattuck School and Local No. 34, International Union of Operating Engineers, 18-RM-727, (1971) Ingalls Memorial Hospital and International Union of Operating Engineers, Local 399,309 NLRB 57, 142 LRRM 1367.

I therefore recommend that the administrative secretaries herein be excluded from the bargaining unit.

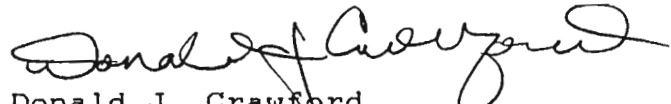
Upon the foregoing findings, I hereby recommend that the Board (The New Mexico Public Employee Labor

Relations Board) enter an order directing an election in the following unit of employees of the New Mexico State University. Police Department:

All uniformed police patrol officers and police investigators excluding police sergeants and all telecommunicators excluding the telecommunicator supervisor.

Also excluded from the Unit are the chief of police, police lieutenants, the administrative secretaries, employees of the Parking Lot Division and all other employees of New Mexico State University.

Dated this 22<sup>d</sup> day of January, 1995.

  
Donald J. Crawford  
Administrative Law Judge