

MAY 1995

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1 PELRB No. 9

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In the Matter of

*Local 1687,
International Association of Firefighters, AFL-CIO
Petitioner,*

and

*City of Carlsbad
Public Employer.*

DECISION AND ORDER

Pursuant to the authority of the Public Employee Labor Relations Board (PELRB or Board) under the Public Employee Bargaining Act of 1992 (PEBA or Act), NMSA 1978, §§10-7D-1 to 10-7D-26; (Repl. Pamp. 1992), and in accordance with PELRB rules and regulations, 4 N.M.Reg.No. 6, 475 (Mar. 31, 1993), the petition for certification as incumbent labor organization filed by Local 1687, International Association of Firefighters (petitioner or "Carlsbad Firefighters") in Case No. CP 24-95(M) was investigated pursuant to PELRB Rule 2.

The Director's decision to certify petitioner as the incumbent labor organization was not appealed by the City of Carlsbad. Pursuant to Rule 2.15(c) the Board shall review the Director's decision notwithstanding the absence of a request for review by a party.

We adopt the Director's findings and conclusions. By attaching it to this DECISION AND ORDER we incorporate it as a final action of the Board.

The Board reviewed the Director's decision during open session at its April 19, 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).

By direction of the Board.

Patrick J. Halter

Patrick J. Halter
Director, PELRB

Issued: May 2, 1995
Albuquerque, New Mexico

The City of Carlsbad is a "public employer" as defined under the Act at § 4.Q. and PELRB Rule 1.3r.

On May 9, 1967, the governing body for the City of Carlsbad (public employer or City) enacted Resolution No. 340 which states, in relevant part:

WHEREAS, the firemen of the [City] have designated Local 1687, International Association of Fire Fighters, AFL-CIO, as their collective bargaining agent with regard to employee-management relations with the [City][.]

Additionally, the Resolution authorized the City Administrator to engage in collective bargaining with agents of labor organizations designated by City employees to act as exclusive representative. Other than authorizing the City Administrator to represent the City in collective bargaining negotiations with an exclusive representative of certain employees, the Resolution did not establish a system of provisions and procedures for labor relations.

Since the implementation of Resolution No. 340, the City has negotiated with the petitioner for a series of 10 collective bargaining agreements (CBA) dating from 1967. A 3-year CBA was ratified by the governing body in Resolution No. 94-07, dated March 8, 1994. The City recognizes the petitioner as the exclusive representative for the positions of Apprentice; Apprentice EMT-P; Fire Fighter 1, 2, 3, 4, 5; Engineer; Captain; and Shift Commander.

The investigation reveals, furthermore, that a question of representation or other issues that affect the disposition of the petition are not present.

In sum, the findings of fact show that the bargaining unit was established in 1967 and recognized pursuant to City Resolution No. 340. Applying the facts to PELRB Rule 2.29 and PEBA § 24 which states that a bargaining unit established prior to January 1, 1992, "shall continue to be recognized as appropriate for the purposes of the [Act]," the conclusion of law is that the requirements of PELRB Rule 2.29 are met and petitioner can be certified as the incumbent labor organization for those positions identified in the preceding paragraph.

The Director's determination "shall be appealable to the Board under the procedures set forth in Rule 2.15[.]"

Patrick J. Halter

Patrick J. Halter
Director, PELRB

Issued: March 22, 1995
Albuquerque, New Mexico