

25-PELRB-2023

STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

SANDOVAL COUNTY SHERIFF DEPUTIES ASS'N,

Petitioner,

and

PELRB No. 305-23

N.M. COALITION OF PUBLIC SAFETY OFFICERS ASS'N,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on June 6, 2023 for review of the Executive Director's Summary Dismissal of the Decertification Petition herein. The Board, having reviewed the Dismissal and the grounds therefore, there being no request for Board review of the Dismissal filed by either party, and being otherwise sufficiently informed, the Board voted 3-0 to affirm the Executive Director's Summary Dismissal.

WHEREFORE, the Summary Dismissal of the PPC is affirmed and staff are directed to close the file.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Nan Nash

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NAN NASH, BOARD CHAIR

6/9/2023

DATE



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

Nan Nash, Chair
Peggy Nelson, Vice-Chair
Mark Myers, Member

2929 Coors Blvd. N.W. Suite 303
Albuquerque, NM 87120
(505) 831-5422
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THOMAS J. GRIEGO
Executive Director

April 26, 2023

Sandoval County Sheriff Deputies Association
7820 Enchanted Hills Blvd. NE #A197
Rio Rancho, New Mexico 87144
Attn: Orlando Carrillo, President

Re: ***Sandoval County Sheriff Deputies Ass'n. and N.M. Coalition of Public Safety Officers Ass'n; PELRB No. 305-23***

Dear Mr. Carrillo:

I am in receipt of a Petition filed by Sandoval County Sheriff Deputies Association seeking decertification of New Mexico Coalition of Public Safety Officers Association as the exclusive collective bargaining representatives for a group of Sheriff's Department employees. My preliminary review of the petition indicates that the Petition is insufficient in the following respects:

NMSA 1978 §10-7E-16(A) provides:

"A member of a labor organization or the labor organization itself may initiate decertification of a labor organization as the exclusive representative if thirty percent of the public employees in the appropriate bargaining unit make a written request to the board or local board for a decertification election..." (Emphasis added.

The Petitioner in this case is Sandoval County Sheriff Deputies Association, which is neither a "member of a labor organization" or the labor organization that is the exclusive representative itself, i.e. NMCP SO. Furthermore, an assertion in the Petition that a vote of no confidence was conducted is not sufficient to meet the requirement that at least thirty percent of the employees in the bargaining unit make a written request to the board for a decertification election. The Board has prepared a Decertification Interest Card, PELRB Form #17, available on our website, containing language calculated to meet the requirement of this section, to be used as an aid to those seeking to decertify their union.

Furthermore, according to Article XLIV of the copy of the CBA attached to the Petition, the Contract between NMCP SO and Sandoval County has a term of February 25, 2022 to June 30, 2025. Pursuant to NMSA 1978 §10-7E-16(B):


Letter re: SCDCSA and NMCP SOA Decertification
April 26, 2023
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“When there is a collective bargaining agreement in effect, a request for a decertification election shall be made to the board or local board *no earlier than ninety days* and no later than sixty days *before the expiration of the collective bargaining agreement*; provided, however, a request for an election *may be filed at any time after the expiration of the third year of a collective bargaining agreement with a term of more than three years.*” (Emphasis added.)

Accordingly, the Petition is facially invalid and Petitioner has until **May 4, 2023** in which to cure the deficiencies or the Petition will be dismissed pursuant to NMAC 11.21.2.13(B). Although Petitioner may be able to amend the party bringing the Petition and the requisite showing of interest within that time, the fact that any such Petition would be premature given the term of the existing contract is another matter, and so I invite the Petitioner to provide any information that would make my application of NMSA 1978 §10-7E-16(B) incorrect within that same deadline.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

xc: David Griffith



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THOMAS J. GRIEGO
Executive Director

May 12, 2023

Sandoval County Sheriff Deputies Association
7820 Enchanted Hills Blvd. NE #A197
Rio Rancho, New Mexico 87144
Attn: Orlando Carrillo, President

Re: *Sandoval County Sheriff Deputies Ass'n. and N.M. Coalition of Public Safety
Officers Ass'n; PELRB No. 305-23*

Dear Mr. Carrillo:

On April 26, 2023 I wrote to the Petitioner explaining why the Petition for Decertification filed on April 25, 2023 was inadequate and requesting that Petitioner cure the deficiencies, if he is able to, by May 4, 2023. That deadline has passed without further filing and so, this matter shall be, and hereby is DISMISSED pursuant to NMSA 1978 § 10-7E-16(B). This dismissal will be reviewed by the Board at its June 6, 2023 meeting.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

A handwritten signature in blue ink, appearing to read "Thomas J. Griego".

Thomas J. Griego
Executive Director

xc: David Griffith, Dina Holcomb