

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CENTRAL CONSOLIDATED  
SCHOOL DISTRICT,

Complainant,

v.

PELRB No. 109-15

CENTRAL CONSOLIDATED  
EDUCATION ASSOCIATION,

Respondent.

ORDER

**THIS MATTER** comes before the Public Employee Labor Relations Board on October 7, 2015 upon the entry of Default Judgment by the Executive Director in this matter on July 7, 2015. The Union's Motion to Set Aside the Default Judgment having been withdrawn on September 22, 2015, the Board adopts the Hearing Officer's Findings and Fact and Conclusions of Law that the allegations of the Prohibited Practices Complaint are true. Consequently the following are established:

Complainant is a public employer as defined by Section 10-7E-4(S), NMSA 1978.

1. Respondent is the certified exclusive representative of certain employees contained in the collective bargaining unit, as defined by Section 10-7E-4(I), NMSA 1978.
2. The current collective bargaining agreement has an expiration date of June 30, 2015.
3. By letter dated April 6, 2015, Complainant requested the opening of negotiations for a successor agreement.
4. By letter dated April 7, 2015, Respondent refused to negotiate any article other than Article 26, Compensation.
5. By email dated April 15, 2015, Mr. Martinez confirmed the scheduling of the opening session for negotiations for April 22, 2015.

6. By email dated April 15, 2015, Ewa Krakowska informed Mr. Martinez that Respondent will not negotiate any item other than Article 26, and would not accept proposals on any article other than Article 26.
7. By email and letter dated April 17, 2015, Complainant, through its designated lead negotiator, John Martinez, sent a letter to Ewa Krakowska, Respondent's representative, regarding the negotiations.
8. On or about April 22, 2015, the parties met for the purpose of collective bargaining.
9. At the negotiation session on April 22, 2015, Complainant offered a proposal affecting various articles of the collective bargaining agreement.
10. Respondent refused to accept receipt of the District's proposal.
11. Complainant informed Respondent that if the parties met again in negotiations, Complainant expected Respondent to accept receipt of its proposals.
12. Respondent again stated it would not accept the District's proposals.
13. On or about May 12, 2015, Complainant and Respondent met for the purpose of collective bargaining.
14. Complainant presented Respondent with its proposals, encouraged Respondent to accept receipt of the proposals, and warned Respondent that non-acceptance of receipt would be cause for a prohibited practice complaint.
15. Respondent took a caucus without accepting receipt of Complainant's proposal.
16. Respondent returned from the caucus and stated it would not accept receipt of Complainant's proposal.
17. Complainant's representative, Mr. Martinez, again encouraged Respondent to accept receipt of the proposal.
18. Respondent again stated it would not accept receipt of the proposal and would only

negotiate Article 26.

19. Mr. Martinez asked Respondent to accept receipt of the proposal.
20. Respondent began to dis-assemble Complainant's multi-page proposal when Mr. Martinez informed Respondent the proposal was a complete document and partial acceptance of receipt of only a few pages of the proposal was not allowable and again urged Respondent to accept receipt of the entire document.
21. Respondent replied it was only willing to negotiate Article 26 and presented Complainant with a proposal for Article 26.
22. Complainant accepted receipt of Respondent's proposal, stating it would review the document and respond at the next negotiating session.
23. By the foregoing actions, Respondent has violated Sections 10-7E-17(A)(1) and 10-7E-20(B) and (C).

**THEREFORE**, the Respondent is directed to: (1) engage in good faith negotiations with regard to the collective bargaining agreement and all items presented; (2) post for a period of six months the notice appended to this Order identifying the Respondent as having violated the PEBA; and (3) to cease and desist from further violations of PEBA.

Date: 12-21-15

  
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Duff Westbrook, Chair,  
Public Employee Labor Relations Board



STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ  
Governor

THOMAS J. GRIEGO  
Executive Director

Duff Westbrook, Chair  
Roger E. "Bart" Bartosiewicz, Vice-Chair  
James Shaffner, Member

2929 Coors Blvd. N.W. Suite 303  
Albuquerque, NM 87120  
(505) 831-5422  
(505) 831-8820 (Fax)

July 7, 2015

Central Consolidated Education Association  
333 E. Main St. #110  
Farmington, New Mexico 87401  
Attn: Ewa Krakowska, UniServ Director

Central Consolidated School District  
c/o Holcomb Law Office  
3301-R Coors Blvd. NW #301  
Albuquerque, New Mexico 87120

Re: ***Central Consolidated School District v. Central Consolidated Education Ass'n;  
PELRB No. 109-15; determination of violation by default***

Dear Ms. Krakowska and Ms. Holcomb:

Pursuant to NMAC 11.21.3.10 a respondent shall file with the director and serve upon the complainant its answer admitting, denying or explaining each allegation of the complaint within 15 days after service of a complaint. If a respondent admits or fails to deny an allegation of the complaint, the director may find the allegation to be true. Furthermore, NMAC 11.21.3.11 provides that when respondent fails to file a timely answer, the director shall serve on the parties a determination of violation by default, based upon the allegations of the complaint and any evidence submitted in support of the complaint. According to my records the Union had through July 1, 2015 to answer the complaint herein. To date I have not received an answer.

Therefore, in accordance with the above-referenced board rules I find the allegations of the PPC to be true and herewith personally serve upon the parties, at a Status and Scheduling Conferenced duly noticed in this case, this determination of violation by default, based upon the allegations of the complaint.

A party may move to set aside a default determination entered against it within 30 days after the service thereof. See, NMAC 11.21.3.20. Upon finding good cause for the motion the director or board shall order such further proceeding as it deems appropriate.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

A handwritten signature in black ink, appearing to read "Thomas J. Griego".

Thomas J. Griego  
Executive Director