

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

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,**

Petitioner,

and

PELRB 303-22

UNM SANDOVAL REGIONAL MEDICAL CENTER,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board (“Board”) to review objections made by UNM Sandoval Regional Medical Center (“SRMC”) to a request for a list of employees made by Executive Director Thomas Griego in connection with the Petition for Initial Certification of a New Bargaining Unit filed by the International Association of Machinists & Aerospace Workers (“Union”). SRMC asserts that because the Union is seeking certification by card check under Section 10-7E-14(C) of the Public Employee Bargaining Act (“PEBA”), SRMC is not obligated to provide the contact information required by Section 10-7E-14(A) for employees in the proposed bargaining unit.

At its regularly scheduled meeting held on July 12, 2022, the Board heard oral argument from legal counsel representing SRMC and the Union. After considering those arguments, and being otherwise sufficiently advised, the Board, by a vote of 3-0, finds that Section 10-7E-14(C) does not support for SRMC’s refusal to comply with Director Griego’s request for employee contact information, for the reasons discussed below.

Under PEBA and the Board’s rules, a proceeding to determine “whether and by which labor organization the employees in the appropriate bargaining unit shall be represented” is initiated by the

filing of a petition. NMSA 1978, § 10-7E-14(A); 11.21.2.8 NMAC. When the petition is filed, the labor organization is required to submit a “showing of interest” by employees in the proposed unit, which may be in the form of cards or a petition. 11.21.2.11 NMAC. A representation case is initiated by the filing of a petition when certification as exclusive representation is sought by election under Section 10-7E-14(A) or by a card check proceeding under Section 10-7E-14(C). Subsection C of Section 10-7E-14 describes the card check proceeding it allows as “[a]n alternative to the provisions of Subsection A.”

Once the representation petition is filed, Section 10-7E-14(A) directs the Board to “require the public employer to provide the labor organization within ten business days the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in the proposed bargaining unit.” Under the Board’s rules, the Director requests from the employer “a list” of employees in the proposed bargaining unit that includes the information required by Section 10-7E-14(A). *See* 11.21.2.12(B) NMAC. The list is made available to the petitioning labor organization, which is required to keep the information confidential. NMSA 1978, § 10-7E-14(A). The Director uses the information required by Section 10-7E-14(A) to verify that the union has the necessary thirty percent showing of interest to hold an election under Subsection A of Section 10-7E-14 or the support of a majority of employees under Subsection C.

As noted above, Section 10-7E-14(C) authorizes a union to obtain certification as the exclusive representative by card check “[a]s an alternative to the provisions of Subsection A.” SRMC relies on the quoted language for its assertion that SRMC is not required to produce the employee contact information requested by the Director when representation is sought in a card check proceeding.

Subsection C of Section 10-7E-14 provides an alternative in specified circumstances to holding an election under Subsection A. Contrary to SRMC’s assertion, Subsection C does not affect a public employer’s obligation under Section 10-7E-14(A) and the Board’s rules to provide the Director with

the employee contact information. Even before Section 10-7E-14(A) was amended to expressly require a public employer to provide employee contact information to the union in representation proceeding, *see* 2020 N.M. Laws, ch. 48, § 7, the Board, consistent with well-established legal precedent, had concluded that a public employer who withheld that information violated a public employee's right under PEBA to form, join or assist a union for purposes of collective bargaining. *See SSEA, Local #3878 v. Socorro Consolidated School District*, 05-PELRB-2007.

IT IS ORDERED that (1) SRMC's objections to providing employee contact information to Director Griego are DENIED; and (2) SRMC immediately comply with Director Griego's request for a list of employees in the proposed bargaining unit that includes the contact information specified in Section 10-7E-14(A) of PEBA.

This is an interlocutory order and is not a final decision of the Board for purposes of appeal under Section 10-7E-23(B) of PEBA and Rule 1-074 NMRA.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Mark Myers

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MARK MYERS, BOARD CHAIR

July 21, 2022

DATE