

18-PELRB-2023

STATE OF NEW MEXICO PUBLIC EMPLOYEES LABOR RELATIONS BOARD

**SANDOVAL COUNTY PROFESSIONAL
FIRE FIGHTERS ASSOCIATION, IAFF LOCAL 4563,
Petitioner,**

and

PELRB No. 302-23

SANDOVAL COUNTY,

Respondent.

ORDER

THIS MATTER came before the Public Employee Labor Relations Board (hereinafter the “Board”) at its open meeting on May 2, 2023 upon a Petition filed February 22, 2023 seeking amendment of a unit comprising all non-probationary regular full-time Firefighters/EMT/Paramedics, to include Lieutenants, excluding the Lieutenant - Public Health and Safety Outreach, which does not share a sufficient community of interest with the other positions in the Unit. The Board finds and concludes that the Petition does not raise a question concerning representation and presents sufficient facts to show that an amendment should be made.

THEREFORE, by a roll call vote of 2-0 (Member Myers being absent) the Board ratifies and affirms the Amended Certification of Representation issued by the Executive Director on April 3, 2023.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Nan Nash

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Date: 5/3/2023

NAN NASH, BOARD CHAIR

State of New Mexico

Public Employee Labor Relations Board

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Amended Certification of Representation

The undersigned hereby certifies that Sandoval County Professional Fire Fighters Association, IAFF Local 4563 (Union) has demonstrated a sufficient basis pursuant to NMAC 11.21.2.38 to compel amendment of the certification of the bargaining unit March 26, 2007 in PELRB No. 324-06 concerning the following bargaining unit comprised of employees of Sandoval County Fire Department:

All non-probationary regular full-time Firefighters/EMT/Paramedics and Lieutenants excluding the Lieutenant - Public Health and Safety Outreach, which does not share a sufficient community of interest with the other positions in the Unit and confidential, supervisory and management employees. (See § 10-7E-4(Q), § 10-7E-4(G), § 10-7E-4(T), and § 10-7E-4(N), NMSA 1978).

The undersigned makes this certification based on the following:

1. By a Petition filed February 22, 2023 the Union requested amendment of the of the above-described unit by filing a Petition for Initial Certification pursuant to NMAC 11.21.2.38 with sufficient showing of majority support.
2. On February 23, 2023 the Board's Executive Director determined that the Petition was facially valid and sent notice to the County requesting a statement of their positions no later than March 10, 2023 as to whether the amendment should be made. The requested statements were received on March 9, 2023 in which the County asserted that a question of inclusion exists based on the Lieutenants being supervisory, managerial, and or confidential employees. At the same time, the County provided the requested list of 21 employees who would be in the putative unit, confirming the preliminary finding of sufficient support for the union.
3. The parties agreed on March 24, 2023 that the position of Lieutenant is not to be excluded from the bargaining unit except that the position of Lieutenant - Public Health and Safety Outreach does not share a sufficient community of interest and so, should be excluded from the bargaining unit.
4. The County posted Notice of the Petition as requested and no party sought to intervene as of the March 31, 2023 deadline.

5. On April 3, 2023, the Executive Director compared the valid authorization cards submitted by the Union and determined that 18 valid authorization cards were submitted from a total of 20 eligible employees after excluding the Lieutenant - Public Health and Safety Outreach. Therefore, a majority of the employees in the unit including Lieutenants are in favor of representation by the Union. Accordingly, the undersigned hereby certifies that the Union is certified as the exclusive bargaining representative for the unit described above subject to review by the PELRB at its May 2, 2023 meeting.

ISSUED in Albuquerque, New Mexico on this 3rd day of April, 2023 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director



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

**SANDOVAL COUNTY PROFESSIONAL
FIRE FIGHTERS ASSOCIATION, IAFF LOCAL 4563,
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RESULTS OF CARD CHECK

On April 3, 2023 pursuant to NMAC 11.21.2.33, after resolving all unit composition issues and challenges to the validity of interest cards submitted by the union, and after the expiration of the intervention period, there being no intervention filed, I compared the union's showing of interest with the employee list provided by the employer. The following is the result of that comparison:

1.	Total Number of Employees in Bargaining Unit	<u>20</u>
2.	50% of Employees in Bargaining Unit Equals:	<u>10</u>
3.	Total Interest Cards Indicating Support	<u>18</u>
4.	Number of Challenged Cards	<u>1</u>
5.	Challenged Cards Rejected By Director	<u>1</u>
6.	Challenged Cards Accepted By Director	<u>0</u>
7.	Percent of Employees in Bargaining Unit indicating support	<u>90%</u>

WHEREFORE, the showing of interest demonstrates majority support for Sandoval County Professional Fire Fighters Association, IAFF Local 4563, so that certification of its recognition as the exclusive representative of the unit in question shall issue.



Thomas J. Griego, Executive Director

Date: April 3, 2023