

10-7E-10. Local boards; conditions of continued existence; transfer of authority upon termination; prohibition of new local boards.

A. All local boards shall continue to exist except as provided in Subsections B through J of this section.

B. No later than December 31, 2020, each local board shall submit to the board copies of a revised local ordinance, resolution or charter amendment authorizing continuation of the local board. A local board that fails to meet the submission deadline set forth in this subsection shall cease to exist on January 1, 2021. No later than February 15, 2021, the board shall determine whether the local ordinance, resolution or charter amendment authorizing continuation of a local board provides the same or greater rights to public employees and labor organizations as the Public Employee Bargaining Act, allows for the determination of, and remedies for, an action that would constitute a prohibited practice under the Public Employee Bargaining Act and contains impasse resolution procedures equivalent to those set forth in Section 10-7E-18 NMSA 1978. If the board determines that a local ordinance, resolution or charter amendment authorizing continuation of a local board does not satisfy the requirements of this subsection, defects may be cured by June 30, 2021 or the local board will cease to exist. The board shall certify by written order whether the requirements of this subsection have been met.

C. No later than April 30, 2021, each local board shall submit to the board copies of its rules. A local board that fails to meet the submission deadline set forth in this subsection shall cease to exist on July 1, 2021. No later than May 30, 2021, the board shall determine whether the rules of a local board conform to the rules of the board, or for good cause shown, any variances meet the requirements of the Public Employee Bargaining Act. If the board determines that the rules of a local board do not meet the requirements of this subsection, the local board may cure any defects by June 30, 2021, or it will cease to exist. The board shall certify by written order whether the requirements of this subsection have been met by a local board.

D. A local board existing as of July 1, 2021 shall continue to exist after December 31, 2021 only if it has submitted to the board an affirmation that:

(1) the public employer subject to the local board has affirmatively elected to continue to operate under the local board; and

(2) each labor organization representing employees of the public employer subject to the local board has submitted a written notice to the board that it affirmatively elects to continue to operate under the local board.

E. The affirmation required pursuant to Subsection D of this section shall be submitted to the board by each local board between November 1 and December 31 of each odd-numbered year. A local board that fails to timely submit the affirmation required by this subsection shall cease to exist as of January 1 of the next even-numbered year.

F. Beginning on July 1, 2020, if at any time thereafter a local board has a membership vacancy exceeding sixty days in length, the local board shall cease to exist.

G. A local board may cease to exist upon:

(1) a repeal of the local ordinance, resolution or charter amendment authorizing continuation of the local board; or

(2) a vote of a local board, which vote is filed with the board.

H. Once a local board ceases to exist for any reason, it may not be revived.

I. Whenever a local board ceases to exist, all matters pending before such local board shall be transferred to the board for resolution.

J. After June 30, 2020, no new local board may be created.

History: Laws 2003, ch. 4, § 10; 2003, ch. 5, § 10; repealed and reenacted by Laws 2020, ch. 48, § 5.

ANNOTATIONS

Repeals and reenactments. — Laws 2020, ch. 48, § 5 repealed former 10-7E-10 NMSA 1978 and enacted a new section, effective July 1, 2020.

Local board selection. — City ordinance that allows a public employer to select two members of the three-member local board to adjudicate labor-management disputes does not productively allow employees to collectively bargain. *City of Deming v. Deming Firefighters Local 4521*, 2007-NMCA-069, 141 N.M. 686, 160 P.3d 595.