

# 63-PELRB-2023

## STATE OF NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, COUNCIL 18,

Complainant,

v.

PELRB No. 116-22

STATE OF NEW MEXICO, NEW MEXICO  
CORRECTIONS DEPARTMENT,

Respondent.

### ORDER

**THIS MATTER** comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on December 5, 2023 upon the Executive Director's Summary Dismissal of the Prohibited Practice Complaint in this case pursuant to NMAC 11.21.1.29 after the parties too no action within the previous six months. Having reviewed the file and being otherwise sufficiently advised, with no objections being raised by either party, the Board voted 2-0 (Vice-Chair Myers being absent) to approve the Summary Dismissal issued on November 13, 2023.

**WHEREFORE**, the Summary Dismissal is hereby APPROVED 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**

12/14/2023

\_\_\_\_\_  
**DATE**

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, COUNCIL 18,

Complainant,

v.

PELRB No. 116-22

STATE OF NEW MEXICO, NEW MEXICO  
CORRECTIONS DEPARTMENT,

Respondent.

SUMMARY DISMISSAL

THIS MATTER comes before the Board's Director *sua sponte* for summary dismissal pursuant to NMAC 11.21.1.29. As grounds therefore, the Director STATES:

1. In October of 2022, the parties agreed to hold this case in abeyance until October 28, 2022 to facilitate settlement negotiations.
2. At a Status and Scheduling Conference on October 28, 2022 the parties agreed to continue the abeyance to December 23, 2022. At that time the parties told the Board that a settlement agreement was circulating for signature. I sent email messages to counsel inquiring about the status of that settlement three months later on March 6, 2023 and again on March 28, 2023 with the result that the agreement still was not executed by the Complainant. Subsequent follow up phone calls or email messages on May 12, 2023 and on September 1, 2023 resulted in no change to the *status quo*.
3. October 3, 2023, I wrote to the parties informing them of my intent to dismiss this claim on October 31, 2023 for failure to take action within the previous six months. I received no response to my offer of a hearing on October 9, 11, 13, 23, 24 or 27, 2023 to show any special circumstances that might excuse the failure to act

Accordingly, this matter shall be, and hereby is, **DISMISSED** pursuant to NMAC 11.21.1.29.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego  
Executive Director

Date 11-13-23