

# 2015 ANNUAL REPORT

New Mexico Public Employee Labor Relations Board



**SUSANA MARTINEZ**  
Governor

**THOMAS J. GRIEGO**  
Executive Director

**Duff Westbrook, Board Chair**  
**Roger E. "Bart" Bartosiewicz, Vice-Chair**  
**Jim Shaffner, Board Member**

## INTRODUCTION

This report explains the role of the New Mexico Public Employee Labor Relations Board (PELRB) in enforcing the rights of public employees to organize and collectively bargain or to refrain from forming, joining or assisting a union and in ensuring the right of local public employers to set up new local boards or to continue operating under grandfathered local ordinances during the calendar year 2015. The parameters of the Board's jurisdiction continued to be an issue for parties during the reporting year. However, in contrast with the preceding reporting year in which the Board's jurisdiction in light of local public employee collective bargaining ordinances or resolutions dominated the issues brought to the Board, in 2015 the jurisdictional issues concerned the Board's jurisdiction to issue pre-adjudication injunctive relief or Temporary Restraining Orders.

As in prior years the PELRB decisions during the reporting period the issues requiring adjudication concerned the obligation of both public employers and unions representing public employees to "bargain in good faith on wages, hours and all other terms and conditions of employment and other issues agreed to by the parties" and questions concerning an employer's interference with or coercion of a public employee in the exercise of a right guaranteed pursuant to the Public Employee Bargaining Act. *See*, NMSA §§10-7E-17(A)(1), 19(B), (C) and (F) and § 20(C).

### **Representation Cases**

Under the PEBA, employees may organize in units represented by labor organizations of their own choosing for the purpose of bargaining collectively with their employers concerning wages, hours and other terms and conditions of employment. One of the Board's major functions is to determine the appropriateness of those collective bargaining units based on guidelines established in PEBA and relevant case law. The Board also determines whether the employees in an appropriate bargaining unit wish to be represented by a particular labor organization. This is principally done through secret ballot elections supervised by the Board. Employee representatives seeking to represent a bargaining unit file a petition with the Board that must be supported by at least 30 percent of the employees in the unit.

Units may be certified without conducting elections if an employer does not question either the appropriateness of the unit or the majority status of a petitioning labor organization and agrees with the petition to certify the proposed unit.

Once certified, a labor organization is the exclusive bargaining agent for the employees in the bargaining unit. As exclusive representative, the union owes a duty to fairly and adequately represent the interests of employees in the bargaining unit members, whether or not they are members of the organizing union. PEBA §15(A).

Just as employees may petition the Board for recognition of a collective bargaining representative, they may also seek decertification of a previously recognized representative. A member of a labor organization or the labor organization itself may initiate decertification of a labor organization as the exclusive representative if 30 percent of the public employees in the bargaining unit file a petition for a decertification election. PEBA , §19. Decertification elections are held in a manner substantially the same as that for certification.

The Board's rules provide a procedure for parties to petition the Board for amendment of certification to reflect changes such as a change in the name of the exclusive representative or of the employer, or a change in the affiliation of the labor organization. (NMAC 11.21.2.35). The Board has also established procedures to clarify the composition of an existing bargaining unit where the circumstances surrounding the creation of an existing collective bargaining unit are alleged to have changed sufficiently to warrant a change in the scope and description of that unit, or a merger or realignment of previously existing bargaining units represented by the same labor organization, (NMAC 11.21.2.37) and for the accretion of unit employees who do not belong to an existing bargaining unit, but who share a community of interest with the employees in the existing unit. (NMAC 11.21.2.38) The accretion procedure is frequently used to allocate newly created positions to appropriate bargaining units or to merge two or more existing units.

### **Approval of Local Boards**

Any public employer other than the state that wishes to create a local public employee labor relations board shall file an application for approval of such a local board with the PELRB. *See*, NMSA §10-7E-10. Once created by ordinance, resolution or charter, and once approved by the PELRB, a local board assumes the duties and responsibilities of the PELRB and shall follow all procedures and provisions of the Public Employee Bargaining Act unless otherwise approved by the Board.

The PELRB has prepared and published templates for the creation of resolutions, ordinances or charter amendments (provided at [www.state.nm.us/pelrb](http://www.state.nm.us/pelrb)) designed to ensure compliance with the PEBA's requirements for approval of local boards. A public employer may propose variances from the templates pursuant to section 11.21.5.10 NMAC if the unique facts and circumstances of the relevant local public employer are deemed by the Board to be reasonable and necessary to effectuate the purposes of the Act. (NMAC 11.21.5.9)

Upon receipt of an application for approval seeking variance from the board approved templates, the director holds a status conference with the local public employer or its representative and any identified interested labor organizations, to determine the issues and set a hearing date. Upon setting a rule-making hearing, the director shall issue notice of the hearing and in the event that the board determines that such variance is warranted, and the resolution, ordinance or charter amendment otherwise conforms to the requirements of the Act and these rules, it shall authorize the director to proceed with processing the application. (NMAC 11.21.5.10)

### **Prohibited Labor Practice Cases**

The Board enforces and protects the rights guaranteed both public employers and employees under PEBA through the investigation and adjudication of charges of prohibited labor practice charges (PPC). The board has the power to enforce provisions of the Public Employee Bargaining Act through the imposition of appropriate administrative remedies. (NMSA §10-7E-9)

After initial screening and investigation of a PPC but before conducting a hearing on the merits of any claim the Board's Director will facilitate settlement discussions in order to further the Board's preference for peaceful resolution of disputes thereby promoting its statutory objective of

“promoting harmonious and cooperative relationships between public employers and public employees”.

If the complaint cannot be settled by the parties prior to the hearing, the matter shall proceed to hearing. The hearing examiner has discretion to examine witnesses, call witnesses, or call for the introduction of documents (NMAC 11.21.3.16) after which the hearing examiner issues his or her report and recommended decision.

A party may obtain Board review of the report and recommended decision by filing a notice of appeal within ten (10) days following service of the hearing officer's report, whereupon the Board will either determine an appeal on the papers filed or, in its discretion, may also hear oral argument. The Board's Decision may adopt, modify, or reverse the hearing examiner's recommendations or take other action it may deem appropriate such as remanding the matter to the hearing examiner for further findings or conclusions. Even when no appeal to the Board is taken the hearing examiner's decision is transmitted to the board which may *pro forma* adopt the hearing examiner's report and recommended decision as its own. In that event, the report and decision so adopted shall be final and binding upon the parties but shall not constitute binding board precedent.

(NMAC 11.21.3.19) The Board is empowered to remedy PPC's through the imposition of appropriate administrative remedies (PEBA §9). The Board has authority to petition the courts for enforcement of such orders. *See*, NMSA §23.

### **Impasse Resolution Cases**

The Board has limited powers related to bargaining impasses between employers and employees under the Act, acting primarily as a monitor and facilitator of mediation and arbitration performed by other entities. Similar but distinct procedures apply to the State and its employees and employees of other political subdivisions of the state or special districts under the PEBA. Although both procedures call for mediation of bargaining impasses under the auspices of the Federal Mediation and Conciliation Service impasse procedures followed by the state and exclusive representatives for state employees are employed within a specific time frame:

- (1) If an impasse occurs by October 1, during negotiations required to have begun in June of any particular bargaining year, either party may request mediation services from the Board. The Board does not provide those mediation services itself but a mediator from the Federal Mediation and Conciliation Service is assigned by the board unless the parties agree to another mediator;
- (2) The mediator provides services to the parties until the parties reach agreement or the mediator believes that mediation services are no longer helpful or until November 1, whichever occurs first;
- (3) If the impasse continues after November 1, the matter is referred to arbitration under the auspices of the FMCS. The arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offers and is “final and binding” as that term is understood under Section 17 of the PEBA and the Uniform Arbitration Act [44-7A-1 NMSA 1978].

The impasse procedure followed by all other public employers and exclusive representatives is similar in that, if an impasse occurs, either party may request from the board or local board that a mediator be assigned to the negotiations and unless the parties agree on a mediator one from the FMCS is assigned. The specific time frame for requesting bargaining, declaring impasse and proceeding to arbitration applicable to the state as an employer are not applicable to public

employers other than the state. If impasse continues after a thirty-day mediation period, either party may request arbitration from the FMCS. As under the process followed by the State as an employer the arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offers and is "final and binding" as that term is understood under Section 17 of the PEBA and the Uniform Arbitration Act [44-7A-1 NMSA 1978].

### **Rulemaking Activity**

The PELRB is empowered by NMSA §10-7E-9(A) to promulgate rules necessary to accomplish and perform its functions and duties as established in the Public Employee Bargaining Act, including the establishment of procedures for the designation of appropriate bargaining units, the selection, certification and decertification of exclusive representatives and for the filing of, hearing on and determination of complaints of prohibited practices. The Board has enacted such rules and over time the need to amend those rules may arise either to correct apparent errors or simply to adjust procedures to better serve the Board's mission or to comport with changes in the substantive law.

The Board has undertaken rule-making activity during this reporting period convening an *ad hoc* committee chaired by the Executive Director to review the Board's rules and to draft proposed amendments. The Board recently published notice that it will conduct a public rule hearing on the resulting proposed amendments at its Albuquerque office on February 20, 2015. The proposed rule changes are posted on the Board's website and include not only additional correction of typographical and grammatical errors but more substantive changes to 11.21.1 NMAC General Provisions, 11.21.2 NMAC Representation Proceedings, 11.21.3 Prohibited Practices Proceedings and 11.21.5 NMAC Approval of Local Boards. We are currently in the period wherein written comments from interested parties are expected and before the public hearing to receive and discuss comments is to be held. The results of this rulemaking activity will appear in the next annual report.

### **2015 Operations Summary**

In 2015 there were 39 proceedings filed; a slight decrease from the 46 proceedings filed in the preceding reporting period and more consistent with the 36 filings noted in 2013. Of the cases filed in 2015, ten were representation cases (including one petition for decertification) compared with 8 such cases filed in the preceding reporting period. This is a statistically insignificant difference. Two of the eight representation petitions were petitions for recognition of an incumbent bargaining representative (See NMAC 11.21.2.36 re: incumbent certifications); three were initial Petitions for recognition; two were Requesting Accretion of positions into an existing bargaining unit and the remainder were Petitions for Unit Clarification requiring analysis of whether composition of the unit 11.21.38. Two of the ten representation cases filed required evidentiary hearings. Three were summarily dismissed because local boards had jurisdiction and the remainder were resolved by agreement.

29 of the 39 proceedings filed during the reporting period were Prohibited Labor Practice Complaints (PPCs) compared to 33 PPC's filed in 2014. Staff considers the number of PPCs filed during the reporting period to be consistent with the number of such filings in prior years. A majority of these cases were settled by the parties without the necessity of a hearing on the merits (See Table D). This settlement rate is consistent with rates in prior years suggesting a period of relative labor peace some measure of cooperation between labor and management required in order

to resolve their disputes. This conclusion is bolstered by the fact that there were no impasse proceedings reported during the current reporting period.

In the prior reporting period, representation petitions comprised 51% of the Board's caseload followed by PPC's at 38% of cases filed. There has been a shift back to historic trends in the category of cases constituting the majority of filings with the PELRB. During the current reporting period PPC's represent 75% of the Board's caseload while representation petitions are the remainder. (Compare Tables B and C). AFSCME or one of the AFSCME Locals filed most of the PPCs – 17 of the 32 cases filed during the reporting period. By way of contrast, the next most frequent filer, NEA or its affiliate member unions, filed six PPCs. It is Staff's opinion that the difference in filed cases can be accounted for by the comparative size of the AFSCME unions in terms of the number of employees it represents. In contrast with prior years, only two of the PPCs were filed by AFSCME against the State or its agencies while 15 were filed against municipal or county governments.

As in the preceding reporting period, the representation petitions filed in 2015 include one decertification petition by which a unit comprising Motor Transportation Officers employed by the State was decertified. The first of the two Petitions for Recognition of Incumbent unions was resolved by card count on April 6, 2015 in PELRB 302-15 (Questa Education Ass'n and Questa Ind't School Dis't.) The second involved clarification of the historic relationship between NEA-Raton and Raton Education Association, and which of the two entities was recognized by the PELRB as the exclusive representative originally in 1993. At its July 14, 2015 meeting the PELRB certified NEA-Raton as the exclusive bargaining representative.

Of the two accretion Petitions filed the first, filed by Teamsters 492, sought to add Transit Drivers and Customer Service Representatives employed by North Central Regional Transit District to a unit comprising Operators and Driver/Dispatchers. That case was resolved by agreement of the parties after a Status and Scheduling Conference. The second, involved AFSCME, Council 18 seeking to include Lieutenants into a bargaining unit of Detention Officers employed in Santa Fe County. After a hearing on statutory exemptions and shared community of interest the Board's Hearing Officer decided that lieutenants assigned to the housing units as shift commanders may be appropriately accreted into the existing bargaining unit but the Booking Lieutenant and the Fire and Safety Lieutenant were excluded. The case is pending further review.

Three Petitions for Initial Certification were dismissed due to local boards having jurisdiction (two petitions involving Highlands Faculty Ass'n & New Mexico Highlands University and AFSCME & Bernalillo County). In AFSCME & New Mexico Human Services Dep't. PELRB 309-15 the union sought to clarify whether Child Support Attorneys have been historically in the wall-to-wall unit. The case remains before the Board during the reporting period. Unions successfully won election in the remaining certification Petition – AFSCME, Council 18 and Luna County, PELRB 310-15.

Along with the statistical data on cases filed and those concluded within the reporting year summaries of final orders issued by the Board and relevant court decisions are contained in this report. Excluded from the Summary of Board Orders are those of a routine nature such as approval of the Director's certification of bargaining units or approval of consent election agreements, etc. Concluded cases are those that have been closed prior to a hearing and final order together with those closed after the entry of a final Board Order but does not include those pending on appeal or

deferred to arbitration and pending. The court case summaries are informational only and should not be relied upon for legal research.

## **SUMMARY OF BOARD ORDERS**

### **1-PELRB-2015**

**CWA LOCAL 7076 v. STATE OF NEW MEXICO** (April 15, 2015).

Union alleged unilateral changes to paid time for filing and investigating grievances. PELRB found the State created a past practice of paying union representatives for time spent on grievances and sustained the Hearing Officer's conclusion that the State violated §19(B) because it unilaterally altered a mandatory subject of bargaining and a longstanding past practice thereby unlawfully restraining and interfering with employees' rights under PEBA. The Board reversed the Hearing Officer's conclusion that the State also violated § 19(F) (failing to bargain in good faith). CWA appealed dismissal of the bad faith claim and the State appealed the past practice determination. See Second Judicial District Court case No. D-202-CV-2015-03814. The Court upheld the Board on March 15, 2017 and both parties sought a Writ of Certiorari to the Court of Appeals, which was granted on April 4, 2017. See Court of Appeals Cause No. A-1-CA-36331. (PELRB 122-14).

### **2-PELRB-2015**

**ROBERT GALLEGOS v. NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT** (April 15, 2015).

PPC dismissed because CYFD established facts and circumstances that require a period of time longer than the 45-day timeframe set forth in Article 24, Section 3 of the parties' CBA. An appeal was taken as cause No. 101-CV-2015-1157, but withdrawn June 26, 2015. (PELRB 124-14).

### **3-PELRB-2015**

**ROBERT GALLEGOS v. NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT** (June 23, 2015).

The Board amended its April 15, 2015 Order referred to above in order to reflect that withdrawal of Complainant's disciplinary appeal to the State Personnel Board does not constitute a failure to exhaust administrative remedies, nor does his Union's decision not to arbitrate the denial of his grievance constitute a waiver of his right to bring a PPC to the PELRB on the same facts. (PELRB 124-14).

### **4-PELRB-2015**

**NEA-RATON & RATON SCHOOL DISTRICT** (July 14, 2015).

The PELRB certified NEA-Raton as the exclusive bargaining representative for all certified, licensed and classified employees of the Raton School District. (PELRB 303-15).

### **5-PELRB-2015**

**AFSCME COUNCIL 18 AND THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY** (September 21, 2015).

Upon interlocutory appeal by the County to the PELRB from the Hearing Officer's Letter Decision assigning the burden of proof in a dispute over statutory exemptions from collective bargaining to



the Employer as an affirmative defense, the Board decided that NMAC 11.21.2.38(A) does not require a Union to show changed circumstances when seeking to accrete positions into an exist collective bargaining unit. Furthermore, the Board held that the Union's burden of proof under NMAC 11.21.2.38(A) includes showing that the positions to be accreted are not excepted from bargaining under one or more of the exceptions enumerated in NMSA 1978, Section 10-7E-13 (C) as part of its burden to show that inclusion will not render the unit inappropriate. (PELRB 305-15).

6-PELRB-2015

AFSCME COUNCIL 18 v. NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS (October 5, 2015).

The Union appealed to the PELRB from the Director's dismissal of that part of its Complaint requesting pre-adjudication injunctive relief on the ground that as equitable relief, authority to issue such injunctions is reserved to the District Court. The Board reversed the Director, holding that the Board's authority to issue such injunctive relief is found in NMSA 1978 Section 10-7E-23(A) and is otherwise fairly implied from the Act as a whole. (PELRB 114-15).

7-PELRB-2015

CENTRAL CONSOLIDATED SCHOOL DISTRICT v. CENTRAL CONSOLIDATED EDUCATION ASSOCIATION (December 21, 2015).

Following withdrawal of the Union's Motion to Set Aside Default Judgment, the Board directed the Union to: (1) engage in good faith negotiations; (2) post notice of its violation of the Act by failing to bargain in good faith, and; (3) cease and desist from further violations. (PELRB 109-15).

8-PELRB-2015

OPEN MEETINGS ACT RESOLUTION (March 3, 2015).

At a regularly scheduled meeting the Board adopted its resolution setting forth procedures for complying with the Open Meetings Act, NMSA 1978 Section 10-15-1 *et seq.*

## **SUMMARY OF COURT DECISIONS**

During the reporting period there were three Board decisions on appeal: (1) *AFSCME, Council 18 v. Board of County Commissioners of Santa Fe County, The New Mexico Coalition of Public Safety Officers, and The New Mexico Public Employee Labor Relations Board*, No. D-101-CV-2014-01195 (Consolidated with D-101-CV-2014-01700); (2) *AFSCME, Council 18, AFL-CIO, Locals 1461, 2260, and 2499 v. Board of County Commissioners of Bernalillo County*, Court of Appeals Opinion Number 2015-NMCA-070 and, (3) *AFSCME v. NM Dep't. of Corrections*; Court of Appeals Cause No. A-1-CA-34737. In a fourth case, *Robert Gallegos v. New Mexico Children, Youth and Families Department* the union appealed from the PELRB's dismissal of its PPC dismissed because CYFD established facts and circumstances that required a period of time longer than the 45-day timeframe set forth in Article 24, Section 3 of the parties' CBA for bringing disciplinary action. An appeal from the Board's dismissal (April 15, 2015) was taken as cause No. 101-CV-2015-1157, but withdrawn on June 26, 2015. (PELRB 124-14).

In *AFSCME v. Santa Fe County*, AFSCME appealed from PELRB's April 18, 2014 order approving three New Mexico Coalition of Public Safety Officers ("NMCPSO") Petitions for Amendment of Certification as the exclusive bargaining representative for the non-probationary employees at a Santa Fe County correctional facility and denying AFSCME's Petition for Certification regarding the correctional facility employees. NMCPSO, in turn, appealed from PELRB's July 2, 2014 order certifying AFSCME as the exclusive representative of the bargaining unit after the close of NMCPSO's collective bargaining agreement with the County. On June 11, 2015 the First Judicial District Court (J. Singleton) issued a Memorandum Opinion and Order affirming both of the PELRB's orders as being supported by substantial evidence.

On March 23, 2015, the New Mexico Court of Appeals in *AFSCME, Council 18, AFL-CIO, Locals 1461, 2260, and 2499 v. Board of County Commissioners* affirmed the District Court's denial of the Union's petition for declaratory and injunctive relief, arguing that the County's procedures for hearing and deciding prohibited labor practice charges were unfair to County employees. The Union sought to file employee complaints before the New Mexico Public Employee Labor Relations Board instead of the County's Labor Board. The Court of Appeals held that the unions did not meet their burden to rebut the presumption that the county commission impartially performs its duties in reviewing employee complaints. Accordingly, the County's dispute resolution procedures were held not to violate Plaintiffs' due process rights to a fair and impartial tribunal. The New Mexico Supreme Court granted certiorari on June 19, 2015 as cause No. 35,248.

The Board submitted the record proper in *AFSCME v. NM Dep't. of Corrections*; Court of Appeals Cause No. A-1-CA-34737 to the Court of Appeals on December 15, 2015. In this case, the Department of Corrections sought review of the First Judicial District Court's (J. Thomson) Denying its Motion for Reconsideration of an earlier Court Order affirming the PELRB's determination that the Department committed a Prohibited Practice by treating state employees who are union members differently than other state employees by not allowing union officials, officers and stewards the use of department vehicles to attend labor-management meetings. During the reporting period this case remains on appeal.

**Table A - 2015 Performance Measures  
Summary**

| Purpose/Measure  | FY12 | FY13 | FY14 | FY15 |
|--|------|------|------|------|
| <b>Public Employees Labor Relations Board</b>  |      |      |      |      |
| <b>The purpose of the public employee labor relations board is to assure all state and local public body employees have the right to organize and bargain collectively with their employers or to refrain from such.</b> |      |      |      |      |
| Percent compliance with statutes, with particular attention to due process, equal protection, the Public Employee Bargaining Act and board rules   | 100% | 100  | 100% | 100  |
| Percent of decisions overturned on appeal  | 1%   | 50%  | 1%   | 1%   |
| Percent of cases resolved through agreement, mediation or arbitration  | 60%  | 0%   | 65%  | 65%  |
| Percent of determinations of approval of local labor relations boards within 100 days of request for approval  | 100% | 100% | 100% | 100% |
| Percent of prohibited practice complaints decided within 180 days of filing  | 45%  | 68%  | 94%  | 94%  |
| Percent of petitions processed within 180 days of filing   | 38%  | 83%  | 95%  | 95%  |
| Percent of cases resolved through agreement, mediation, or arbitration prior to hearing  |      | 34%  |      | 34%  |
| Percent of prohibited practice complaints, not settled or withdrawn, decided within 180 days of filing   |      | 71%  |      | 95%  |

# ALL CASES FILED WITH THE PELRB SORTED BY EMPLOYER OR RESPONDENT

2015

**Table B**

| Type of Employer or Respondent | Type of Cases |                         |                           |                         |         | TOTAL     |
|--------------------------------|---------------|-------------------------|---------------------------|-------------------------|---------|-----------|
|                                | PPCs          | Certification Petitions | Decertification Petitions | Approval of Local Board | Impasse |           |
| State                          | 4*            |                         |                           |                         |         | 4         |
| State Agency                   | 7             | 1                       | 1                         |                         |         | 9         |
| County                         | 8             | 3                       |                           |                         |         | 11        |
| Municipality                   | 2             |                         |                           |                         |         | 2         |
| Public School                  | 6             | 2                       |                           |                         |         | 8         |
| Higher Education               |               | 2                       |                           |                         |         | 2         |
| Medical Facility               |               |                         |                           |                         |         |           |
| Other                          | 1             | 1                       |                           |                         |         | 2         |
| Court                          |               |                         |                           |                         |         |           |
| Union                          | 2             |                         |                           |                         |         |           |
| Individual                     |               |                         |                           |                         |         |           |
| Local Labor Board              |               |                         |                           |                         |         |           |
| <b>TOTAL</b>                   | <b>30</b>     | <b>9</b>                | <b>1</b>                  |                         |         | <b>38</b> |

\*A single cases may be brought by or against both a State Agency and the State qua State and are counted in the agency in both the "Agency" and "State" columns so that the "TOTAL" column does not reflect cases filed as much as claims filed.

# ALL CASES FILED WITH THE PELRB SORTED BY PETITIONER

2015

**Table C**

| Petitioner                 | Type of Cases |                             |                                  |                                       | TOTAL     |
|----------------------------|---------------|-----------------------------|----------------------------------|---------------------------------------|-----------|
|                            | PPCs          | Representation<br>Petitions | Petitions for<br>Decertification | Related to Approval<br>of Local Board |           |
| AFSCME<br>Council 18       | 14            | 4                           |                                  |                                       | 18        |
| AFSCME Local<br>2499       | 1             |                             |                                  |                                       | 1         |
| AFSCME Local<br>1536       | 2             |                             |                                  |                                       | 2         |
| Cent. Con. Ed.<br>Ass'n    | 3             |                             |                                  |                                       | 3         |
| Cent. Con.<br>School Dist. | 1             |                             |                                  |                                       | 1         |
| S.F. Public<br>Schools     | 1             |                             |                                  |                                       | 1         |
| Highlands<br>Faculty Ass'n |               | 2                           |                                  |                                       | 2         |
| Questa Ed.<br>Ass'n.       |               | 1                           |                                  |                                       | 1         |
| FOP                        | 1             |                             |                                  |                                       | 1         |
| NEA                        | 3             | 1                           |                                  |                                       | 4         |
| Teamsters<br>Local 492     |               | 1                           |                                  |                                       | 1         |
| CWA, Local<br>7076         | 3             |                             |                                  |                                       | 3         |
| County                     |               |                             |                                  |                                       |           |
| Individual                 |               |                             | 1                                |                                       | 1         |
| CSEC-Las<br>Cruces         | 1             |                             |                                  |                                       | 1         |
| SCEA                       | 1             |                             |                                  |                                       | 1         |
| FOP                        | 1             |                             |                                  |                                       | 1         |
| <b>TOTAL</b>               | <b>32</b>     | <b>9</b>                    | <b>1</b>                         |                                       | <b>42</b> |

**PPC OUTCOME ANALYSIS**  
2015  
**Table D**

|   |    |           |
|---|----|-----------|
| <b>Total PPC's Filed</b>                              |    | <b>29</b> |
| <b>Sustained (In whole or in part)</b>                |    |           |
| By Default  | 1  |           |
| By Hearing Examiner (w/o Bd. Review)                  |    |           |
| After Board Review                                    | 1  |           |
| After Review by Court                                 |    |           |
| <b>Dismissed – no violation found</b>                 |    |           |
| By Hearing Examiner (w/o Board review)                | 4  |           |
| After Board Review                                    | 2  |           |
| After Review by Court                                 |    |           |
| <b>Summarily Dismissed</b>                            |    |           |
| Dismissed after preliminary review (NMAC 11.21.3.12)  |    |           |
| Dismissed after Motion                                |    |           |
| Deferred to Agency                                    |    |           |
| Deferred to Arbitration                               |    |           |
| Dismissed on collateral estoppel grounds              |    |           |
| Remanded to local board                               |    |           |
| <b>Withdrawn and/or Settled</b>                       |    |           |
| Withdrawn upon receipt of notice of facial inadequacy | 1  |           |
| Withdrawn in favor of alternate venue                 |    |           |
| Withdrawn as moot                                     |    |           |
| Withdrawn prior to Summary Dismissal                  | 1  |           |
| Settled prior to hearing                              | 15 |           |
| Settled after hearing                                 | 2  |           |
| <b>Pending</b>  |    |           |
| Being processed at the PELRB                          |    |           |
| Stayed or deferred for various reasons                | 2  |           |
| Matter pending before the courts                      |    |           |
| <b>TOTAL PPC's CARRIED OVER FROM 2014</b>             |    | <b>21</b> |

**JUDICIAL APPEALS**  
**2015**  
**Table E**

|   |   |           |
|---|---|-----------|
| <b>TOTAL PELRB DECISIONS APPEALED <sup>1</sup></b>              |   | <b>19</b> |
| Appeals pending   | 4 |           |
| Appeals withdrawn   | 1 |           |
| Appeals dismissed for lack of prosecution                       | 0 |           |
| Appeals dismissed on jurisdictional or venue grounds            | 0 |           |
| Decisions affirmed  | 0 |           |
| Decisions reversed  | 0 |           |
| Decisions affirmed in part, reversed in part                    | 0 |           |
| <b>FINAL BOARD DECISIONS NOT APPEALED FURTHER</b>               |   | <b>38</b> |
| <b>BOARD DECISIONS FOR WHICH TIME TO APPEAL HAS NOT YET RUN</b> |   | <b>0</b>  |

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<sup>1</sup> Statistics compiled as of 12/31/15. Although cases may have been originally filed in a prior reporting year, they are counted here as having been appealed to the District Court or beyond within the reporting period.