

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

BENJAMIN C. WOLFE,

Complainant,

v.

PELRB No. 119-16

ALBUQUERQUE PUBLIC
SCHOOLS and KAREN RUDYS,

Respondents

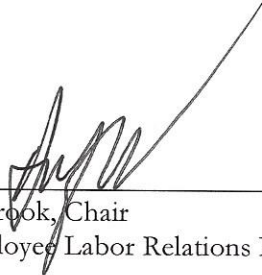
ORDER

THIS MATTER comes before the Board on appeal by Benjamin C. Wolfe from the Hearing Officer's Summary Dismissal of his Prohibited Practices Complaint for lack of jurisdiction. Upon a 3-0 vote at the Board's August 9, 2016 meeting the Board ratified the Hearing Officer's Summary Dismissal.

THEREFORE, the PPC herein is **DISMISSED**.

Date:

8-9-16



Duff Westbrook, Chair
Public Employee Labor Relations Board



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ
Governor

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

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THOMAS J. GRIEGO
Executive Director

August 5, 2016

Benjamin C. Wolfe
1617 Veridian Dr. SE
Rio Rancho, New Mexico 87124

Albuquerque Public Schools
P.O. Box 25704
Albuquerque, New Mexico 87125-0704
Attn: Karen Rudys,
Human Resources Director

Re: ***Benjamin C. Wolfe v. Albuquerque Public Schools and Karen Rudys; PELRB 119-16***

Dear Mr. Wolfe and Ms. Rudys:

I am in receipt of a second prohibited practice complaint (PPC) filed by Benjamin C. Wolfe (Complainant) against Albuquerque Public Schools and Karen Rudys (Employer). Even though the filing is not titled as such I am taking this as an amended PPC in accordance with my letter of July, 28.

The new filing does not compel a different result from that previously reached that the complaint is facially inadequate because Albuquerque Public Schools has its own Labor Relations Board grandfathered under § 26(A) of the Public Employee Bargaining Act. In accord with court decisions in *City of Deming v. Deming Firefighters Local 4521, 2007-NMCA-069*, re-affirmed in *City of Albuquerque v. Montoya, 2012-NMSC-007*, where the grandfather clause applies PEBA does not apply and the PELRB does not have jurisdiction.

Accordingly, the PPC is facially deficient and is hereby dismissed.

This dismissal will be reviewed by the Board at its August 9 meeting and both parties are invited to address any issues concerning the dismissal at that time.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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

Thomas J. Griego
Executive Director