

**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

In re:

**COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO,**

Complainant,

v.

PELRB Case No. 117-18

NEW MEXICO DEPARTMENT OF HEALTH,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board (“Board”) on request by the Communications Workers of America, AFL-CIO and New Mexico Department of Health for approval of the parties’ Settlement Agreement.

At its regularly scheduled meeting on June 4, 2019, Director Griego presented the Board with the Settlement Agreement reached between the parties for approval by the Board. The Board being sufficiently advised and with a vote of 3-0 approve the Settlement Agreement.

THEREFORE THE BOARD Orders Director Griego to close the case.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

6-10-19
DATE



DUFF WESTBROOK, BOARD CHAIR



SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is made between the New Mexico Department of Health ("Employer") and Communications Workers of America, AFL-CIO ("CWA").

RECITALS

WHEREAS, CWA filed Prohibited Practice Charge No. 117-18 with the New Mexico Public Employees Labor Relations Board ("PELRB");

WHEREAS, PELRB Executive Director Thomas J. Griego found the above-referenced charge sufficient to proceed to hearing;

NOW, THEREFORE, in consideration of the mutual promises and undertakings set forth below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. The Parties in the interest of closure and the mutual resolution of their differences seek to enter into this Agreement.
2. A responsible official for the Employer shall immediately sign, date and post a copy of the Notice to Employees attached to this Agreement as Exhibit A in a prominent place within the Sequoyah Adolescent Treatment Center located at 3405 Pan American Freeway NE, Albuquerque, NM 87107. The Notice to Employees shall remain posted for a total of forty-five (45) days from the date of its initial posting.
3. The Employer shall email a signed and dated copy of the Notice to Employees to all its employees who work at the Sequoyah Adolescent Treatment Center located at 3405 Pan American Freeway NE, Albuquerque, NM 87107. The message of the email transmitted with the Notice to Employees shall state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Public Employee Labor Relations Board in Case No. 117-18." The Employer will forward a copy of that email, with all of the recipients' email addresses, to PELRB Executive Director Thomas J. Griego.
4. The Employer agrees to comply with all the terms and provisions of the above-referenced Notice to Employees.
5. CWA agrees to withdraw Prohibited Practice Charge No. 117-18 following the execution of this Agreement.

4/22/19
Date

Kathleen M. Kunkel
NEW MEXICO
DEPARTMENT OF HEALTH
Kathleen Kunkel
Cabinet Secretary

Approved as to form:
Legal Counsel for DOH

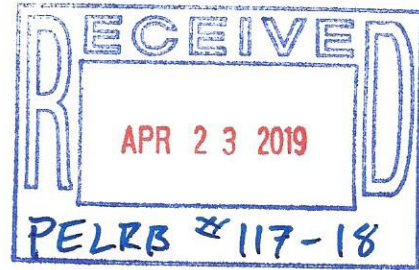
By: M. Shelley Strong
M. Shelley Strong
Co-Acting General Counsel

April 3, 2019
Date

Reini Buid
COMMUNICATIONS WORKERS
OF AMERICA, AFL-CIO

April 25, 2019
Date

Thomas J. Griego
THOMAS J. GRIEGO
Executive Director,
Public Employees Labor Relations Board



04-23-19 16:54 RCVD

EXHIBIT A

NOTICE TO EMPLOYEES

Pursuant to a settlement agreement between the New Mexico Department of Health and Communications Workers of America, AFL-CIO, and approved by the Public Employee Labor Relations Board, the New Mexico Department of Health has agreed to post and obey this notice.

You have the right under Public Employee Bargaining Act ("PEBA"), § 10-7E-17(A), to organize and bargain collectively with the New Mexico Department of Health in good faith on wages, hours and all other terms and conditions of employment, and other issues agreed to by the parties. Furthermore, pursuant to § 10-7E-19(A) you are free to exercise those rights without fear of discrimination because of your membership in a labor organization. Accordingly, the New Mexico Department of Health shall not interfere with, restrain or coerce you in the exercise of your rights to provide support and assistance to a labor union. Doing so violates § 10-7E-19(B).

We acknowledge the above-described rights and responsibilities and will not discriminate, restrain, retaliate or coerce New Mexico Department of Health employees for the exercise of their rights under the PEBA.

[NMDOH Official]

Date: _____