

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AMERICAN FEDERATION of
STATE, COUNTY and MUNICIPAL
EMPLOYEES, COUNCIL 18,

27-PELRB-2012

Complainant,

v.

PELRB No. 152-11

CITY OF SANTA FE,

Respondent


ORDER AND DECISION

THIS MATTER comes before the Public Employee Labor Relations Board for ratification of the Hearing Officer's Dismissal of the Prohibited Practices Complaint herein.

Upon a 3-0 vote at the Board's March 14, 2012 meeting;

IT IS HEREBY ORDERED that the Hearing Officer's Dismissal of the Prohibited Practices Complaint herein, shall be and hereby is adopted by the Board.

Date: 3/19/12



Duff Westbrook, Chairman
Public Employee Labor Relations Board



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ
Governor

Duff Westbrook, Board Chair
Wayne Bingham, Vice-Chair
Roger E. "Bart" Bartosiewicz, Board Member

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(505) 831-5422
(505) 831-8820 (Fax)

THOMAS J. GRIEGO
Executive Director

January 25, 2012

AFSCME Council 18
1202 Pennsylvania N.E.
Albuquerque, NM 87109
Attn: Joel Villarael

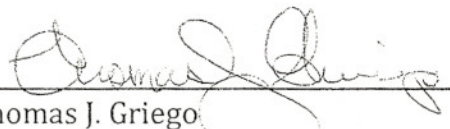
City of Santa Fe
PO Box 909
Santa Fe, NM 87502-0909
Attn: Mark Allen, Ass't City Attorney

Re: ***AFSCME v. City of Santa Fe; PELRB No.152-11***

Dear parties:

Pursuant to NMAC 11.21.3.12(B), following review of a Prohibited Practices Complaint for facial adequacy, the Executive Director is charged with responsibility for investigating the complaint. In pursuit of that investigation, the Director on November 28, 2011 requested that the Complainant provide all evidence in support of its claims within fifteen days. The deadline for submission, excluding weekends and holidays was December 16, 2011. On January 10, 2012 Complainant did submit additional information but by that time the Executive Director had already submitted his letter of December 30, 2011 indicating that the PPC failed to state a claim for relief and that, pursuant to **NMAC 11.21.3.12(C)** the director was requesting the complainant withdraw the complaint within five (5) days and, absent such withdrawal, the complaint would be dismissed. There is nothing in the January 10, 2012 submission that compels the Director to change his evaluation of the complaint and his opinion that it fails to state a claim for relief. Because the claim was not withdrawn as requested it shall be and is hereby **DISMISSED** for the reasons set forth in the December 30, 2011 letter.

APPEAL: The director's decision to dismiss a complaint shall be subject to board review by the complainant filing with the board and serving upon the other parties a notice of appeal within ten (10) days following service of the dismissal Please refer to NMAC 11.21.3.13 regarding the procedures for appealing and responding to any notice of appeal.



Thomas J. Griego
Executive Director
Public Employee Labor Relations Board