

# 51-PELRB-2023

STATE OF NEW MEXICO  
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

AFSCME, COUNCIL 18,

and

Petitioner,

PELRB No. 309-23

MIDDLE RIO GRANDE CONSERVANCY  
DISTRICT,

Respondent.

## ORDER

**THIS MATTER** came before the Public Employee Labor Relations Board at its regularly scheduled meeting on October 3, 2023 for review of the result of the card check conducted on September 8, 2023, and ratification of the Certification of Representation resulting from that card check. The Board being sufficiently advised voted 3-0 to ratify the finding by the Executive Director that the card check established majority support for AFSCME, Council 18 to be certified as the exclusive bargaining representative for the unit and to affirm the Certification of Representation issued by the Executive Director on September 8, 2023.

**WHEREFORE**, the results of the card check are affirmed, the Certification of Representation is ratified and staff are directed to close the file.

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

DocuSigned by:

*Peggy Nelson*

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PEGGY NELSON, BOARD CHAIR

10/4/2023

DATE



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### Certification of Representation

The undersigned hereby certifies that AFSCME, Council 18 (Union) has demonstrated a sufficient basis to be recognized as the exclusive bargaining representative for the following employees of the Middle Rio Grande Conservancy District (MRGCD):

Light Equipment Operator, Medium Equipment Operator, Heavy Equipment Operator, Laborer, Fuel Truck Operator, Transport Operator, Welder, Mechanic, Mechanic's Helper, Parts Runner, Warehouse Specialist and Lead Worker.

The undersigned makes this certification based on the following:

1. By a Petition filed July 5, 2023 the Union informed MRGCD that it was prepared to demonstrate sufficient support among employees in the unit for its recognition as the exclusive collective bargaining representative for those employees.
2. On July 10, 2023 the Board's Executive Director determined that the Petition was facially valid and that a preliminary review demonstrated a sufficient showing of interest to proceed toward an election.
3. On July 24, 2023 the Employer provided a copy of a unit employee list. After correcting an error in the total number of employees in the unit by excluding employees, I conducted a card check on August 30, 2023 showing 48.18% interest in representation - insufficient to establish majority support, but sufficient to meet the 30% threshold required to move forward with an election.
4. Shortly before the pre-election conference on September 8, 2023, AFSCME presented an additional showing of interest pursuant to NMAC 11.21.2.23. MRGCD objected to the additional showing of interest and suggested further amendment to the appropriate bargaining unit. After determining that the additional submission was not time-barred, that there was no evidence of fraud or coercion by the Union in obtaining the additional showing of support and that all positions in the putative unit shared a sufficient community of interest, I conducted a third card check pursuant to NMSA 1978 § 10-7E-14(C) (2020). The results were reported on a "Results of Card Check" form showing 55.45% of employees in the unit indicating support.
5. Based on the foregoing, the undersigned hereby certifies that the Union is certified as the exclusive bargaining representative for the unit described above.

ISSUED in Albuquerque, New Mexico on this 8<sup>th</sup> day of September, 2023 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

  
Thomas J. Griego, Executive Director

