

**BEFORE THE NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

IN THE MATTER OF:  
PETITION FOR RECOGNITION FILED BY  
FEDERATION OF TEACHERS and PECOS  
INDEPENDENT SCHOOLS.

07-PELRB-2006  
CASE NO. 314-06

**DECISION AND ORDER**

This matter came before the Public Employee Labor Relations Board ("PELRB") on August 25, 2006, upon the appeal by the Pecos Independent Schools ("School") of the Decision of the PELRB Deputy Director's Certification of Majority Support and Incumbent Bargaining Status, which certified the Pecos Federation of Teachers ("Union") as the exclusive representative and bargaining agent. The Deputy Director's decision is dated June 11, 2006, and is attached to this Decision and Order.

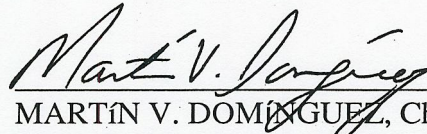
With all three members present and unanimously voting in favor of this Decision and Order, the PELRB, having considered the material facts, past decisions of the PELRB and the arguments of the parties, hereby approves and adopts the Deputy Director's decision and incorporates that decision as its own herein.

In addition, the PELRB orders that the Union's right to enter into negotiations with the School shall not be stayed pending any appeal of this Decision and Order, but that the obligation to enter into any contract is stayed at this time. In relation to denying the stay of negotiations between the School and the Union, the PELRB finds that: (1) The School is not likely to prevail on the merits of its appeal because the statutory language relied upon by the Deputy Director and the PELRB to support this decision is clear; (2) the public policy expressed by the Legislature to grandfather incumbent collective bargaining representatives shows that public policy does not support such a stay; (3) the equities do



not favor issuing a stay because the record shows that a large percentage of School employees signed cards supporting the Union and the School will not be forced to enter into any contract at this time; and (4) the School will suffer no irreparable harm at this time because the PELRB is staying any obligation to actually enter into a contract at this time.

IT IS THEREFORE ORDERED that the Petition of the Pecos Independent Schools is denied but the obligation to enter into any contract is stayed should the School appeal this matter to a court of competent jurisdiction.



MARTÍN V. DOMÍNGUEZ, Chairman  
Public Employee Labor Relations Board

Date: 09/10/06





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

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**MARTIN DOMINGUEZ, CHAIR**  
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**JOHN W. BOYD, MEMBER**  
BOARD

**Certification of Majority Support and Incumbent Bargaining Status**

The undersigned hereby certifies that the Pecos Federation of Teachers (Union) has demonstrated majority support and incumbent bargaining status among the employees within the Pecos Independent Schools (School) in a unit (Unit) described as follows:

All regular non-supervisory teachers and all of the following classified employees: Educational Assistants, Head Start employees, Secretaries, Food Service employees, Maintenance employees, Security employees, and Custodians, except for probationary employees, confidential employees (10-7E-4(G) NMSA 1978), management employees (10-7E-4(O) NMSA 1978) and supervisor employees (10-7E-4(U) NMSA 1978).

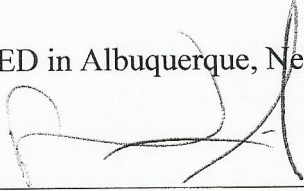
The undersigned makes this certification based on the following:

1. By petition May 1, 2006, the Union notified the School that it was an incumbent labor organization and was prepared to demonstrate majority support through the submission of signed membership/authorization cards from Unit employees.
2. On May 1, 2006, the Union provided to the undersigned signed authorization cards from 74 employees purported to be in the Unit.
3. On May 1, 2006, the Union provided to the undersigned an excerpted copy of the collective bargaining agreement entered into by the Union and the School on January 20, 1999, which described the incumbent bargaining unit.
4. On June 8, 2006, the School provided to the undersigned a copy of a Unit employee list. At the subsequent July 7, 2006 hearing, the parties agreed to strike certain employees from that list as not being within the original incumbent bargaining unit described by the 1999 collective bargaining agreement. The amended employee list shows that there are 96 employees in the Unit.
5. On July 7, 2006 a card count was conducted at the PELRB offices at 2929 Coors Blvd. NW, Suite 303, Albuquerque, New Mexico, pursuant to Section 10-7E-24(B) of PEBA and NMAC 11.21.2.36. The results of the card count were that 69, or 71.87%, of the Unit employees desire to be represented by the Union;



6. Therefore the undersigned hereby certifies that the Union has demonstrated that it has majority support in the Unit, and is therefore the exclusive representative for the Unit.

ISSUED in Albuquerque, New Mexico on this 11<sup>th</sup> day of June, 2006 by:



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Pilar Vaile, Deputy Director