

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

**TOWN OF BERNALILLO
PROFESSIONAL FIREFIGHTERS ASS'N - IAFF,**

Petitioner,

and

PELRB No. 307-22

TOWN OF BERNALILLO,

Respondent.

ORDER

THIS MATTER came before the Public Employee Labor Relations Board (hereinafter the “Board”) at its regularly scheduled meeting on October 4, 2022 upon the petition filed by the Town of Bernalillo Professional Firefighters Association – International Association of Firefighters dated June 21, 2022. The petition sought certification as the exclusive representative of the unit comprised of firefighters up to and including the rank of lieutenant. Following the objection from the Town of Bernalillo contending that fire department lieutenants are supervisors and therefore should not be included in the bargaining unit, Executive Director Griego held a hearing on the matter and issued a decision that the lieutenants were not supervisors excluded from the bargaining unit. No request for review of the decision was filed, and Executive Director Griego issued a Certification of Representation as requested by Petitioner on September 13, 2022.

Pursuant to the Public Employee Bargaining Act, NMSA 1978, Sections 10-7E-1 to -25 (2003, as amended through 2020), and being otherwise sufficiently advised, the Board voted 3-0 to approve Executive Director Griego’s Certification of Representation dated September 13, 2022.

22-PELRB-2022

THEREFORE, the Certification of Representation dated September 13, 2022 is hereby
APPROVED.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Marianne L. Bowers Digitally signed by Marianne L.
Bowers
Date: 2022.10.05 16:46:17 -07'00'

MARIANNE BOWERS, BOARD VICE-CHAIR

October 5, 2022

DATE



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Certification of Representation

The undersigned hereby certifies that **International Association of Firefighters** (Union) has demonstrated a sufficient basis pursuant to NMAC 11.21.2.33 to be certified as the exclusive representative for a bargaining unit comprising the following employees of the **Town of Bernalillo**:

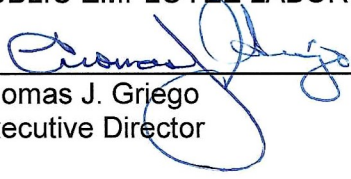
Firefighters up to and including the rank of Lieutenant.

The undersigned makes this certification based on the following:

1. By a Petition filed **June 21, 2022** the Union requested Certification as the Exclusive Representative of the above-described unit.
2. On **June 21, 2022** the Executive Director determined that the Petition was facially valid and sent notice to the parties requesting statements of their positions as to whether the certification should be made. On **July 1, 2022** the Employer objected to Fire Department Lieutenants being included in the bargaining unit because they are "supervisors" as defined by Section 4(T) of the PEBA.
3. A hearing on the supervisory status of the Lieutenants was held on **August 09, 2022** and after receipt of closing briefs on **September 1, 2022** the Director found that the Lieutenants are not supervisors excluded from the bargaining unit on **September 2, 2022**.
4. Having determined that including Lieutenants in the proposed bargaining unit would not render it inappropriate and there being no intervention by another union, on **September 13, 2022** the Director compared the Union's showing of interest with the employee list to determine whether IAFF demonstrated majority support with the result that of the 12 employees comprising the bargaining unit, 11 submitted valid interest cards, meaning that 91.66%, a majority of employees in the proposed unit, expressed interest in being represented by the International Association of Firefighters.

ISSUED this 13th day of September, 2022 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

