

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME COUNCIL 18 and  
NMCP SO,

Pctitioners

and

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY,

Respondent

14 - PELRB - 2014


PELRB 303-14

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board for review of the Director's Letter Decision denying a Request to Stay Proceedings filed by the New Mexico Coalition of Public Safety Officers (NMCP SO). Upon a 3-0 vote at the Board's August 5, 2014 meeting;

**IT IS HEREBY ORDERED** that NMCP SO's Request for a Stay shall be, and is hereby dismissed for lack of jurisdiction.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

  
\_\_\_\_\_  
Duff Westbrook, Chair

8-11-14  
\_\_\_\_\_  
Date



STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ  
Governor

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

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THOMAS J. GRIEGO  
Executive Director

July 22, 2014

Stephen Curtice  
c/o Youtz & Valdez, P.C.  
900 Gold Avenue SW  
Albuquerque, New Mexico 87102

William Tryon  
Attorney at Law  
4020 Peggy Road SE  
Rio Rancho, New Mexico 87124

Rachel Brown  
Santa Fe County Attorney's Office  
102 Grant Avenue  
Santa Fe, New Mexico 87501

Re: *AFSCME Council 18, NMCP SO and The Bd. of Co. Comm'rs of Santa Fe County;*  
*PELRB 303-14*

Dear Counsel:

I have received and considered a Request for Stay of Proceedings filed by NMCP SO and the Response thereto filed by AFSCME, Council 18. This letter constitutes my decision regarding that motion.

In light of the Board having considered objections to the election held in this case at its July 1, 2014 meeting and thereafter having certified the election results recognizing AFSCME Council 18 as the exclusive representative for the employees at issue, it would be inappropriate to grant the Motion. Once certified a labor organization has the right to represent all public employees in an appropriate bargaining unit for the purposes of collective bargaining pursuant to NMSA §10-7E-4(D) and §10-7E-15.

The Board has completed all matters required in this case. Consequently there are no pending motions or proceedings before this Board other than this that might be the subject of a stay motion. The deadline for appeal of the Board's Order of July 14, 2014 has not yet passed, after which the District Court would have jurisdiction over any request for a stay.

Mssrs. Curtice and Tryon and Ms. Brown  
July 22, 2014  
Page 2

This Decision will be reviewed by the Board at its next regularly scheduled meeting on August 5, 2014.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

A handwritten signature in black ink, appearing to read "Thomas J. Griego". The signature is fluid and cursive, with a large loop at the end.

Thomas J. Griego  
Executive Director

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

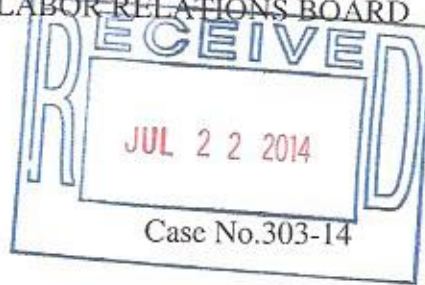
NEW MEXICO COALITION OF  
PUBLIC SAFETY OFFICERS

Appellant,

v.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, THE NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD  
AFSCME COUNSEL 18

Appellees.



07-22-14P01:13 RCVD

IN RE: Public Employee Labor Relations Board No. 303-14

MOTION TO STAY PROCEEDINGS

COMES NOW New Mexico Coalition of Public Safety Officers, Steve Harvey Executive Director by and through his Attorney at Law William J. Tryon and hereby respectfully requests that all proceedings involved with Public Employee Labor Relations matter No. 303-14 be stayed and for good cause states that the Final Order of the Public Employee Labor Relations Board Duff Westbrook, Chair, was received on or about July 14, 2014 and involves the final representation of the Santa Fe Corrections Employees, for good cause the New Mexico Coalition of Public Safety Officers states:

1. It has represented the Santa Fe Corrections for six (6) years;
2. An election was held on or about June 11, 12, 2014 in which there were two votes (36-36);
3. After which a new vote eligibility list was produced without ever having been properly posted by the Executive Director of the Public Employee Labor Relations Board and/or Santa Fe County, Employer;
4. There were other violations of the election procedure such as the representative of New Mexico Coalition of Public Safety Officers was not allowed to be and observer;

5. The Executive Director of Public Employee Labor Relations Board had other violations of procedure which tainted the election process;

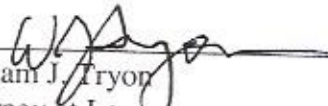
WHEREFORE the New Mexico Coalition of Public Safety Officers respectfully requests that the matter presently ruled upon by the New Mexico Public Employee Labor Relations Board be Stayed until the matter may be heard by the District Court.

Respectfully submitted,



William J. Tryon  
Attorney at Law  
4020 Peggy Rd Suite M1  
Ph: 505-891-2777 Fax: 891-2776  
[tryonlaw@qwestoffice.net](mailto:tryonlaw@qwestoffice.net)

I hereby certify that a true and correct copy of this pleading was emailed and sent by U.S. Mail on this 18 day of July, 2014.



William J. Tryon  
Attorney at Law

**YOUTZ & VALDEZ, P.C.**  
ATTORNEYS AT LAW

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**JAMES A. MONTALBANO, NM**  
james@youtzvaldez.com

July 21, 2014

Via E-mail Tom.Griego@state.nm.us & US Mail

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



07-22-14P01:13 RCVD

**Re: AFSCME Council 18, NMCP SO and Santa Fe County  
PELRB No. 303-14**

Dear Executive Director Griego:

We are in receipt of what appears to be a motion or request for stay on this matter pending an appeal which has not yet been filed, but may be.

On behalf of AFSCME, I am respectfully requesting that the Board NMCP SO's request. First, no appeal has been filed. Although NMCPOS indicates that it intends to file an appeal, no such appeal has been docketed and the request itself is premature. Second, this Board has taken its final action in this matter and further action is unnecessary. This Board has issued its final decision in the matter and need not take any further action. While it is possible that a District Court may issue an Order modifying this Board's decision, a stay by this Board effectively reverses its own decision and would not represent proper procedural action by this Board. Third, any request for a stay should be made to the District Court. The District Court, on a proper showing by moving party, may issue a stay of this Board's authority. Any procedural request for a stay properly belongs with the reviewing authority, not the authority which has already issued its Order. Fourth, and finally, NMCP SO has not attempted any particular showing justifying its request for a stay. No legal basis is presented or suggested by NMCP SO.

For these reasons, AFSCME respectfully requests that the motion for stay be denied.

Sincerely yours,

Shane Youtz

cc (via e-mail & US mail): William Tryon  
Rachel Brown  
Rob Trombley

*Celebrating Our 10th Year in Business*



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