

Table A
Agency 37900 Public Employee Labor Relations Board

Criteria	Outcome	Description
Percent compliance with statutes, with particular attention to due process, equal protection, the Public Employee Bargaining Act and Board rules.	100%	Staff ensures compliance with applicable laws and regulations by its standard operating procedures and by its centralized calendaring system. After review of all case files and Board meeting minutes for 2018, staff found no complaints that the Board violated rules or statutes, e.g. the Open Meeting Act, or otherwise failed to provide due process by the manner of conducting hearings or elections or by undue delay. Likewise, there were no self-reported incidents. There were two instances of incomplete audio records required by NMAC 11.21.1.15, but those did not result in complaints or allegations that the Board failed in its statutory duties.
Percent of decisions overturned on appeal	0%	For the reporting period, three cases were appealed to District Court. None were overturned. Please refer to the case summary section of this report for staff comment on a stay of PELRB proceedings issued in D-202-2018-05580.
Percent of cases resolved through agreement, mediation or arbitration prior to hearing	21%	Of the 29 cases filed during the reporting period 6 were settled or successfully mediated prior to conducting a full evidentiary hearing. (23 are pending)
Percent of cases resolved through agreement, mediation or arbitration post- hearing	0%	For the reporting period thus far, no cases have been resolved after the conclusion of a merits hearing.
Percent of prohibited practice complaints decided within 180 days of filing.	100%	Although on the average cases within the reporting period were closed within an average of 122 days there were two cases that exceed the 180 day requirement by approximately 20 days. (PELRB Nos. 102-18 and 109-18 are discussed in the analysis section.) Eight of the 2018 filed cases remain pending as of 1/18/19 several of which exceed the 180 day requirement (PELRB Nos. 105-18, 106-18, 107-18, 108-18 will be discussed in the analysis section). Despite the four cases exceeding the 180 day deadline the average number of days these cases have remained pending is 171 days.
Percent of prohibited practice complaints, not settled or withdrawn, decided within 180 days of filing.	14%	Of the 29 PPCs filed in the reporting period six were not settled or withdrawn and all but two completed within 180 days. 5 are pending. The average time taken by the Board to decide a PPC within the reporting period was 122.5 days. Of the cases that remain pending one, 108-18 greatly exceeds the 180 day deadline and will be discussed in the analysis section. The remaining four are within one to two months of reaching the 180 day requirement.
Percent of determinations of approval of local labor relations boards within 100 days of request to approval	N/A	There were no petitions for approval of local boards filed during the reporting period.
Percent of bargaining unit recognition petitions processed within 180 days of filing	100%	A total of eight petitions for recognition or clarification were filed during the reporting period. One petition for decertification and two union disclaimers of interest were processed by the Board during the reporting period. The average time in which the Board processed Representation Petitions was 93 days.
Percent determinations of approval of local labor relations boards, bargaining unit recognition petitions and prohibited practice complaints processed and completed within the applicable regulatory deadlines	90%	All of the cases exceeding the 180 day deadline are PPCs. Five of those cases are affiliated or consolidated cases involving the 3rd Judicial District and will be discussed in the analysis section. Of the remaining PPCs exceeded the 180 day limit because of the parties' requests to extend deadlines.

**ALL CASES FILED WITH THE PELRB IN 2018
BY TYPE OF EMPLOYER OR RESPONDENT**

Table B

Type of Employer or Respondent	Types of Cases					TOTAL
	PPCs	Representation Petitions	Decertification Petitions	Related to Approval of Local Board	Impasse	
State*	4	1				5
County	4	4				8
Municipality	1	1				2
Public School	3	2	1‡			6
Higher Education						
Medical Facility						
Other	5**					5
Court						
Union		2	1‡			3
Individual						
Local Labor Board						
TOTAL	17	10	2			29‡

*Cases involving both a State Agency and the State *qua* State are counted here

** All five cases in this category involve the Third Judicial District Attorney's Office

‡ Because interested parties in a decertification proceeding include both the union being decertified and the Employer, a single filing results in two types of Respondents so that the total will exceed the number of cases filed.

**ALL CASES FILED WITH THE PELRB IN 2018
BY PETITIONER OR COMPLAINANT**

Table C

Type of Petitioner						TOTAL
	PPCs	Representation Petitions	Petitions for Decertification	Related to Approval of Local Board	Impasse	
State*						
County		1				1
Municipality		1				1
Public School						
Higher Education						
Medical Facility						
Other						
Court						
Union	15	8				23
Individual	2		1			3
Local Labor Board						
TOTAL	17	10	1			28

*Cases involving both a State Agency and the State *qua* State are counted here

**ALL CASES FILED WITH THE PELRB IN 2018
BY PETITIONER AND TYPE**

Table D

Petitioner	Types of Cases					TOTAL
	PPCs	Representation Petitions	Petitions for Decertification	Related to Approval of Local Board	Impasse	
AFSCME Council 18	3	3				6
AFSCME Local 2516	1					1
AFSCME Local 3103		2				2
AFSCME Local 3277	1					1
AFSCME Local 2911		1				1
CWA	7					7
CSEC – Las Cruces		1				1
NEA-NM	1					1
NEA-Deming	1					1
Teachers Ass'n of Lordsburg	1					1
County		1				1
Individual	2		1			3
Wagon Mound Ed. Ass'n		1				1
Municipality		1				1
State						0

PPC OUTCOME 2018

Table E

Total PPCs Filed		17
Sustained (In whole or in part)		3*
By Hearing Examiner (w/o Board review)		
After Board Review	3	
After Review by Court		
Dismissed – no violation found		10
By Hearing Examiner (w/o Board review)	10	
After Board Review		
After Review by Court		
Summarily Dismissed		4
Dismissed after preliminary review (NMAC 11.21.3.12)	2	
Dismissed after Motion	2	
Deferred to Agency		
Deferred to Arbitration		
Dismissed on collateral estoppel grounds		
Deferred to local board		
Withdrawn and/or Settled		6
Withdrawn upon receipt of notice of facial inadequacy	1	
Withdrawn in favor of alternate venue		
Withdrawn as moot		
Settled prior to hearing	5	
Resolved after a Merits Hearing		3
Pending		7
Being processed at the PELRB	6	
Stayed or deferred for various reasons	1	
Matter is before the courts		
TOTAL PPCs CARRIED OVER FROM 2017		7

*This total includes PPCs that were settled and dismissed without a hearing

JUDICIAL APPEALS 2018

Table F

TOTAL PELRB DECISIONS APPEALED IN 2018		1
Appeals pending from prior years	3	
Appeals withdrawn		
Appeals dismissed for lack of prosecution		
Appeals dismissed on jurisdictional or venue grounds		
Decisions affirmed	2	
Decisions reversed		
Decisions affirmed in part, reversed in part		
Final Board Decisions Not Appealed Further		3
Board Decisions For Which Time To Appeal Has Not Yet Run		0