

33-PELRB-2024

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

**NEW MEXICO SCHOOL FOR THE
DEAF FACULTY AND STAFF
ASSOCIATION,**

Petitioner,

and

PELRB No. 309-24

NEW MEXICO SCHOOL FOR THE DEAF,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on August 6, 2024 for review of the results of the card check conducted on July 23, 2024. The Board being sufficiently advised voted 3-0 to ratify the finding by the Executive Director that the card check established majority support for Petitioner to be certified as the exclusive bargaining representative for the unit and a Certification of Representation shall issue.

WHEREFORE, the results of the card check are affirmed, and Staff are directed to issue a Certification of Representation and close the file.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed by:

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MARK MYERS, CHAIR BY DESIGNATION

8/9/2024

DATE

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

In re:

**NEW MEXICO SCHOOL FOR THE DEAF
FACULTY AND STAFF ASSOCIATION,**

Petitioner,

and

PELRB No. 309-24

NEW MEXICO SCHOOL FOR THE DEAF,

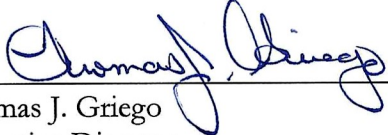
Respondent.

AMENDED RESULTS OF CARD CHECK

On July 24, 2024, at 11:04 PM, Respondent sent a revised employee list comprising those employees at the Santa Fe campus only and reflecting the positions found to be in bargaining unit after the hearing on June 17, 2024. Based on the revised list, Board staff conducted a second card check on July 22, 2024, pursuant to NMAC 11.21.2.33. The following is the result of that card check:

1.	Total Number of Employees in Bargaining Unit:	<u>105</u>
2.	50% of Employees in Bargaining Unit Equals:	<u>53</u>
3.	Total Interest Cards Indicating Support:	<u>70</u>
4.	Number of Challenged Cards	<u>13</u>
	Challenged Cards Rejected By Director	<u>13</u>
	Challenged Cards Accepted By Director	<u>0</u>
5.	Percent of Employees in Bargaining Unit indicating support	<u>66.66%</u>

WHEREFORE, the showing of interest demonstrates majority support for New Mexico School For The Deaf Faculty And Staff Association so that certification of its recognition as the exclusive representative of the unit in question shall issue.



Thomas J. Griego
Executive Director

Date: July 25, 2024

State of New Mexico

Public Employee Labor Relations Board



Certification of Representation

The undersigned hereby certifies that New Mexico School for the Deaf Faculty and Staff Association (Union) has demonstrated a sufficient basis for its recognition as the exclusive bargaining representative for those employees in the following bargaining unit comprised of employees at the Santa Fe campus of the New Mexico School for the Deaf:

Art Therapist, ASL Trainer/Events Coordinator, Counselor, Curriculum Specialist, Development Specialist / Developmental Specialist 2, Educational Assistant, Educational Assistant (Pre-Level), Family Support Specialist / Family and Student Support Specialist, Nurse, Occupational Therapist, Psychologist, Social Worker, Speech Language Pathologist, Teacher, Teacher / Curriculum Specialist, Teacher / Student Outcomes Specialist, Teacher / Technology Teacher Specialist; Administrative Assistant 1, Administrative Assistant 2, Custodian 1, Custodian 2, Facilities Maintenance / Building Maintenance 1, Facilities Maintenance 2, Grounds Maintenance 1, Information Tech Support Specialist, Nutrition Svc Cook 1 / Nutrition Services Cook, Nutrition Svc Program Assistant, Resid Night Attendant / Residential Night Attendant 1, Residential Lead Night Attendant; Security Officer 1, Student Life Educator, Transportation Bus Driver, Transportation Staff.

The undersigned makes this certification based on the following:

1. By a Petition filed March 7, 2024 the Union informed New Mexico School for the Deaf 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 March 8, 2024, 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 or card check.
3. On March 25, 2024, the Employer provided a unit employee list. That list shows that there were 143 employees in the unit thereby confirming the preliminary finding of sufficiency.
4. The Employer Responded to the Petition on March 25, 2024 raising questions concerning representation that would prohibit processing of the Petition; to wit:
 - a. The proposed bargaining unit of both certified and classified employees would lack a community of interest and should be separated into distinct units.
 - b. To the extent the Petition seeks to include probationary classified employees, they are not regular employees.
 - c. The Petition seeks titles that do not exist at the School.
 - d. The Petition excludes titles that should properly be included.

5. A Hearing on unit composition took place on June 17, 2024. On July 3, 2024, The Executive Director determined that the unit proposed by the union is appropriate. NMSD's objections to the bargaining unit were dismissed. The Residential Lead Night Attendant position is a "lead worker", not a supervisor under the Act, and so, is included in the bargaining unit.
6. On July 22, 2024, pursuant to NMAC 11.21.2.33, The Executive Director compared the union's showing of interest with the employee list provided by the employer on March 25, 2024, with the result that 51.05% of employees in the proposed unit were in favor of representation by the Union. Accordingly, after review by the PELRB at its August 6, 2024 meeting, 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 7th day of August, 2024 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director

