

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

NEA-DEMING,

Petitioner,

vs.

PELRB CASE NO. 304-17, 305-17

DEMING PUBLIC SCHOOLS,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board on two Petitions: a Petition by NEA-Deming, for Recognition as an Incumbent Labor Organization (*Deming Education Association and Deming Public Schools*; PELRB No. 304-17) and a second Petition seeking Amendment of Certification originally issued in 1994 recognizing “Deming Education Association” as the exclusive representative based on it changing its name to “NEA-Deming” (*Charity Cheung and Deming Public Schools*; PELRB No. 305-17). Parties presented oral argument to the Board at its regularly scheduled meeting on August 1, 2017. The Board being sufficiently advised finds by a vote of 3-0 the following:

- A. There is sufficient evidence pursuant to NMAC 11.21.2.35 to support the Hearing Officer’s letter decision granting the Petition for Amendment of Certification based on Deming Education Association changing its name to “NEA-Deming”;
- B. There is sufficient evidence demonstrating continuity of representation between NEA-Deming and Deming Public Schools from 1994 when NEA-Deming was known as “Deming Education Association” and the present;

- C. Continued recognition of the existing wall-to-wall bargaining unit is mandated by NMSA 1978 Section 10-7E-24(A) which allows bargaining units established prior to July 1, 1999 to continue to be recognized as appropriate bargaining units; and
- D. The Board's rule NMAC 11.21.2.37 expressly exempts bargaining units under Section 24(A) of the PEBA from being subject to unit clarification except in limited circumstances not applicable here.

THEREFORE THE BOARD upholds Director Griego's Letter Decisions in both 304-17 and 305-17 and his Amended Certification recognizing NEA-Deming as the Incumbent Labor Organization representing the existing wall-to-wall bargaining unit is ratified.

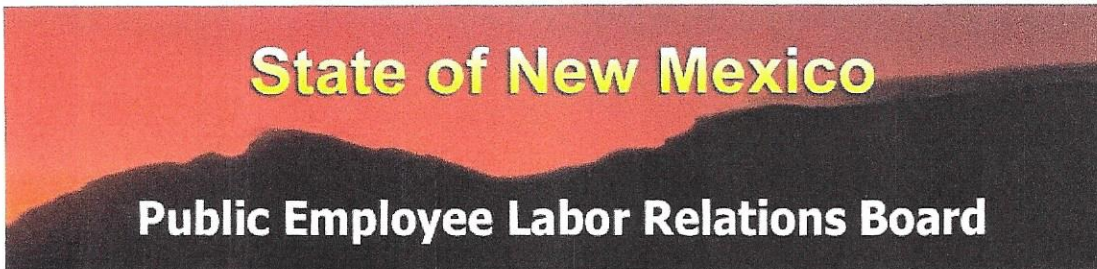
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

8-15-17

DATE



DUFF WESTBROOK, BOARD CHAIR



2929 Coors N.W. Suite 303 • Albuquerque, NM 87120
(505) 831-5422 Telephone • (505) 831-8820 Facsimile

Certification of Incumbent Labor Organization

The undersigned hereby certifies that **NEA-Deming** (Union) has demonstrated a sufficient basis for recognition as the incumbent bargaining representative for the following bargaining unit comprised of employees of the **Deming Schools**:

All Certified and Classified positions, excluding confidential, managerial and supervisory positions as defined in the PELRB's Rules and Regulations.

The undersigned makes this certification based on the following:

1. By an Amended Petition filed **July 4, 2017** the Union informed **Deming Schools** that it was recognized as the exclusive representative of the above described bargaining unit prior to June 30, 1999 and continues to have sufficient support among employees in the unit so that recognition as the exclusive collective bargaining representative for those employees is appropriate.
2. On **June 12, 2017**, the Union also filed a Petition to Amend the original certification issued in 1994 recognizing "Deming Education Association" as the exclusive representative based on it changing its name to "NEA-Deming".
3. On **June 12, 2017** Deming Schools filed its Answer to the Petition providing an employee list of 768 bargaining unit positions. NEA-Deming Interest cards for at least 403 employees were submitted. An additional 43 ambiguous cards are immaterial because without considering them the Union demonstrated 52% support.
4. On **July 12, 2017**, after investigation and in accordance with 11.21.2.36 NMAC, I issued my report and certification subject to review by the full Board on **August 1, 2017**.

ISSUED in Albuquerque, New Mexico on this 1st day of August, 2017 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director





2929 Coors N.W. Suite 303 • Albuquerque, NM 87120
(505) 831-5422 Telephone • (505) 831-8820 Facsimile

Amended Certification of Representation

The undersigned hereby certifies that **Deming Education Association** (Union) has demonstrated a sufficient basis pursuant to NMAC 11.21.2.35 to compel amendment of the certification of the bargaining unit issued by this office on **May 3, 1994** with regard to the following bargaining unit comprised of employees of the **Deming Schools**:

All Certified and Classified positions, excluding confidential, managerial and supervisory positions as defined in the PELRB's Rules and Regulations.

The undersigned makes this certification based on the following:

1. By a Petition filed **June 12, 2017** the Union requested amendment of the Certification of the Exclusive Representative of the above-described unit, which the Director dismissed the same day for failure to show continuity of representative status.
2. After further factual development in PELRB 304-17 concerning the same parties, on **July 12, 2017** the Board's Executive Director determined that the Petition was facially valid and approving the requested amendment subject to Board review on **August 1, 2017**, when the Board will hear the parties' statements of their positions as to whether the amendment should be made. As of the date of this amendment no objection to the amendment has been received.
3. The Petition does not raise a question concerning representation and it presents sufficient facts to show that the amendment should be made. Accordingly, certification of the bargaining unit issued by this office on **May 3, 1994** shall be, and hereby is, amended to reflect a change in the name of the recognized bargaining representative to "**NEA-Deming**".

ISSUED in Albuquerque, New Mexico on this 1st day of August, 2017 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director

