

BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
(AFSCME) COUNCIL 18, AFL-CIO,

Petitioner,

v.

PELRB No. 311-11

NEW MEXICO CORRECTIONS DEPARTMENT,

Respondent.

SUPPLEMENTAL ORDER


THIS MATTER comes before the Public Employee Labor Relations Board for clarification of the Board's Order of January 22, 2012. Upon a 3-0 vote at its regularly scheduled July 2012 meeting the Board supplements its prior order in order to provide clearer direction as to how the parties are to proceed.

WHEREFORE, IT IS HEREBY ORDERED as follows:

1. The Executive Director as the designated Hearing Officer shall schedule and conduct an evidentiary hearing on the question of whether the duties performed by the Lieutenants at issue in this case are such that they are excluded from collective bargaining pursuant to NMSA §10-7E-13 (C) as "supervisors" as that term is defined by NMSA §10-7E-4 (U).
2. If the positions at issue are not statutorily excluded as "supervisors" then the Hearing Officer shall determine if 30% of the affected employees expressed interest in being represented by the Petitioner so that

proceeding by the accretion provisions of NMAC 11.21.2.38 would be appropriate.

Date: 7-13-12



Duff Westbrook, Chairman
Public Employee Labor Relations Board