

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

ROBERT GALLEGOS,

Complainant,

v.

PELRB No. 124-14

STATE OF NEW MEXICO CHILDREN,  
YOUTH & FAMILIES DEPARTMENT,

Respondent.

ORDER

THIS MATTER came before the Public Employee Labor Relations Board (“Board”) on the State of New Mexico Children, Youth & Families Department’s (“State”) Motion for Entry of Order *Nunc Pro Tunc* and Request for Expedited Hearing (“Motion”), filed on May 1, 2015. The Board convened a regular meeting on June 2, 2015, to consider the State’s Motion. The State’s Counsel, Barbara Martinez, was present by telephone and presented a brief oral argument in support of the State’s Motion. Complainant’s Counsel was not present for the Board’s June 2, 2015 meeting but did submit a written response in opposition to the State’s Motion on May 6, 2015. After reviewing the record and hearing oral argument, the Board held that it had jurisdiction to rule on the State’s Motion, and voted 3-0 to deny the State’s Motion. The Board met again to *sua sponte* reconsider the State’s Motion at a special meeting held on June 19, 2015; neither of the parties were present for the Board’s special meeting. After reviewing the record, the Board found good cause to grant the State’s Motion and to amend its April 15, 2015 Order in the above-referenced case as follows:

**IT IS THEREFORE ORDERED** that Paragraph B of the Board's April 15, 2015 Order is amended as follows: "Mr. Gallegos' withdrawal of his disciplinary appeal to the State Personnel Board does not constitute a failure to exhaust administrative remedies, nor does AFSCME's election not to arbitrate the denial of Mr. Gallegos' grievance constitute a waiver of his right to bring a PPC to this Board on the same facts."

**IT IS FURTHER ORDERED** that with the exception of the above-referenced amendment, the remainder of the Board's April 15, 2015 Order shall remain unchanged.

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

Date: 6-23-15

  
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Duff Westbrook, Chair