

11-PELRB-2024

STATE OF NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

**UNITED ELECTRICAL, RADIO
and MACHINE WORKERS of
AMERICA, LOCAL 1498,**

Petitioner,

and

PELRB No. 122-23

**REGENTS of NEW MEXICO
STATE UNIVERSITY,**

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on February 6, 2024 upon the Director's Determination of Violation by Default, issued in this case on January 23, 2024. Having reviewed the file, hearing from the parties, and being otherwise sufficiently informed, the Board finds and concludes that the determination of default was appropriately issued pursuant to NMAC 11.21.3.11.

WHEREFORE, by a vote of 3-0, the Board hereby affirms the Director's Determination of Violation by Default issued in this case on January 23, 2024.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Peggy Nelson

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PEGGY J. NELSON, BOARD CHAIR

2/8/2024

DATE

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

In re:

**UNITED ELECTRICAL, RADIO
AND MACHINE WORKERS OF
AMERICA, LOCAL 1498,**

Complainant'

v.

PELRB No. 122-23

**REGENTS OF NEW MEXICO
STATE UNIVERSITY,**

Respondent.

DETERMINATION OF VIOLATION BY DEFAULT

THIS MATTER comes before the Executive Director pursuant to NMAC 11.21.3.11 requiring that the director shall serve on the parties a determination of violation by default, based upon the allegations of the complaint and any evidence submitted in support of the complaint if respondent does not timely file an answer. Upon review of the pleadings and after Status Conferences held January 18 and January 22, 2024 I find as follows:

1. United Electrical, Radio and Machine Workers of America, Local 1498 (UE) filed a Prohibited Practice Complaint (PPC) on November 30, 2023, alleging that the Regents of New Mexico State University (NMSU) failed or refused to provide UE with requested information necessary to police the parties' bargaining agreement and fairly represent bargaining unit members. The Complaint alleges that the failure to provide information violates the employer's duty to bargain in good faith pursuant to NMSA 10-7E-19(F). On December 5, 2023, UE amended its PPC to provide a missing signature in the declaration portion of the form PPC originally filed. I found the Amended Complaint to be facially adequate on December 6, 2023.
2. In support of its PPC, UE provided copies of a series of emails dated between October 4, 2023 and November 27, 2023 from Hannah Melnick, Chief Steward for UE to Maura, Gonsier, NMSU's former Director of People Relations and Jeffrey Jensen, NMSU's General Counsel, among others, requesting a list of all union members eligible for a "Union Scholarship" and a list of Graduate Assistant scholarships and balance. The email string also sets forth UE's frustration with NMSU's failure to provide the information and its excuses for its delay in providing the requested information.
3. As of the date of this Determination, NMSU has not answered UE's Complaint.

WHEREFORE, I conclude that NMSU has breached its duty to bargain in good faith with UE by its refusal failure to provide information as alleged pursuant to NMSA 10-7E-19(F).

NMSU shall be Ordered to:

- (1) cease and desist from all violations of the PEBA as found, which requires them to .
immediately provide all requested information; and,
- (2) post notice of its violation of PEBA as found herein on a form acceptable to the parties
containing assurances that it will comply with the law in the future, for a period of 30 days in
places where employee notices are commonly posted.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

Date Jan. 23, 2023