

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME COUNCIL 18,

Complainant,

v.

PELRB No. 101-12

THE STATE OF NEW MEXICO CHILDREN,
YOUTH AND FAMILIES, DEP'T,

Respondent


ORDER

THIS MATTER comes before the Board on remand from the Second Judicial District Court in case No. D-202-CV-201205410 for a Hearing on the Merits. The parties following the remand have settled their dispute and entered into a Memorandum of Understanding appended to their Collective Bargaining Agreement approved by the Executive Director. On a vote of 3-0 during the scheduled Board Meeting June 11, 2013;

IT IS HEREBY ORDERED:

That the Executive Director's recommended approval of the parties' settlement agreement following remand shall be, and hereby is, adopted by the Board as its own decision and Order and the Director shall close the case file.

Date: 6-19-13



Duff Westbrook, Chair
Public Employee Labor Relations Board

STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

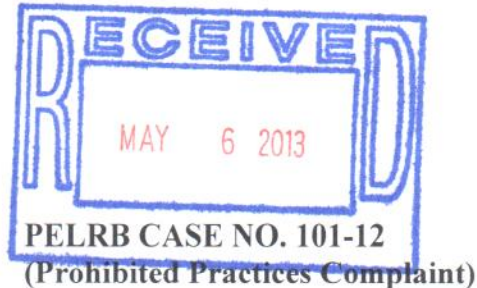
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 18, AFL-CIO,

Petitioner,

vs.

STATE OF NEW MEXICO CHILDREN,
YOUTH & FAMILIES DEPARTMENT,

Respondent.



**JOINT MOTION TO DISMISS PROHIBITED PRACTICE COMPLAINT WITH
PREJUDICE**

COMES NOW Petitioner AFSCME Council 18, by and through its counsel of record, Youtz & Valdez, P.C. (Shane Youtz, Stephen Curtice), and Respondent State of New Mexico, Children, Youth & Families Department, by and through its counsel of record, Assistant General Counsel Lisa M. Fitting, and file this Joint Motion to Dismiss Prohibited Practice Complaint With Prejudice, and as grounds therefore state:

1. The parties to this dispute have entered into a Memorandum of Understanding, attached hereto as Exhibit A, which resolves the disputes at issue in Petitioner's Prohibited Practice Complaint.

WHEREFORE, the parties respectfully request that the Prohibited Practice Complaint be dismissed with prejudice.

Dated: May 3, 2013

Respectfully Submitted,

Shane Youtz
Stephen Curtice
YOUTZ & VALDEZ, P.C.
900 Gold Avenue S.W.
Albuquerque, NM 87102
(505) 244-1200 – Telephone

Counsel for Petitioner

AND

Approved via e-mail on 5/3/13

Lisa Fitting
Assistant General Counsel
NM CYFD
PO Drawer 5160
Santa Fe, NM 87502-5160

Counsel for Respondent

MEMORANDUM OF UNDERSTANDING

Between
American Federation of State, County and Municipal Employees (AFSCME)
and
New Mexico Children, Youth and Families Department (CYFD)

AFSCME and CYFD (Parties) enter into this Memorandum of Understanding (MOU) on the last date of execution by the Parties below. The Parties agree that this MOU is entered into solely regarding the shift bidding process in CYFD's Juvenile Justice Services (JJS) division.

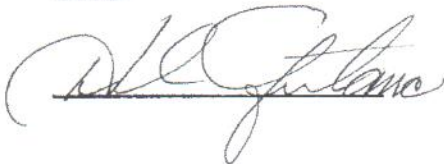
From the date of the last signature on this MOU forward, shift bidding at CYFD JJS facilities will alternate by calendar year between facility-wide and unit-wide, beginning with a facility-wide bid which will take place by June 30, 2013.

This MOU will cease to exist upon the effective date of a new collective bargaining agreement (CBA) between the State of New Mexico and AFSCME, replacing the current CBA, which came into effect on December 23, 2009. Although this MOU will cease to exist at that time, the provisions regarding shift bidding at CYFD JJS Facilities set forth in the previous paragraph ("shift bidding at CYFD JJS facilities will alternate by calendar year between facility-wide and unit-wide") shall be incorporated into the appropriate appendix applicable to CYFD in the new CBA. This MOU shall not be altered, changed or amended except by instrument of writing executed by both parties.

This MOU is not intended to and does not create any rights in any person or entity not a party hereto.

Signed:

CYFD



4/30/13
Date

AFSCME



4-12-13
Date

