

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

LUNA COUNTY,

Complainant

v.

PELRB No. 112-16

AFSCME, COUNCIL 18,

Respondent

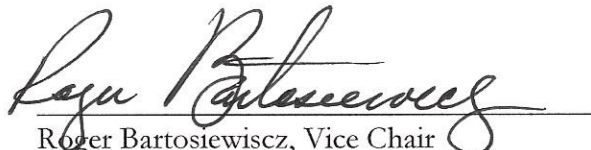
ORDER

**THIS MATTER** came before the Public Employee Labor Relations Board on the County's Motion to Disqualify the Executive Director, Thomas Griego, at its regular Board Meeting on July 13, 2016. After hearing argument of counsel and review of the pleadings the Motion to Disqualify the Chair was denied and dismissed following a roll call vote of 3-0.

**WHEREFORE**, because no grounds exist for disqualification of the Board's Executive Director, Thomas Griego, designated as the Hearing Officer and Election Supervisor in the pending matters concerning Luna County, this matter shall proceed with Executive Director Griego continuing to serve in his designated role as appropriate, and the County's Motion shall be, and hereby is, **DENIED** and **DISMISSED**.

Date:

*July 13, 2016*

  
Roger Bartosiewicz, Vice Chair  
Public Employee Labor Relations Board

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY  
and MUNICIPAL EMPLOYEES, NEW MEXICO  
COUNCIL 18, AFL-CIO,

and

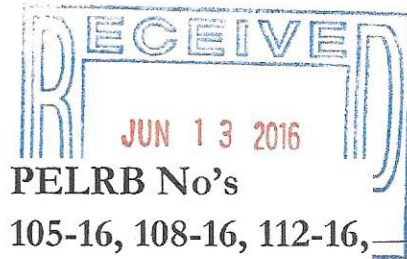
ANDREW GILMORE,

Complainants.

v.

LUNA COUNTY

Respondent.



PELRB No's  
105-16, 108-16, 112-16,  
310-15 & 304-16

04-13-16 11:35 RCVD

**SECOND AMENDED MOTION TO DISQUALIFY THOMAS GRIEGO**

COMES NOW, Respondent, Luna County, by and through its counsel, the Law Office of Jonlyn M. Martinez, LLC, and once again moves this Board for an Order disqualifying Thomas Griego from handling any matter involving Luna County or the Law Office of Jonlyn M. Martinez, LLC. In addition, the Respondent requests that this Board order Mr. Griego to delegate his authority pursuant to NMAC 11.21.1.28 to an independent third party to handle all matters concerning Respondent and its counsel. As grounds for this Motion, Luna County states the following:

Luna County's Amended Motion to Disqualify Thomas Griego contained the following facts:

1. On March 9, 2016, the Notice scheduling the presentation of the Complainant's Request for Pre-Adjudication Injunctive Relief was sent to Luna County Manager and the representative for the Complainant.

2. The Notice was not sent to counsel for the Respondent, despite the fact that the Complainant's Prohibited Practice Complaint lists the undersigned as counsel for Respondent in the body of the Complaint.

3. By way of explanation for the failure to provide the Notice to counsel for the Respondent the Executive Director stated:

PELRB 105-16 is a new filing and it would not have been proper for me to assume that because you represented the County in an earlier proceeding that you represent them in this one as well.

This contention is interesting in that it required the Executive Director to elect not to send the undersigned the appropriate notice despite the fact that the Complaint at issue specifically listed her as counsel for the Respondent.

4. Counsel for the Respondent did not learn of the hearing in this matter scheduled for March 25, 2016, until March 21, 2016.

5. On March 21, 2016, counsel for Luna County informed the Executive Director that she could not attend the scheduled hearing because March 25, 2016, is in fact Good Friday. Counsel for Luna County asked whether a formal motion to vacate the proceeding would be required. In addition, the Luna County Commission closed Luna County for business on March 25, 2016.

6. In response to this correspondence, the Executive Director stated the following:

The request for a prehearing injunction is of an emergent nature that must be heard immediately. The earliest convenient time for the Board to do that is at its next meeting, this Friday. If it is not heard then, it cannot be heard until next month. Please note that pursuant to our rules I have requested that the County abate the disciplinary proceeding pending resolution of the PPC, which would render the injunction unnecessary in my opinion, but so far, it has not agreed to do so. You may appear via telephone, if that will help; otherwise I can only suggest that you formally move the Board to postpone hearing the request for injunction

and I will present your motion at the March 25 Board meeting. Please let me know how you prefer to proceed.

7. Based on this statement, Mr. Griego sought to force the County of Luna to take his suggested course of conduct due to its counsel's unavailability.

8. Next, counsel for Luna County requested a religious accommodation with regard to the hearing scheduled for March 25, 2016.

9. In a response sent by email on March 23, 2016, at 4:16, Mr. Griego stated as follows:

My request for the County's disciplinary proceedings to be held in abeyance has nothing to do with your availability or unavailability. That request is made, as stated in my letter of March 10, 2016, pursuant to NMAC 11.21.3.21 and would have been made in any case. Good Friday is not a State or Federal Holiday and as you say you are a practicing Catholic, as am I, you surely know that the appropriate period of time to observe silence at home, for devotional reading and private prayer is between the hours of noon and 3 o'clock in the afternoon. Any personal devotion you may have beyond that is just that – personal devotion for which I do not believe I must make an accommodation. That said, unavailable is unavailable and I do not wish to prejudice your client's position by compelling the County to attend a hearing without benefit of counsel since you are so adamant that you will not attend, even by telephone. Accordingly, I will inform the Board at the meeting this Friday of the circumstances and have instead scheduled a Special Board Meeting for the sole purpose of hearing the union's request for pre-adjudication injunction for 9:30 a.m. on Friday, April 1, 2016 so that the matter will not be heard on the 25<sup>th</sup> as you requested. Please understand that I am scheduling this Special Board meeting on April 1<sup>st</sup> because of your unavailability on March 25<sup>th</sup> regardless of the reason and not because I recognize any obligation to make a religious accommodation.

Thomas J. Griego  
Executive Director, PELRB

Thus, Mr. Griego refused the reasonable request for a religious accommodation and provided unsolicited advice on how to practice the Catholic faith. Notably, the website for the New Mexico Public Employee Labor Relations Board indicates that "The Labor Relations board offices will be closed from 12:00 pm - 5:00 pm on Friday, March 25, 2016." Moreover, Mr. Griego referred to his letter of March 10, 2016, correspondence

which he knew he failed to provide counsel for Luna County.

10. Based on the foregoing, Mr. Griego has intentionally failed to provide the undersigned with relevant notices and correspondence that he sent directly to Luna County. In addition, Mr. Griego failed to grant a reasonable request for a religious accommodation in violation of the New Mexico Human Rights Act, NMSA 1978, § 28-1-1 et seq. Based on Mr. Griego's conduct and statements, he demonstrated a bias against Luna County and the undersigned.

11. The original Motion to Disqualify Mr. Griego was filed by facsimile on March 31, 2016, at 2:28 p.m. Approximately an hour and a half later, Mr. Griego had a letter served on counsel for the undersigned indicating that he was entering default judgment against her client due to a purported deficient filing of the County's Answer to a Prohibited Practice Complaint, despite the fact that Mr. Griego acknowledged that he was in possession of Luna County's Answer. Mr. Griego's correspondence can only be characterized as an effort to retaliate against Luna County and its counsel due to the submission of the Motion to Disqualify him in this matter.

12. In response to this correspondence, counsel for Luna County stated the following:

As you are aware, you did not mail a conformed copy of the Complainants' PPC in this matter to Luna County until March 9, 2016. You intentionally refused to mail it to my office despite the fact that I am listed as the Respondent's Representative in the PPC. Luna County did not receive the PPC until March 10, 2016, and I did not receive a conformed copy of it until March 21, 2016.

The PELRB Rules provide:

1.21.1.8 COMPUTATION OF TIME: When these rules state a specific number of

days in which some action must or may be taken after a given event, the date of the given event is not counted in computing the time, and the last day of the period is deemed to end at close of business on that day. Saturday's, Sundays and state recognized legal holidays observed in New Mexico shall not be counted when computing the time. When the last day of the period falls on a Saturday, Sunday or legal holiday observed in New Mexico, then the last day for taking the action shall be the following business day. [11.21.1.8 NMAC - N, 3-15-04]

11.21.3.10 FILING OF ANSWER: A. Within fifteen (15) days after service of a complaint, the respondent shall file with the director and serve upon the complainant its answer admitting, denying or explaining each allegation of the complaint. For purposes of this rule, the term "allegation" shall mean any statement of fact or assertion of law contained in a complaint. No particular form is required either to state allegations or to answer them. B. If a respondent in its answer admits or fails to deny an allegation of the complaint, the director, hearing examiner or board may find the allegation to be true.

As set forth above, the PPC was served on Luna County on March 10, 2016. Applying the Computation of Time Rule to this matter reveals that fifteen (days) after service is March 31, 2016. The Answer to the PPC was hand-delivered to your office on March 31, 2016. Therefore, it is timely. Further, in light of your decision to exclude my office from service of the PPC, the date of service of the PPC on the Respondent's Representative (as listed in the Complaint) was actually March 21, 2016, making the hand-delivery of the Answer to the PPC Complaint seven (7) days early.

Please advise as to whether you will withdraw the determination of default or whether a formal motion in this regard will be required.

No response to this correspondence has been provided. However, at a hearing held on May 3, 2016, Director Griego argued in favor of default being entered against Luna County. Director Griego did not respond to Luna County's Motion to Disqualify him until (*Answered April 28, 2016 - not received by our office until May 2, 2016*), one day prior to the Board meeting held May 3, 2016<sup>1</sup>. Notwithstanding the above, the Board did not disqualify Director Griego, but instead, admonished counsel for Luna County for

---

<sup>1</sup> Thomas Griego's response to Luna County's Motion to Disqualify was not submitted until 28 days after the Motion to Disqualify had been filed. Therefore, it was not timely.

raising the issues contained herein. *See audio recording of hearing of May 3, 2016*, attached hereto as Exhibit B.

Since the submission of the Amended Motion to Disqualify Thomas Griego, he has engaged in the following conduct:

13. At the hearing held on May 3, 2016 Director Griego stated that Luna County had submitted by facsimile a Prohibited Practice Complaint but had failed to submit a hard copy of this Complaint. *See audio recording of May 3, 2016*, attached hereto as Exhibit B. This was the first time that Director Griego had alerted Luna County that the NMPELRB had not received a hard copy of this Complaint. *Id.*

14. On March 31, 2016, Luna County had a hard copy of this Complaint hand-delivered to the NMPELRB. *See letter dated March 31, 2016 listing Complaint as an enclosure*, attached hereto as Exhibit C. At no time did the NMPELRB ever alert Luna County that the Complaint was not contained in the documents hand-delivered on March 31, 2016.

15. On May 3, 2016, counsel for the Respondent sent Mr. Griego an email asking whether he had sent any correspondence alerting Luna County that he had not received a hard copy of the Complaint. *See email dated May 3, 2016*, attached hereto as Exhibit D. In response, Mr. Griego abruptly stated he had not received a hard copy "Despite your correspondence I am telling you that we do not have anything but your faxed PPC. You may correct the error or not. It's your choice." *Id.*

16. Thereafter, on May 5, 2016 a hard copy of the Complaint was mailed to the NMPELRB. *See cover letter dated May 5, 2016*, attached hereto as Exhibit E. On May

10, 2016, Matthew Abousleman of the NMPELRB called counsel for Luna County and indicated that the NMPELRB had not received an original signed Complaint and that an original was required by the NMPELRB. *See Affidavit of Amber Bryan*, attached hereto as Exhibit F. The original Complaint was then mailed to the NMPELRB. *See cover letter dated May 10, 2016*, attached hereto as Exhibit G. Notably, at the hearing held May 3, 2016 the Board specifically stated that the NMPELRB had no Rules requiring the submission of filings with an original signature. *See Audio Recording of hearing of May 3, 2016*, attached hereto as Exhibit B. Thus, Luna County has been made to comply with Rules of Mr. Griego's making.

17. On May 12, 2016, Mr. Griego issued a letter indicating that the NMPELRB was accepting Luna County's Complaint and indicating that the Union was required to answer the Complaint in accordance with NMAC 11.21.3.12 (A). The original Complaint was served on the Union on March 29, 2016. *See email dated March 29, 2016*, attached hereto as Exhibit A.

18. The Union did not submit an Answer to Luna County's Complaint until June 3, 2016. *See email from Union dated June 3, 2016*, attached hereto as Exhibit H. Therefore, the Union answered Luna County's Complaint approximately 47 business days after it was served. Notwithstanding the fact that the Union had submitted no answer of any kind before June 3, 2016, at no time did Mr. Griego attempt to enter default against the Union as he had done to Luna County in this matter. Thus, Mr. Griego has failed to apply the NMPELRB rules fairly to Luna County in this matter.

19. On May 12, 2016 counsel for Luna County received an email from Allison



Keelin indicating that Director Griego had not received a Consented Election Agreement for upcoming elections. *See email dated May 12, 2016*, attached hereto as Exhibit I. In response to this correspondence, counsel for Luna County replied that she was waiting for hard copies to arrive in the mail so that she could sign them in order to submit original signatures to the NMPELRB. *Id.* Immediately, upon receipt of this correspondence, Mr. Griego entered the Orders without the approval of counsel for Luna County. *See email from Thomas Griego containing Orders*, attached hereto as Exhibit J.

20. In the PELRB Election Order 310-15, Mr. Griego included parties not eligible to vote in the election despite the fact that Mr. Griego himself issued an Opinion regarding that very issue.<sup>2</sup>

21. At the elections held on May 23, 2016 and May 24, 2016, pursuant to the unapproved and unsigned Orders referenced above, Mr. Griego allowed Andy Gilmore to vote in violation of NMAC 11.21.2.24. Mr. Griego was familiar with Mr. Gilmore because he testified before Mr. Griego at a hearing held on February 22, 2016, and the Prohibited Practice Complaint upon which Mr. Griego entered default judgment, was regarding Mr. Gilmore.<sup>3</sup> Thereafter, Mr. Griego failed to comply with the requirements of NMAC 11.21.2.30, and instead included the vote of an ineligible voter with all other ballots. Thus, Mr. Griego once again demonstrated his bias and willingness to disregard

---

<sup>2</sup> The Order entered by Mr. Griego permits all Lieutenants to vote. *See first page of Order*, attached hereto as Exhibit K. However, Mr. Griego had already presided over proceedings concerning whether "Shift Lieutenants" only were eligible to vote. *See portion of Griego's findings*, attached hereto as Exhibit L. Thus, the error contained in the Order appears intentional.

<sup>3</sup> Further, Mr. Gilmore has been present at multiple hearings where Mr. Griego was also present prior to the elections.

the applicable New Mexico Administrative Code for the benefit of the Union in this matter.

22. In video surveillance obtained from the hotel where the elections took place, during the election, Mr. Griego can also be seen meeting with the Union and its agents, immediately following the first part of the election on May 23, 2016 for several minutes in a private conference room.<sup>4</sup>

23. Photographs of the hotel establish that Mr. Griego permitted improper electioneering in violation of NMAC 11.21.2.28 and *NLRB v. Carroll Contracting & Ready-Mix, Inc.*, 636 F.2d 111, 113 (5th Cir. 1981). The photographs reveal that all voters had to walk by the Union's agents before they could vote. *See Exhibit A*, attached to Luna County's Objections. The Union's agents can be seen congregating and speaking to voters outside of the site where the voting occurred. *Id.* Union agents can be seen wearing union shirts at the site in the vicinity of the vote. *Id.* In addition, the Union and its agents contacted Luna County employees and threatened and intimidated them. *See correspondence from Luna County employees*, attached as Exhibit B to Luna County's Objections.

24. On June 8, 2016, Mr. Griego issued two Hearing Officer's Report on Objections concerning Luna County's Objections. *See Reports*, attached hereto as Exhibits M and N. In these Reports, Mr. Griego admits that he entered Orders that had

---

<sup>4</sup> A copy of the video surveillance footage is attached as Exhibit A to Luna County's Objections Related to the "Elections" And Request for Injunctive Relief (hereafter "Luna County's Objections").

not been approved or signed by counsel for Luna County. *Id.* In addition, Mr. Griego

states as follows:

Luna County cites to no authority requiring Orders in any form other than were issued in this case for the elections held on May 23, 2016 and May 24, 2016. Furthermore, Luna County's failure and refusal to return executed Consent Election Agreements to the Director in a timely fashion contributed to any procedural deficiencies that may have occurred and by its silence until after the election was conducted is barred from raising objections now by doctrines of waiver or estoppel.

With regard to Mr. Griego's first argument, that Luna County cites no authority requiring Orders in any form other than the form issued, Luna County references Mr. Griego's arguments at the May 3, 2016, hearing in which he advocated not accepting Luna County's submissions if they did not contain original signatures and his office's telephone call of May 10, 2016, requiring an original signature on Luna County's Prohibited Practice Complaint. *See Exhibits B and F*, attached hereto. Moreover, Luna County did inform Mr. Griego of his error in the above Order on May 16, 2016. *See email to Griego dated May 16, 2016*, attached hereto as Exhibit O. Yet, Mr. Griego did nothing to correct the error in advance of the election. Thus, Mr. Griego's arguments concerning waiver and estoppel are without foundation.

25. Next, Mr. Griego argues in his Reports that because Mr. Gilmore's vote was immaterial to the election results, and because no County observer objected to his violations of the New Mexico Administrative Code, there is no problem with his conduct. *See Exhibits M and N*, at p. 3. Of course, this argument is without merit and fails to acknowledge his misconduct and the bias it demonstrates in favor of the Union.

26. In response to the video surveillance that captured Mr. Griego entering a small conference room to confer with the Union and its representatives for several minutes in the

middle of the election, Mr. Griego states:

That the Election Supervisor "can also be seen meeting with" Union members and representatives "immediately following" closing of the polls after the first day of the two-day election is neither denied nor material. Neutrality does not require uncivility just as advocacy does not require hostility.

*Exhibits M and N*, at p. 3. Notably, NMAC 11.21.1.12 makes no provision Mr. Griego's conduct, whether he chooses to characterize it as civility or otherwise.

27. Mr. Griego fails to address the evidence of electioneering in any meaningful way. *Id.*, at p. 3. He disregards the photographs provided, the video surveillance and the correspondence provided documenting improper conduct. Finally, Mr. Griego concludes that Luna County's objections have no merit. *Id.* However, it is inappropriate for the individual, who admittedly engaged in misconduct by failing to comply with the applicable New Mexico Administrative Code to render an opinion regarding his own conduct.

28. On Tuesday, June 7, 2016, counsel for Luna County received an email that Luna County was on the agenda for a NMPELRB Board meeting being conducted at that time on June 7, 2016. Counsel for Luna County did not receive a copy of any Notice of Hearing in advance of this hearing. Thus, counsel for Luna County quickly faxed correspondence to the NMPELRB objecting to this hearing. *See letter faxed to Mr. Griego*, dated June 7, 2016, attached hereto as Exhibit R.

29. After retrieving the mail from a post office box on June 7, 2016, it was discovered that Mr. Griego had mailed Notices of Hearing on Thursday, June 2, 2016, for a hearing scheduled for Tuesday, June 7, 2016, at 9:30. Such "notice" is tantamount to no notice at all. Further, in the past, Mr. Griego has mailed and sent emails with notices of hearing. Thus, it

appears that Mr. Griego intentionally sought to exclude Luna County from the proceedings held on June 7, 2016. Further, upon information and belief, the Board heard testimony and argument from the Union without the presence of Luna County and its counsel over its objections.

30. A review of the Notices mailed on June 2, 2016, reveals that one concerns Luna County's Objections, and the other concerns, Mr. Griego's flagrant attempt to further retaliate against Luna County and the undersigned for documenting his misconduct in this matter. *See Notices*, attached hereto as Exhibit P and Q. The Notice indicates that it seeks a discussion of Expulsion of Counsel pursuant to NMAC 11.21.1.18. *See Exhibit Q*. NMAC 11.21.1.18 does not permit Mr. Griego to expel counsel for Luna County because she has documented his behavior and sought his disqualification. Instead, this Rule allows a person to be excluded from a proceeding if they engage in violent, threatening, disruptive, or unduly disrespectful behavior. *See* NMAC 11.21.1.18. Filing pleadings and advocating on behalf of Luna County can hardly be considered violent, threatening, disruptive, or unduly disrespectful behavior.

31. The undersigned has submitted multiple IPRA requests to the NMPELRB as allowed by law. It also appears that Mr. Griego seeks to retaliate against Luna County and its counsel for exercising rights under the law.

#### **POINTS AND AUTHORITY**

The issue of whether a judge is required to recuse for an appearance of impropriety after being threatened by a defendant is "whether an objective, disinterested observer, fully informed of the underlying facts, would entertain significant doubt that justice would be done absent recusal." *State v. Riordan*, 2009-NMSC-022, P11, 146 N.M. 281, 209 P.3d. 773 (internal quotation marks and citations omitted). In the present case, Mr. Griego is not a judge and Luna

County is not seeking his recusal. Luna County is seeking his disqualification by this Board. However, the analysis contained herein is applicable to the facts before this Board. Based on the foregoing, there is ample evidence in the record of both Mr. Griego's misconduct and his bias against Luna County and its counsel. This has culminated in Mr. Griego's attempt to have her expelled from these proceedings and his attempt to do so without allowing Luna County and its counsel to participate in a hearing. Therefore, Luna County moves this Board for an Order disqualifying Thomas Griego from handling any matter involving Luna County or the Law Office of Jonlyn M. Martinez, LLC. In addition, Luna County requests that this Board order Mr. Griego to delegate his authority pursuant to NMAC 11.21.1.28 to an independent third party to handle all matters concerning Respondent and its counsel.

#### CONCLUSION

Based on the foregoing, Luna County requests that Mr. Griego be disqualified from participating in this matter and any matters in which Luna County is a party. In addition, Mr. Griego should be disqualified from presiding over any matter involving the undersigned.

Respectfully submitted,

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By 

JONLYN M. MARTINEZ

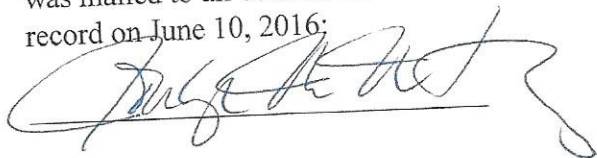
Attorneys for Respondent

P.O. Box 1805

Albuquerque, NM 87103-1805

(505) 247-9488

I certify that a copy of the foregoing  
was mailed to all counsel of  
record on June 10, 2016:

A handwritten signature in black ink, appearing to be "Daryl A. [unclear]", written over a horizontal line.

**Jonlyn Martinez**

---

**From:** Jonlyn Martinez  
**Sent:** Tuesday, March 29, 2016 2:26 PM  
**To:** Stephen Curtice; shane@youtzvaldez.com  
**Subject:** AFSCME v. Luna before NM PELRB  
**Attachments:** PPC.pdf; Appeal.pdf

Dear Counsel,

Attached please find documents filed with the NM PELRB today.

Thank you

**Jonlyn M. Martinez**  
Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, NM 87103-1805  
(505) 247-9488  
(505) 247-9566 (fax)

**This document and any documents attached hereto may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.**

EXHIBIT A



**LAW OFFICE OF JONLYN M. MARTINEZ, LLC**  
Attorney & Counselor at Law

JONLYN M. MARTINEZ

Telephone  
(505) 247-9488

Email  
jonlyn@martinezlaw.net

Mailing Address  
P.O. Box 1805  
Albuquerque, NM 87108

Street Address  
105 14<sup>th</sup> Street SW  
Albuquerque, NM 87102

March 31, 2016

**HAND-DELIVERED**

Thomas J. Griego  
Executive Director  
NM Public Employee Relations Board  
2929 Coors Blvd. NW, Suite #303  
Albuquerque, NM 87120

Re: *AFSCME, Council 18 and Luna County*  
PELRB 310-15

Dear Director Griego:

Enclosed please find a copy of the following pleadings: Answer to Prohibited Practice Complaint and Request for Injunctive Relief and Counterclaim, Prohibited Practice Complaint and Request for Injunctive Relief, Appeal to Board of Hearing Officer's Recommendation, and Motion to Disqualify Thomas Griego and Board Chair Duff Westbrook which were submitted by hand-delivery to be filed in the above-referenced matter on today's date.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By Lauren A. Barbeau  
LAUREN BARTEAU  
Legal Assistant

EXHIBIT C

**Jonlyn Martinez**

**From:** Griego, Tom, PELRB <Tom.Griego@state.nm.us>  
**Sent:** Wednesday, May 04, 2016 12:17 PM  
**To:** Jonlyn Martinez  
**Subject:** RE: AFSCME v. Luna County PELRB-310-15

Despite your correspondence I am telling you that we do not have anything but your faxed PPC. You may correct the error or not. It's your choice.

---

**From:** Jonlyn Martinez [mailto:jonlyn@jmartinezlaw.net]  
**Sent:** Tuesday, May 03, 2016 1:46 PM  
**To:** Griego, Tom, PELRB  
**Subject:** AFSCME v. Luna County PELRB-310-15

Dear Mr. Griego,

Today during the hearing, for the first time, you indicated that you had only received a faxed copy of Luna County's Prohibited Practice Complaint and Request for Injunctive Relief (faxed March 29, 2016). However, based on the attached correspondence, which was hand-delivered to your office on March 31, 2016, a copy of Luna County's Prohibited Practice Complaint and Request for Injunctive Relief was hand-delivered to you on March 31, 2016.

Do you have any correspondence alerting my office to the fact that Luna County's Prohibited Practice Complaint and Request for Injunctive Relief was not in the documents listed in the correspondence dated March 31, 2016 attached hereto?

**Jonlyn M. Martinez**  
Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, NM 87103-1805  
(505) 247-9488  
(505) 247-9566 (fax)

This document and any documents attached hereto may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.

**LAW OFFICE OF JONLYN M. MARTINEZ, LLC**  
Attorney & Counselor at Law

JONLYN M. MARTINEZ

Telephone  
(505) 247-9488

Email  
jonlyn@jmartinezlaw.net

Mailing Address  
P.O. Box 1805  
Albuquerque, NM 87103

Street Address  
105 14<sup>th</sup> Street SW  
Albuquerque, NM 87102

May 5, 2016

Thomas J. Griego  
Executive Director  
NM Public Employee Relations Board  
2929 Coors Blvd. NW, Suite #303  
Albuquerque, NM 87120

Re: *Luna County and AFSCME, Council 18*

Dear Director Griego:

Enclosed please find a copy of Luna County's Prohibited Practice Complaint which was originally submitted by fax to be filed in the above-referenced matter on March 29, 2016. This pleading was also hand-delivered to your office on March 31, 2016.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By Lauren A. Barbeau

LAUREN BARTEAU  
Legal Assistant

EXHIBIT E

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

**In re:**

**LUNA COUNTY,**

**Complainant,**

**PELRB Case No. 112-15**

**v.**

**AMERICAN FEDERATION OF STATE, COUNTY  
and MUNICIPAL EMPLOYEES, NEW MEXICO  
COUNCIL 18, AFL-CIO,**

**Respondent.**

**AFFIDAVIT OF AMBER BRYAN**

STATE OF NEW MEXICO            )  
  )SS.  
COUNTY OF BERNALILLO        )

AMBER BRYAN, being first duly sworn, deposes and states:

1. My name is AMBER BRYAN. I am over the age of 18 years and I am competent to give the testimony stated herein.
2. I am a paralegal for the Law Office of Jonlyn M. Martinez, LLC, the attorneys for Luna County in this matter.
3. Our office submitted a copy of Luna County's Prohibited Practices Complaint (hereafter "Complaint") to the New Mexico Public Employees Labor Relation Board (NMPELRB) on March 29, 2016 via facsimile service.
4. Lauren Barteau from our office hand-delivered a copy of the Complaint to the NMPELRB on March 31, 2016.

**EXHIBIT F**

5. Lauren Barteau then mailed a copy of the Complaint to the NMPELRB on May 5, 2016.
6. On May 10, 2016, I received a phone call from Matthew Abousleman of the NMPELRB. Mr. Abousleman stated during the call that the only copy of the Complaint their office had received was the March 29, 2016 copy sent by facsimile. He denied receiving any other copies, including the hand-delivered copy. He stated the facsimile copy was not sufficient as the NMPELRB required an original signature.
7. Lauren Barteau retrieved the original copy of the Complaint from our files and mailed it to the NMPELRB on May 10, 2016.

FURTHER AFFIANT SAYETH NOT.

  
AMBER BRYAN

SUBSCRIBED AND SWORN TO before me on June 9, 2016.

  
NOTARY PUBLIC



My Commission Expires: \_\_\_\_\_

**LAW OFFICE OF JONLYN M. MARTINEZ, LLC**  
Attorney & Counselor at Law

JONLYN M. MARTINEZ

Telephone  
(505) 247-9488

Fax  
(505) 247-9566

Mailing Address  
P.O. Box 1805  
Albuquerque, NM 87103

Street Address  
105 14<sup>th</sup> Street SW  
Albuquerque, NM 87102

May 10, 2016

Thomas J. Griego  
Executive Director  
NM Public Employee Relations Board  
2929 Coors Blvd. NW, Suite #303  
Albuquerque, NM 87120

Re: *Luna County and AFSCME, Council 18*

Dear Director Griego:

Enclosed please find the original copy of Luna County's Prohibited Practice Complaint which was originally submitted by fax to be filed in the above-referenced matter on March 29, 2016. This pleading was also hand-delivered to your office on March 31, 2016 and mailed to your office on May 5, 2016.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By Lauren A. Barbeau

LAUREN BARTEAU  
Legal Assistant

EXHIBIT G

**Jonlyn Martinez**

---

**From:** Allison Keelin <allison@youtzvaldez.com>  
**Sent:** Friday, June 03, 2016 3:49 PM  
**To:** Jonlyn Martinez  
**Cc:** 'Shane Youtz'  
**Subject:** Luna Co. v. AFSCME; PELRB No. 112-16  
**Attachments:** Answer to PPC\_112-16.pdf

Dear Ms. Martinez,

Attached please find AFSCME's Answer to the PPC in this case, which was fax-filed today with the PELRB. Hard copy will follow by mail.

Sincerely,

Allison Leslie Keelin, Office Manager  
**YOUTZ & VALDEZ, P.C.**  
900 Gold Avenue S.W.  
Albuquerque, NM 87102  
(505) 244-1200 - Telephone  
(505) 244-9700 - Fax  
[allison@youtzvaldez.com](mailto:allison@youtzvaldez.com)

The unauthorized disclosure of e-mail or interception of e-mail is a federal crime. The material transmitted in this e-mail is intended only for the personal and confidential use of the designated recipient. This transmittal may also be protected under state and/or federal law as privileged attorney work product and communication. If the reader of this notice is not the intended recipient, you are hereby notified that you have received this e-mail in error and that any review, dissemination or copying of the attached is strictly prohibited. If you have received this e-mail in error, please notify us immediately by e-mail and telephone to obtain instructions as to the disposal of the transmitted material.

**Jonlyn Martinez**

---

**From:** Jonlyn Martinez  
**Sent:** Thursday, May 12, 2016 9:51 AM  
**To:** 'Allison Keelin'  
**Cc:** 'Griego, Tom, PELRB'  
**Subject:** RE: Consent Election Agreements, 310-15 and 304-16

Dear Ms. Keeling,

I thought we could not forward electronic copies to the NM PELRB and could also not forward documents without original signatures to the NM PELB. I was waiting for originals to come in the mail.

**Jonlyn M. Martinez**  
Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, NM 87103-1805  
(505) 247-9488  
(505) 247-9566 (fax)

**This document and any documents attached hereto may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.**

---

**From:** Allison Keelin [mailto:[allison@youtzvaldez.com](mailto:allison@youtzvaldez.com)]  
**Sent:** Wednesday, May 04, 2016 9:15 AM  
**To:** Jonlyn Martinez <[jonlyn@jmartinezlaw.net](mailto:jonlyn@jmartinezlaw.net)>  
**Cc:** 'Stephen Curtice' <[stephen@youtzvaldez.com](mailto:stephen@youtzvaldez.com)>  
**Subject:** Consent Election Agreements, 310-15 and 304-16

Dear Jonlyn,

Attached please find the Consent Election Agreements for 310-15 and 304-16 between AFSCME and Luna County. Stephen has signed both of these. Would you please sign them both where indicated, and then forward them on to Tom Griego? Thank you.

Sincerely,

Allison Leslie Keelin, Office Manager  
**YOUTZ & VALDEZ, P.C.**  
900 Gold Avenue S.W.  
Albuquerque, NM 87102  
(505) 244-1200 - Telephone  
(505) 244-9700 - Fax  
[allison@youtzvaldez.com](mailto:allison@youtzvaldez.com)

The unauthorized disclosure of e-mail or interception of e-mail is a federal crime. The material transmitted in this e-mail is intended only for the personal and confidential use of the designated recipient. This transmittal may also be protected under state and/or federal law as privileged attorney work product and communication. If the reader of this notice is not the intended recipient, you are hereby notified that you have received this e-mail in error and that any



review, dissemination or copying of the attached is strictly prohibited. If you have received this e-mail in error, please notify us immediately by e-mail and telephone to obtain instructions as to the disposal of the transmitted material.

**Jonlyn Martinez**

---

**From:** Griego, Tom, PELRB <Tom.Griego@state.nm.us>  
**Sent:** Thursday, May 12, 2016 12:13 PM  
**To:** Jonlyn Martinez; Stephen Curtice  
**Cc:** Salazar Jennifer (jsalazar@nmag.gov)  
**Subject:** PELRB No.'s 310-15 and 304-16  
**Attachments:** Notice of Election w Ballot.pdf; 310-15 Election Order.pdf; 304-16 Election Order.pdf; Notice of Election w Ballot.pdf

Dear counsel:

Although approved by the Board at its most recent meeting I have not received executed Consent Election Agreements in either of these two cases. Because time is of the essence and we seem to have already missed the posting deadlines set in the Agreements for Notice of the Election, I am entering your Agreements as Election Orders. Please note that the deadline for posting is tomorrow so that we can still have 10 work days' notice before the election. The Orders will be reviewed by the Board at its June meeting along with the results of the election. The Orders and copies of the Notices are also being sent vis USPS.

*Thomas J. Griego*

Executive Director  
Public Employee Labor Relations Board  
2929 Coors Blvd NW, Suite 303  
Albuquerque, NM 87120  
[Tom.Griego@state.nm.us](mailto:Tom.Griego@state.nm.us)  
Ph: 505.831.5422  
Fax: 505.831.8820



STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD  
2929 Coors NW, Suite 303  
Albuquerque, NM 87120  
(505) 831-5422 Telephone  
(505) 831-8820 Facsimile

ELECTION ORDER

PELRB Case No. 310-15

PETITIONER: AFSCME, Council 18

RESPONDENT: Luna County

1. CERTIFICATION ELECTION. A secret ballot election will be held under the supervision of the Public Employee Labor Relations Board, with Thomas J. Griego designated as the Election Supervisor.

2. ELECTION DATE(S), TIME(S) AND LOCATION(S):

May 23, 2016, 5:00 p.m. to 8:00 p.m. and  
May 24, 2016, 5:00 a.m. to 7:00 a.m.  
Hampton Inn  
3751 E. Cedar St.  
Deming, NM 88030

3. THE BARGAINING UNIT.

INCLUDES: Non-probationary security personnel (including Correctional Officers, Sergeants and Lieutenants), administrative, medical and maintenance employees working at the Luna County Adult Detention Center, employed by Luna County  
EXCLUDES: Probationary, confidential, supervisory and management employees and support specialists. (Sec § 10-7E-4(R), § 10-7E-4(G), § 10-7E-4(U), and § 10-7E-4(O), NMSA 1978).

4. ELIGIBLE VOTERS.

A. The bargaining unit employees who were employed during the last payroll period preceding the date of the Order and are still employed on the date of the election.

B. Within five (5) work days following execution of this Order, the Employer will submit to the Petitioner and the Election Supervisor a list with the names of the eligible voters.

EXHIBIT K

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, COUNCIL 18,  
Petitioner

and

PELRB No. 310-15

LUNA COUNTY,  
Respondent

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

**STATEMENT OF THE CASE:** This matter comes before Thomas J. Griego, designated as the Hearing Officer in this case, on a Petition filed December 29, 2015 by AFSCME Council 18 seeking recognition as the exclusive collective bargaining representative for all non-probationary security personnel, including Correctional Officers, Sergeants and Lieutenants, administrative medical and maintenance employees working at the Adult Detention Center in Deming, New Mexico.

The County filed the requested list of putative employees to be included in the bargaining unit and on January 15, 2016 identified as an issue to be determined whether employees holding the rank of Sergeant and Lieutenant are excluded from collective bargaining as management and supervisory employees as those terms are defined by the PEBA, NMSA 1978 §10-7E-4.

At a Status and Scheduling Conference held January 27, 2016 a hearing was scheduled pursuant to NMAC 11.21.2.19 to be held Monday, February 22, 2016 at the Luna County Courthouse to take evidence and hear argument on the exemption issue.

At the Hearing the parties stipulated to the admission of all tendered exhibits subject to argument as to their relative relevance which I take to mean the weight that should be given each exhibit. Additionally, the County withdrew its objections to including I the bargaining unit, employees holding the rank of Sergeant, leaving the question whether Lieutenants as

EXHIBIT L

the sole issue to be determined. After taking evidence from two of the Union's witnesses the parties, after conferring during a recess, agreed that the Administrative lieutenants were

properly excluded from the bargaining unit. As a result the only employees remaining at issue are the Shift Lieutenants. Accordingly, in order to decide the matter before me I must determine:

- A. Whether the Shift Lieutenants share a community of interest with the other employees in the bargaining unit, and;
  - B. Whether the inclusion of the Shift Lieutenants will render the unit inappropriate.
- In order to determine whether including the lieutenants will render the unit inappropriate I must determine whether they meet the statutory definition of confidential, supervisory or managerial employees.

On the entire record in this case and from my observation of the witnesses and their demeanor on the witness stand, and upon substantive, reliable evidence considered along with the consistency and inherent probability and reliability of testimony, I make the following

**FINDINGS OF FACT:**

1. The geographic work location of the petitioned-for unit is Adult Detention Center in Deming, New Mexico. (Petition ¶ 5; County's Statement of Issues January 12, 2016).
2. The Detention Center comprises 14 "pods" including a juvenile detention section. (Testimony of Lt. Sammy Griego TR disc 1 at 22:20 to 22:22.)
3. The proposed unit includes 38 employees who are not currently on probation and the Director's preliminary finding of sufficient support is confirmed. (Employer's employee list and County's Statement of Issues January 12, 2016).

Therefore, by application of the PEBA §4(U), I conclude that the preponderance of the evidence supports a conclusion that the Shift Lieutenants at the Luna County Detention Facility are not "Supervisors" required to be excluded from collective bargaining.

**RECOMMENDED DECISION:**

Because the Lieutenants share a community of interest with the employees in the bargaining unit. They do not meet the statutory definitions of management, confidential or supervisory employees under PEBA, and are therefore are not excluded from PEBA's coverage on the

basis of any of those exceptions. Therefore, the Shift Lieutenants are appropriately included in the bargaining unit the Union seeks to represent.

**APPEAL:**

Either party may appeal this Recommended Decision by filing a notice of appeal with the PELRB staff at 2929 Coors Blvd. NW in Albuquerque New Mexico 87120 within 10 work days of this opinion and otherwise comply with NMAC 11.21.3.19.

Issued, Friday, March 18, 2016.



Thomas J. Griego  
Hearing Officer  
Public Employee Labor Relations Board  
2929 Coors Blvd. N.W., Suite 303  
Albuquerque, New Mexico 87120

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, COUNCIL 18,  
Complainant,

and

PELRB No. 310-15

LUNA COUNTY,  
Respondent

HEARING OFFICER'S REPORT ON OBJECTIONS

**STATEMENT OF THE CASE:** I am in receipt of "Objections Related to the 'Elections' and Request for Injunctive Relief" filed by Luna County on June 3, 2016. Although styled as a PPC they do not state a claim under §19 or §20 of the PEBA and are more appropriately regarded as an Objection filed pursuant to Board Rule NMAC 11.21.2.34.

Upon review of the pleadings and additional evidence submitted by the County in support of those objections and after hearing responses thereto, including the sworn statements of Luna County employees participating in the elections I have concluded my investigation of the objections and conclude that they are without merit.

**REASONING AND CONCLUSIONS:** Luna County's objections and my conclusions regarding those objects are:

1. Luna County cites to no authority requiring Orders in any form other than were issued in this case for the elections held on May 23, 2016 and May 24, 2016. Furthermore, Luna County's failure and refusal to return executed Consent Election Agreements to the Director in a timely fashion contributed to any procedural deficiencies that may have occurred and by its silence until after the election was conducted is barred from raising objections now by doctrines of waiver or estoppel.

EXHIBIT M

2. Although Director Griego arguably included parties not eligible to vote by using the designation "Lieutenants" instead of "Shift Lieutenants" in the election Order there is no allegation or evidence to support an allegation that anyone voted who shouldn't have on that basis. Only those appearing on the employer-provided eligibility list voted, with one exception. That exception was the vote of a challenged voter, Andy Gilmore, who was inadvertently allowed to deposit his challenged ballot in the ballot box along with the others instead of being segregated. That error was immaterial in light of the election results. The County's Observer for the election did not object or intervene to prevent the error from occurring.
3. That the Election Supervisor "can also be seen meeting with" Union members and representatives "immediately following" closing of the polls after the first day of the two-day election is neither denied nor material. Neutrality does not require uncivility just as advocacy does not require hostility.
4. There was no evidence submitted to support the allegation that improper electioneering took place much less that the Election Supervisor "permitted improper electioneering". The statements of the three voters submitted by the County are dispositive on this issue. It is interesting that these statements were not submitted to the neutral PELRB but to the Acting County Manager who presumably solicited them to support the County's objections. Not all electioneering is prohibited; only that prohibited by NMAC 11.21.2.28. Luna County did not allege and the submissions do not support a conclusion that a violation of that rule ever occurred.

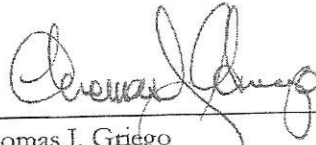
**DECISION:** The County's objections have no merit and nothing occurred during the two days of the election that interfered with the results of the election. Therefore the results of



the election stand and a new election will not be ordered. Any other relief requested by the County is **DENIED**.

The County may file a request for review of this report under the same procedures set forth in NMAC 11.21.2.22.

Issued, Wednesday, June 08, 2016.



---

Thomas J. Griego  
Hearing Officer  
Public Employee Labor Relations Board  
2929 Coors Blvd. N.W., Suite 303  
Albuquerque, New Mexico 87120

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, COUNCIL 18,  
Complainant,

and

PELRB No. 304-16

LUNA COUNTY  
SHERIFF'S DEPARTMENT,  
Respondent

HEARING OFFICER'S REPORT ON OBJECTIONS

**STATEMENT OF THE CASE:** I am in receipt of "Objections Related to the 'Elections' and Request for Injunctive Relief" filed by Luna County on June 3, 2016. Although styled as a PPC they do not state a claim under §19 or §20 of the PEBA and are more appropriately regarded as an Objection filed pursuant to Board Rule NMAC 11.21.2.34.

Upon review of the pleadings and additional evidence submitted by the County in support of those objections and after hearing responses thereto, including the sworn statements of Luna County employees participating in the elections I have concluded my investigation of the objections and conclude that they are without merit.

**REASONING AND CONCLUSIONS:** Luna County's objections and my conclusions regarding those objects are:

1. Luna County cites to no authority requiring Orders in any form other than were issued in this case for the elections held on May 23, 2016 and May 24, 2016.

Furthermore, Luna County's failure and refusal to return executed Consent Election Agreements to the Director in a timely fashion contributed to any procedural deficiencies that may have occurred and by its silence until after the election was conducted is barred from raising objections now by doctrines of waiver or estoppel.

EXHIBIT N

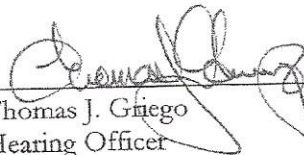
2. Although Director Griego arguably included parties not eligible to vote by using the designation "Lieutenants" instead of "Shift Lieutenants" in the election Order there is no allegation or evidence to support an allegation that anyone voted who shouldn't have on that basis. Only those appearing on the employer-provided eligibility list voted, with one exception. That exception was the vote of a challenged voter, Andy Gilmore, who was inadvertently allowed to deposit his challenged ballot in the ballot box along with the others instead of being segregated. That error was immaterial in light of the election results. The County's Observer for the election did not object or intervene to prevent the error from occurring.
3. That the Election Supervisor "can also be seen meeting with" Union members and representatives "immediately following" closing of the polls after the first day of the two-day election is neither denied nor material. Neutrality does not require uncivility just as advocacy does not require hostility.
4. There was no evidence submitted to support the allegation that improper electioneering took place much less that the Election Supervisor "permitted improper electioneering". The statements of the three voters submitted by the County are dispositive on this issue. It is interesting that these statements were not submitted to the neutral PELRB but to the Acting County Manager who presumably solicited them to support the County's objections. Not all electioneering is prohibited; only that prohibited by NMAC 11.21.2.28. Luna County did not allege and the submissions do not support a conclusion that a violation of that rule ever occurred.

**DECISION:** The County's objections have no merit and nothing occurred during the two days of the election that interfered with the results of the election. Therefore the results of

the election stand and a new election will not be ordered. Any other relief requested by the County is **DENIED**.

The County may file a request for review of this report under the same procedures set forth in NMAC 11.21.2.22.

Issued, Wednesday, June 08, 2016.



---

Thomas J. Griego  
Hearing Officer  
Public Employee Labor Relations Board  
2929 Coors Blvd. N.W., Suite 303  
Albuquerque, New Mexico 87120

**Jonlyn Martinez**

---

**From:** Jonlyn Martinez  
**Sent:** Monday, May 16, 2016 3:13 PM  
**To:** 'Griego, Tom, PELRB'; Stephen Curtice  
**Subject:** RE: PELRB No.'s 310-15 and 304-16  
**Attachments:** Eligible Employees 5.16.pdf

Dear Counsel,

Attached please find the list of eligible voters for the Luna County Detention Center. Please be advised that the proposed Order regarding this matter lists all lieutenants. Only shift lieutenants are eligible to vote.

Thank you

**Jonlyn M. Martinez**  
Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, NM 87103-1805  
(505) 247-9488  
(505) 247-9566 (fax)

**This document and any documents attached hereto may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.**

---

**From:** Griego, Tom, PELRB [mailto:Tom.Griego@state.nm.us]  
**Sent:** Monday, May 16, 2016 8:56 AM  
**To:** Jonlyn Martinez <jonlyn@jmartinezlaw.net>; Stephen Curtice <stephen@youtzvaldez.com>  
**Subject:** RE: PELRB No.'s 310-15 and 304-16

We have two elections scheduled – one for the Sheriff's Dep't and the other for the Corrections unit. I received an updated list for the Sheriff's Dep't only. Is there another list on its way?

---

**From:** Jonlyn Martinez [mailto:jonlyn@jmartinezlaw.net]  
**Sent:** Friday, May 13, 2016 4:20 PM  
**To:** Griego, Tom, PELRB; Stephen Curtice  
**Subject:** RE: PELRB No.'s 310-15 and 304-16

Dear Gentlemen:

Attached please find an updated list of eligible Sheriff's Department employees.

**Jonlyn M. Martinez**  
Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, NM 87103-1805  
(505) 247-9488  
(505) 247-9566 (fax)

This document and any documents attached hereto may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.

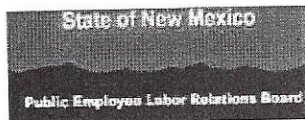
**From:** Griego, Tom, PELRB [<mailto:Tom.Griego@state.nm.us>]  
**Sent:** Thursday, May 12, 2016 12:13 PM  
**To:** Jonlyn Martinez <[jonlyn@jmartinezlaw.net](mailto:jonlyn@jmartinezlaw.net)>; Stephen Curtice <[stephen@youtzvaldez.com](mailto:stephen@youtzvaldez.com)>  
**Cc:** Salazar Jennifer ([jsalazar@nmag.gov](mailto:jsalazar@nmag.gov)) <[jsalazar@nmag.gov](mailto:jsalazar@nmag.gov)>  
**Subject:** PELRB No.'s 310-15 and 304-16

Dear counsel:

Although approved by the Board at its most recent meeting I have not received executed Consent Election Agreements in either of these two cases. Because time is of the essence and we seem to have already missed the posting deadlines set in the Agreements for Notice of the Election, I am entering your Agreements as Election Orders. Please note that the deadline for posting is tomorrow so that we can still have 10 work days' notice before the election. The Orders will be reviewed by the Board at its June meeting along with the results of the election. The Orders and copies of the Notices are also being sent vis USPS.

*Thomas J. Griego*

Executive Director  
Public Employee Labor Relations Board  
2929 Coors Blvd NW, Suite 303  
Albuquerque, NM 87120  
[Tom.Griego@state.nm.us](mailto:Tom.Griego@state.nm.us)  
Ph: 505.831.5422  
Fax: 505.831.8820





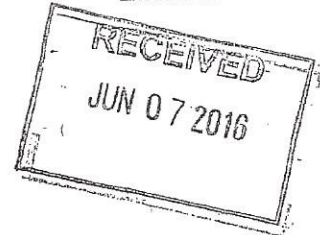
STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ  
Governor

Duff Westbrook, Chair  
Roger E. "Bart" Bartosiewicz, Vice-Chair  
John Bledsoe, Member

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

THOMAS J. GRIEGO  
Executive Director



June 2, 2016

Youtz & Valdez, P.C.  
900 Gold Avenue S.W.  
Albuquerque, New Mexico 87102  
Attn: James Montalbano

Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, New Mexico 87102  
Attn: Jonlyn Martinez

Re: *AFSCME, Council 18 and Luna County; PELRB 310-15 & AFSCME, Council 18 and Luna County Sheriff's Office; PELRB 304-16*

Dear counsel:

The Objections to the Election Results have been scheduled for presentation to the Board at its June meeting. Accordingly, please take notice as follows:

NOTICE

A meeting of the Public Employee Labor Relations Board will be held on **Tuesday, June 7, 2016 at 9:30 a.m.** at the PELRB offices, 2929 Coors Blvd. N.W., Suite 303, Albuquerque, New Mexico 87120. A copy of the Board's Agenda is posted on the Board's website at [www.pelrb.state.nm.us](http://www.pelrb.state.nm.us).

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

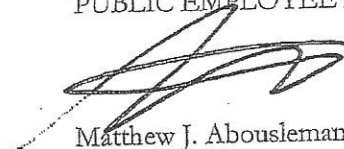
  
Matthew J. Abousleman  
Operations Manager

EXHIBIT P



STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ  
Governor

Duff Westbrook, Chair  
Roger E. "Bart" Bartosiewicz, Vice-Chair  
John Bledsoe, Member

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

THOMAS J. GRIEGO  
Executive Director



June 2, 2016

Youtz & Valdez, P.C.  
900 Gold Avenue S.W.  
Albuquerque, New Mexico 87102  
Attn: Shane Youtz

Law Office of Jonlyn M. Martinez, LLC  
P.O. Box 1805  
Albuquerque, New Mexico 87102  
Attn: Jonlyn Martinez

Re: *AFSCME, Council 18 and Andrew Gilmore v. Luna County, PELRB 105-16*

Dear counsel:

The Discussion of Expulsion of Counsel pursuant to NMAC 11.21.1.18, has been scheduled for presentation to the Board at its June meeting. Accordingly, please take notice as follows:

**NOTICE**

A meeting of the Public Employee Labor Relations Board will be held on **Tuesday, June 7, 2016 at 9:30 a.m.** at the PELRB offices, 2929 Coors Blvd. N.W., Suite 303, Albuquerque, New Mexico 87120. A copy of the Board's Agenda is posted on the Board's website at [www.pelrb.state.nm.us](http://www.pelrb.state.nm.us).

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


  
Matthew J. Abousleman  
Operations Manager

EXHIBIT Q



LAW OFFICE OF JONLYN M. MARTINEZ, LLC  
Attorney & Counselor at Law

JONLYN M. MARTINEZ

Telephone  
(505) 247-9488

Email  
jonlyn@jmartinezlaw.net

Mailing Address  
P.O. Box 1805  
Albuquerque, NM 87108

Street Address  
105 14<sup>th</sup> Street SW  
Albuquerque, NM 87102

June 7, 2016

Via Electronic Mail & U.S. Mail

Thomas J. Griego  
Executive Director  
NM Public Employee Relations Board  
2929 Coors Blvd. NW, Suite #303  
Albuquerque, NM 87120

Re: *AFSCME, Council 18 v. Luna County*

Dear Director Griego:

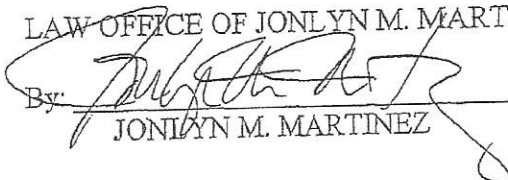
It has come to my attention that a matter involving my client Luna County is being presented to the Board this morning. I have searched both my electronic and written correspondence and I note that I do not have any notice scheduling a matter before the New Mexico Public Employee Labor Relations Board this morning or today. I object to any matter being presented absent timely notice to my clients and myself. I request that any such proceeding be rescheduled for a time when Luna County can participate in the proceedings and I object to any proceedings taking place in our absence.

Thank you for your attention to this matter.

Very truly yours,

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By:

  
JONLYN M. MARTINEZ

cc: Shane Youtz (via email)  
Stephen Curtice (via email)

EXHIBIT R

## TRANSACTION REPORT

TUE/07/JUN/2016 10:15 AM

FAX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	07/JUN	10:14AM	8318820	0:00:39	2	OK	ECM 2080

## LAW OFFICE OF JONLYN M. MARTINEZ, LLC

Attorney &amp; Counselor at Law

JONLYN M. MARTINEZ

Telephone  
(505) 247-9488Fax  
(505) 247-9566Mailing Address  
P.O. Box 1805  
Albuquerque, NM 87103Street Address  
105 14<sup>th</sup> Street SW  
Albuquerque, NM 87102

## FACSIMILE COVER SHEET

DATE: June 7, 2016 CLIENT/CASE NO: 06-024

TO: Thomas Griego FAX: (505) 831-8820  
Executive Director  
NMPELRB

FROM: Amber Bryan, Paralegal PH: (505) 247-9488  
for Jonlyn M. Martinez, Esq. FAX: (505) 247-9566

RE: June 7, 2016 Hearing for PELRB 105-16 and 304-16

PAGES (including cover sheet): 2

MESSAGE: Enclosed please find a letter regarding the hearing this morning. Thank you.

This document and the documents that follow may contain privileged information. If you have received this transmission in error, please call the telephone number above and either destroy these documents or return them by U.S. mail to the mailing address above.

EXHIBIT R