

27-PELRB-2023

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

**NEW MEXICO DEPARTMENT
OF TRANSPORTATION,**

and

Petitioner,

PELRB No. 314-24

**AMERICAN FEDERATION OF STATE COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 18,**

Joint Petitioner.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on July 2, 2024 upon the parties' joint request filed June 14, 2024, to amend the Certification of the bargaining unit to reflect the transfer of positions between agencies after legislation requiring that transfer.

The Board finds and concludes that the Petition does not raise a question concerning representation and it presents sufficient facts to show that an amendment should be made. Accordingly, certification of the bargaining unit shall be, and hereby is, amended to reflect the transfer of positions between agencies as shown on the Executive Director's Amended Certification of Representation issued June 20, 2024. Upon review of the submissions and no one appearing in opposition to the Amended Certification, the Board by a vote of 3-0 hereby affirms and ratifies the Amended Certification of Representation issued by the Executive Director on June 20, 2023.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Peggy Nelson

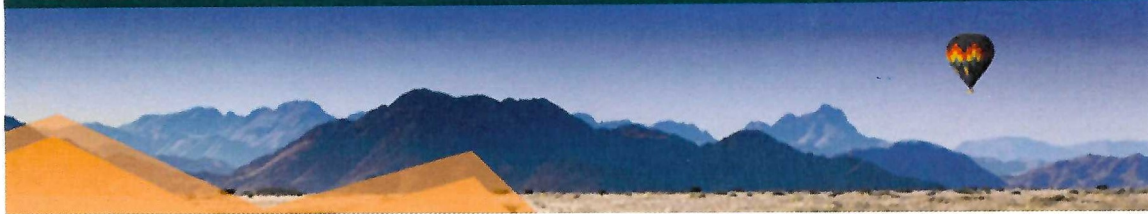
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PEGGY NELSON, BOARD CHAIR

7/9/2024

DATE

State of New Mexico
Public Employee Labor Relations Board



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Amended Certification of Representation

The undersigned hereby certifies that New Mexico Department of Transportation, (NMDOT) has demonstrated a sufficient basis pursuant to NMAC 11.21.2.37 to compel amendment of the certification of the bargaining unit for the New Mexico Department of Transportation certified on August 16, 2023, to reflect legislation passed in 2023, effective July 1, 2024, whereby the NMDOT will inherit the transportation regulation function of the New Mexico Public Regulation Commission (NMPRC), together with the positions responsible for carrying out that function. (Laws 2023, Chap. 100, Section 80; see Laws 2023 - First Session, Fifty-Sixth Legislature -NMOneSource.com.) 10 of the positions legislatively mandated for transfer are Business Operations Specialist and State Investigator positions, within the AFSCME bargaining unit at the NMPRC, i.e.:

- One Business Operations Specialist-B, position no. 4201
- Two Business Operations Specialists-O, position nos. 4203 and 4198
- One Business Operations Specialist-A, position no. 4187
- Six State Investigators, position nos. 4181, 4182, 4183, 4193, 10100437, and 10112456.

In addition, the NMDOT has created seven new positions --one Business Operations Specialist-O position (10116978) and six State Investigator positions (10116980, 10116981, 10116982, 10116983, 10116984, and 10116985)-- to carry out its new transportation regulation function. The NMDOT Petition seeks to clarify the bargaining unit to include only the specific 17 positions identified above.

The resulting bargaining Unit may be described as follows:

Automotive Service Technician and Mechanics, U3023; Business Operations Specialist, C1199 (within Transportation Regulation Bureau only); Bus and Truck Mechanics and Diesel Engine Specialists, U3031; Carpenters, T2031; Cartographers and Photogrammetrists, E1021; Coating, Painting, and Spraying Machine Setters, Operators, and Tenders, V9121; Construction Laborers, T2061; Engineering Technician I, ENET13; Engineering Technician II, ENET15;

Engineering Technician III, ENET17; Engineering Technician IV, ENET20; Unregistered Apprentice Electrician, T2111B; Operational Journeyman Electrician, T2111O; Advanced Journeyman Electrician, T2111A; Highway Maintenance Workers, T4051; Janitors and Cleaners, Except Maids and Housekeeping Cleaners, O2011; Landscaping and Groundskeeping Workers, O3011; Maintenance and Repair Workers, General, U9042; State Investigator, M5052 (within Transportation Regulation Bureau and Transit and Rail Division only); Stock Clerks and Order Fillers, R5081; Traffic Technicians, W6041; Transportation Inspectors, W6051; Welders, Cutters, Solderers, and Brazers, V4121.

The undersigned makes this amendment based on the following:

1. By a Petition filed June 14, 2024, the NMDOT requested amendment of the Certification of the bargaining unit for the NMDOT certified on August 16, 2023, to reflect legislation passed in 2023, effective July 1, 2024.
2. On June 18, 2024, the Board's Executive Director determined that the Petition was facially valid and submitted a proposed amendment.
3. The Petition does not raise a question concerning representation and it presents sufficient facts to show that the amendment should be made. Accordingly, certification of the bargaining unit shall be, and hereby is, amended to reflect a change in the bargaining unit job titles and/or classifications. A commensurate amendment to the bargaining unit at the Public Regulation Commission

ISSUED in Albuquerque, New Mexico on this 20th day of June 2024 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

