

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

Amendment of Rules NMAC 11.21.2.8,  
Commencement of Case and  
NMAC 11.21.3.17, Briefs.

PELRB No. 401-13


ORDER

**WHEREAS**, this matter came on for consideration by the Public Employee Labor Relations Board upon the recommendation of the Executive Director for amendment of Board Rules NMAC 11.21.2.8 regarding commencement of cases and NMAC 11.21.3.17 regarding requirements for submission of briefs and the Board having considered said recommendation and being sufficiently advised, upon a roll call vote of 2-0 (Member Bartosiewicz being absent):

**NOW, THEREFORE, IT IS ORDERED** that the amendments to that the amendments to NMAC 11.21.2.8 and NMAC 11.21.3.17 are **APPROVED and** shall be effective as of the date of this Order; and

**IT IS FURTHER ORDERED** that the Executive Director is authorized and directed to give notice of the above-referenced amendments by submitting them to the New Mexico Compilation Commission.

Date: 4-23-13

  
\_\_\_\_\_  
Duff Westbrook, Chair  
Public Employee Labor Relations Board

This is an amendment to 11.21.2 NMAC, Section 8, effective 6-14-2013.

**11.21.2.8 COMMENCEMENT OF CASE:** A representation case is commenced by filing a representation petition with the director on a form prescribed by the director. The form shall include, at a minimum, the following information: the petitioner's name, address, phone number, state or national affiliation, if any, and representative, if any; the name, address and phone number of the public employer or public employers whose employees are affected by the petition; a description of the proposed appropriate bargaining unit and any existing recognized or certified bargaining unit; the geographic work locations, occupational groups, and estimated numbers of employees in the proposed unit and any existing bargaining unit; a statement of whether or not there is a collective bargaining agreement in effect covering any of the employees in the proposed or any existing bargaining unit and, if so, the name, address and phone number of the labor organization that is party to such agreement; a statement of what action the petition is requesting. In addition, a petition seeking a certification or [~~desertification~~] decertification election, shall be supported by a thirty percent showing of interest in the existing or proposed bargaining unit. A petition shall contain a signed declaration by the person filing the petition that its contents are true and correct to the best of his or her knowledge and, in the case of a decertification petition that he or she is a member of the labor organization to whom the decertification petition applies.

[11.21.2.8 NMAC - N, 3-15-04; A, 2-28-05; A, 6-14-13]

This is an amendment to 11.21.3 NMAC, Section 17, effective 6-14-2013.

**11.21.3.17 BRIEFS:** The filing of post-hearing briefs shall be permitted on the same basis as provided by [~~11.21.1.20~~] 11.21.2.20 NMAC for briefs in representation cases.

[11.21.3.17 NMAC - N, 3-15-04; A, 6-14-13]