

NM-PELRB

2004 – 2012 PPCs¹

12/21/25

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2012 — FINAL DISPOSITIONS

Sustained on merits--violation found		1
By Hearing Examiner	0	
By Board	1	
By Appellate Court	0	
Dismissed on merits--no violation found		0
By Hearing Examiner	0	
By Board	1	
By Appellate Court	0	
Dismissed – not on merits		7
For lack of jurisdiction	1	
For failure to exhaust contract remedies	0	
For failure to state a claim	4	
For failure to prosecute	0	
On collateral estoppel grounds	0	
As moot or not ripe	1	
Upon review of Arbitration Award	0	
Remanded to local board	1	
Withdrawn and/or settled		5
Withdrawn upon receipt of notice of facial inadequacy	1	
Withdrawn in favor of alternate venue	1	
Withdrawn after failing to timely file required pleadings	0	
Withdrawn as moot or not ripe	1	
Withdrawn w/o explanation or for other reasons	1	
Settled after mediation through the Agency	0	
Settled on own	1	
Closed but disposition unknown		0
Pending		11
Being processed at the PELRB	10	
Deferred to arbitration	0	
Stay for other reasons	0	
Matter is being appealed to the Courts	1	
TOTAL PPCs FILED		24

2012 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Type of Claim							TOTAL	
	Discrimination Retaliation or Interference	Violation of the duty to bargain in good faith			Domination, interference with Union	Breach of CBA	Other		
		Info.	Terms & Conditions	Other					
State	0	0	0	1	0	0	0	1	
State Agency	7	0	3	1	2	1	0	14	
County	2	0	1	0	0	1	0	4	
Municipality	0	0	1	1	0	0	0	2	
Public School	0	0	1	0	0	0	0	1	
Higher Education	0	0	0	0	0	0	0	0	
Medical Facility	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	1	1	
Union	0	0	0	0	0	0	1	1	
Individual	0	0	0	0	0	0	0	0	
Local Board	0	0	0	0	0	0	0	0	
TOTAL	9	0	6	3	2	2	2	24	

2012 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			1
	State named as a party	1	
	SPO named as a party	0	
Agencies			14
	Children, Youth & Family (CYFD)	3	
	Public Defender Dept.	2	
	Tax & Rev	2	
	Dept. of Health	1	
	Dept. of Transportation	2	
	Dept. of Corrections	2	
	Regulation and Licensing Dept.	2	
Counties			4
	Bernalillo	2	
	Taos	1	
	Valencia	1	
Municipalities			2
	Raton	1	
	Roswell	1	
Public Schools			1
	Roswell Ind. Schools	1	
Institutions of Higher Education			0
Medical Facilities			0
Other			1
Unions			1
Individuals			0
Local Boards			0
TOTAL			24

2012 – CASE DESCRIPTIONS ²

1. 101-12. AFSCME 18 v. CYFD.
 - Alleged bad faith bargaining in implementing new bids at impasse without going to arbitration.
 - Dismissed for failure to state a claim because parties were at impasse and thereafter Union appealed.
2. 102-12. AFSCME 18 and 2499 v. COUNTY OF BERNALILLO.
 - Alleged interference with *Weingarten* rights for employee; alleges jurisdiction based on failure to hold timely meetings, That there are no regulations, and some board members haven't been replaced in 14 years.
 - Withdrawn for facial inadequacy.
3. 103-12 THUMAN v. NM PUBLIC DEFENDER DEPT.
 - Alleged denial of promotion in violation of employment contract.
 - Dismissed on summary judgment.
4. 104-12 AFSCME 18 v. NM TAX AND REV DEPT
 - Alleged discrimination for employee's membership in labor organization and failure to comply with PEBA or CBA.
 - Dismissed for failure to state a claim.
5. 105-12. RICHARD WRIGHT v. BASS BROTHERS ROOFING
 - Alleged complaint against private employer.
 - Dismissed for failure to state a claim.
6. 106-12. AFSCM 18 & CWA, AFL-CIO, SEA v. STATE OF NM
 - Alleged refusal to bargain in good faith.
 - Respondent's Motion to Dismiss granted without prejudice because the PPC is premature.
7. 107-12. FLEMING v. NM PUBLIC DEFENDER DEPT.
 - Alleged violations of CBA for personnel policies not applied consistently to all similarly situated employees, complainant not afforded a written performance appraisal, department failing to maintain confidentiality of disciplinary infractions against complainant.
 - Motion to Dismiss granted for reasons other than those advanced by Respondent in its Motion to Dismiss. Dismissed due to Complainants' election to pursue remedies under the State Personnel Act, for lack of jurisdiction.
8. 108-12 AFSCME v. NM DEPT OF HEALTH
 - Alleged failure of settlement for Step 1 Grievance regarding timing of parties attempt to settle.
 - Dismissed for failure to state a claim.
9. 109-12 AFSCME 18 v. NM DEPT OF TRANSPORTATION
 - Alleged change in terms and conditions of employment.
 - Voluntary withdrawal in order to re-file complaint.
10. 110-12. NANCY FLEMING v. AFSCME COUNCIL 18
 - Alleged violations of Sections 20(A), (B), and (D) by dues collection and issuance of notice of delinquency without notice or dues or delinquency, or due process.
 - Settled.
11. 111-12 AFSCME 18 v. NM DEPT OF TRANSPORTATION
 - Alleged unilateral change to employee's condition of employment by taking away wages as discipline for engaging in union activity.
 - Settled and Withdrawn

² Case number 116-12 was not assigned to any matter and is therefore omitted; there is also a gap between cases 124-12 and 156-12.

12. 112-12. AFSCME COUNCIL 18 v. CYFD.
 - Alleges letter of reprimand interfered with, restrained or coerced a public employee in the exercise of rights guaranteed pursuant to PEBA.
 - Was processing as of 3/2013.
13. 113-12. AFSCME COUNCIL 18 v. NM REGULATION AND LICENSING DEPT.
 - Alleged violation for refusal to acknowledge employee as union representative and discipline of employee for engaging in union activities.
 - Summary Judgment for Union; decision affirmed by Board.
14. 114-12. AFSCME 18 v. NM DEPT OF CORRECTIONS
 - Alleged violation of the right to file either an appeal or arbitrate employee's termination.
 - Withdrawn for facial inadequacy.
15. 115-12. AFSCME 18 v. DEPT. OF HEALTH
16. 117-12. VALENCIA COUNTY SHERIFF'S OFFICERS ASSN. v. COUNTY OF VALENCIA.
 - Alleges violation of agreement for failure to follow procedure to fill open employment positions.
 - Was processing as of 3/2013.
17. 118-12. UWU v. CITY OF ROSWELL
 - Alleged bad faith bargaining and unilateral changes in terms and conditions of employment.
 - Withdrawn to re-file at local board.
18. 119-12. NEA-R v. ROSWELL INDEPENDENT SCHOOL DISTRICT.
 - Alleges unfair labor practices by negotiating directly with employees rather than the exclusive representative.
 - Was processing as of 3/2013.
19. 120-12. AFSCME COUNCIL 18 v. TAOS COUNTY.
 - Alleges violation of PEBA for failure to negotiate terms and conditions of employment and failure to negotiate in good faith.
 - Was processing as of 3/2013.
20. 121-12. AFSCME COUNCIL 18 v. CITY OF RATON.
 - Alleges violation of bargaining in good faith when city manager and city commission unilaterally agreed to privatize sanitation department.
 - Was processing as of 3/2013.
21. 122-12. AFSCME COUNCIL 18 v. CYFD.
 - Alleges respondent refused to acknowledge *Weingarten* protections.
 - Was processing as of 3/2013.
22. 123-12. AFSCME COUNCIL 18 v. NM DEPT. OF CORRECTIONS.
 - Alleges violation under Section 5 of the PEBA for refusal to accept employee's designation of steward.
 - Was processing as of 3/2013.
23. 124-12. AFSCME COUNCIL 18 v. NM REGULATIONS AND LICENSING DEPT.
 - Alleged discrimination to discourage participation in union activity.
 - Summary Judgment in favor of Union; decision affirmed by Board.
24. 156-12. AFSCME 18 v. COUNTY OF BERNALILLO
 - Alleged interference with *Weingarten* rights for employee; alleges jurisdiction based on failure to hold timely meetings, that there are no regulations, and some board members haven't been replaced in 14 years.
 - Withdrawn.

2011 – FINAL DISPOSITIONS

Sustained on merits--violation found	0
By Hearing Examiner	0
By Board	0
By Appellate Court	0
Dismissed on merits--no violation found	0
By Hearing Examiner	0
By Board	0
By Appellate Court	0
Dismissed – not on merits	17
For lack of jurisdiction	0
For failure to exhaust contract remedies	0
For failure to state a claim	6
For failure to prosecute	0
On collateral estoppel grounds	0
As moot or not ripe	2
Upon review of Arbitration Award	0
Remanded to local board	9
Withdrawn and/or settled	13
Withdrawn upon receipt of notice of facial inadequacy	1
Withdrawn in favor of alternate venue	0
Withdrawn after failing to timely file required pleadings	0
Withdrawn as moot or not ripe	2
Withdrawn w/o explanation or for other reasons	7
Settled after mediation through the Agency	0
Settled on own	3
Closed but disposition unknown	0
Pending	25
Being processed at the PELRB	14
Deferred to arbitration	1
Stay for other reasons	1
Matter is being appealed to the Courts	9
TOTAL PPCs FILED	55

2011 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Type of Claim							TOTAL	
	Discrimination Retaliation or Interference	Violation of the duty to bargain in good faith			Domination, interference with Union	Breach of CBA	Other ³		
		Info.	Terms & Conditions	Other					
State	0	0	0	0	0	0	0	0	
State Agency	7	2	2	1	0	1	1	14	
County	0	0	2	1	0	1	0	4	
Municipality	0	0	3	4	0	9	1	17	
Public School	4	0	0	2	0	2	0	8	
Higher Education	1	0	2	0	0	0	3	6	
Medical Facility	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	1	0	1	
Union	0	0	0	2	0	1	1	4	
Individual	1	0	0	0	0	0	0	1	
Local Board	0	0	0	0	0	0	0	0	
TOTAL	13	2	9	10	0	15	6	55	

³ "Other" PPCs in 2011 include: union failing to return member's phone calls; classifying bargaining unit member as "supervisor" and returning dues; failure to comply with employer policies and regulations regarding respectful workplace; scheduling illegal meetings of Local Labor Board; permitting Labor Board member to serve after term expired. See 110-11, 113-11, 119-11, 124-11, 130-11, and 136-11.

2011 – IDENTITY OF RESPONDENTS

State			0
State Agency			14
	Corrections, Dept. of	1	
	Engineers, State Office of	1	
	Expo New Mexico	1	
	Health, Dept. of (DOH)	2	
	Human Svcs. Dept. (HSD)	2	
	Public Education Dept. (PED)	1	
	Public Regulation Com. (PRC)	4	
	Public Safety, Dept. of (DPS)	1	
	Workers Comp Admin (WCA)	1	
County			4
	Bernalillo County	1	
	San Miguel County	1	
	Santa Fe County	1	
	Valencia County	1	
Municipality			17
	Alamogordo	1	
	Albuquerque	8	
	Raton	1	
	Rio Rancho	2	
	Roswell	1	
	Santa Fe	4	
Public Schools			8
	Albuquerque Public Schools	3	
	Dulce Independent Schools	3	
	Mora Indep. Schools	1	
	Taos Municipal Schools	1	
Higher Education			6
	Northern NM Community College (NNMCC)	6	
Medical Facility			0
Other			1
	Albuquerque-Bernalillo Co. Water Utility Auth.	1	
Union			4
	AFSCME	3	
	CWA	1	
Individual			1
	Other	1	
Local Board			0
TOTAL			55

2011 – CASE DESCRIPTIONS

1. 101-11. CWA v. DEPT. OF HEALTH.
 - Alleges refusal to provide information necessary to research a potential grievance prior to the filing of a grievance.
 - Was processing as of 3/2013.
2. 102-11. AFSCME v. Rio Rancho.
 - Alleges unilateral implementation of furlough, etc. without bargaining.
 - Was processing as of 3/2013.
3. 103-11. AFSCME COUNCIL 18 AND LOCAL 1888 v. CITY OF ALBUQUERQUE.
 - Alleges termination without just cause of employee Jaramillo.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 104-11, 105-11, 106-11, 107-11, and 108-11; District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
4. 104-11. AFSCME COUNCIL 18 AND LOCAL 1888 v. CITY OF ALBUQUERQUE.
 - Alleges termination without just cause of employee Torres.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 103-11, 105-11, 106-11, 107-11, 108-11, and 121-10. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
5. 105-11. AFSCME v. CITY OF ALBUQUERQUE, DEPT. OF MUNICIPAL DEVELOPMENT.
 - Alleges unilateral implementation of furlough without bargaining.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 103-11, 104-11, 106-11, 107-11, 108-11, and 121-10 District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
6. 106-11. AFSCME v. CITY OF ALBUQUERQUE, DEPT. OF MUNICIPAL DEVELOPMENT.
 - Class action grievance alleging improper posting of bid shifts, and in filling shifts.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 103-11, 104-11, 105-11, 107-11, 108-11 and 121-10. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
7. 107-11. AFSCME 18 v. CITY OF ALBUQUERQUE.
 - Alleges 30 day suspension without just cause.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 103-11, 104-11, 105-11, 106-11, 108-11 and 121-10. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
8. 108-11. AFSCME v. CITY OF ALBUQUERQUE, DEPT. OF MUNICIPAL DEVELOPMENT.
 - Alleges unilateral change of the uniform policy.
 - Remanded to local board; City has appealed on grounds that Board lacks jurisdiction to remand and must instead dismiss. On appeal and consolidated with PPC 103-11, 104-11, 105-11, 106-11, 107-11, and 121-10. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
 - Was processing as of 3/2013.
9. 109-11. SANTA FE POLICE OFFICERS ASS'N v. CITY OF SANTA FE.
 - Alleges violation of Internal Affairs procedures, and refusal to proceed to arbitration on a termination.
 - Was processing as of 3/2013.
10. 110-11. MARY MARTIN v. AFSCME.
 - Alleged union failed or refused to return employee's calls and emails.
 - Dismissed as facially invalid.

11. 111-11. ALAMOGORDO PUBLIC SAFETY OFFICERS ASS'N v. CITY OF ALAMOGORDO.
 - Alleges Local Board is not empaneled, and that City has breached duty to bargain in good faith by tendering Last Best Offer that removed historical provisions without offering counter proposals, and by refusal to provide notes of negotiations.
 - Was processing as of 3/2013.
12. 112-11. AFSCME 18 v. PRC.
 - Alleged retaliatory discrimination against a union steward, by refusing to promote steward although the most qualified applicant.
 - Joint motion to withdraw.
13. 113-11. AFSCME v. DEPT. OF HEALTH.
 - Alleges incorrect classification of bargaining unit member as "supervisor" & returning union dues to him.
 - Dept. answered that the Union never filed a motion to accrete, and employee is receiving supervisor pay.
 - Was processing as of 3/2013.
14. 114-11. FOP AND VALENCIA SHERIFFS OFFICERS ASS'N v. VALENCIA COUNTY.
 - Alleges improper denial of grievance for termination as untimely, in violation of past practice.
 - Was processing as of 3/2013.
15. 115-11. EDUCATIONAL POLICE OFFICERS ASS'N and FOP v. ALBUQUERQUE PUBLIC SCHOOLS.
 - Alleged termination of bargaining unit employee without just cause under authority of School Act, which allows termination without just cause if employed less than three years, but in violation of CBA.
 - Withdrawn to re-file at Local Board.
16. 116-11. ROSWELL POLICE OFFICERS ASSOC. v. ROSWELL
 - Alleged violation of 15 year old contract right to grieve discipline.
 - Union stipulated to transfer to local board.
17. 117-11. FOP v. APS.
 - Alleges termination without just cause of employee with less than 3 years of employment, in violation of CBA.
 - Was processing as of 3/2013.
18. 118-11. IAFF v. RATON
 - Alleges refusal to bargain with Union officers that City believes are supervisory employees, and plan to terminate payroll deduction for union dues for management and probationary employees.
 - Was processing as of 3/2013.
19. 119-11. AFSCME v. RIO RANCHO
 - Alleges failure/refusal to comply with employer procedures and regulations regarding respectful work environment. Behavior included manager utilizing negative criticism, swearing, and "gossip" around subordinate employees, as well as disparate treatment of subordinate employees with allowing some paid time off and others not.
 - Deferred to arbitration.
20. 120-11. GONZALES v. APS
 - Alleged retaliation for filing grievance and making vote of no confidence, and attendance at union meetings.
 - Stipulated motion to dismiss, to be refilled at Local Board.
21. 121-11. AFT v. DULCE SCHOOLS
 - Alleged interference/coercion with rights by Employer polling.
 - Stipulated withdrawal/dismissal as moot when polling cancelled.
22. 122-11. AFT v. DULCE SCHOOLS
 - Alleged interference/coercion with rights by Employer polling.
 - Stipulated withdrawal/dismissal as moot when polling cancelled.

23. 123-11. NORTHERN FEDERATION OF EDUCATIONAL EMPLOYEES v. NORTHERN NM COLLEGE

- Alleges unilateral announcement of furloughs, terminations and pay cuts for classified staff, full-time staff and adjunct faculty covered by 3 year CBA.
- Board held it has jurisdiction over the parties and the subject matter, but Board declined to exercise jurisdiction and dismissed matter because there is a functioning local board although some constituents and/or members are dissatisfied with some members.
- Matter went on appeal, Case No. D-101-CV-2012-02100, denied 4/18/13.

24. 124-11. NFEE-AFT v. N. NM COLLEGE

- Alleged violation of local labor resolution in that Board has been non-operation for 3 years; Members Woods and Lithgow cannot agree on 3rd member.
- Matter dismissed to proceed before local board, Employer appealed determination that PELRB had jurisdiction to remand; First Judic. Dist. Dismissed appeal (D-101-CV-2012-02100).

25. 125-11. NFEE-AFT v. N. NM COLLEGE

- Alleged employer intends to unilateral impose a 3rd member then have new neutral and Labor representatives rule on four pending PPCs as quorum.
- Matter dismissed to proceed before local board, Employer appealed determination that PELRB had jurisdiction to remand; First Judic. Dist. Dismissed appeal (D-101-CV-2012-02100).

26. 126-11. IAFF 244 v. CITY OF ALBUQUERQUE

- Alleged violation of past practice permitting employees to attend training classes for promotion eligibility purposes while on duty; constitutes unilateral change of term and condition of employment.
- Withdrawn.

27. 127-11. AFT v. DULCE SCHOOLS

- Alleged interference/domination with Union by threatening inappropriate action due to alleged lack of continuing majority status.
- Withdrawn without prejudice.

28. 128-11. IAFF 4366 v. SANTA FE COUNTY

- Alleged unilateral change in the manner in which employees can use annual leave.
- Dismissed for failure to state a claim.

29. 129-11. CATHY TOWNES v. PRC

- Alleges denial of use of union or personal time to attending Union Steward training.
- Stayed pending filing of original PPC.

30. 130-11. NFEE-AFT v. N NM COLLEGE

- Alleged scheduling of illegal meetings of College Labor Board that seeks to circumvent PELRB authority by ruling first on matters pending at the PELRB.
- Matter dismissed to proceed before local board, Employer appealed determination that PELRB had jurisdiction to remand; First Judic. Dist. Dismissed appeal (D-101-CV-2012-02100).

31. 131-11. AFSCME v. SAN MIGUEL CO.

- Alleged unilateral change of schedules, and unilateral change of operations that affect bargaining unit members' terms and conditions of employment, while bargaining is on going.
- Remanded to local board.

32. 132-11. AFSCME 18 v. HUMAN SERVICES DEPT.

- Alleged reclassification of work to put outside of bargaining unit.
- Dir. Dismissed for failure to state a claim because no dates to establish timeliness, not a newly created position, and no facts alleged to support allegation that the position was reclassified for something other than a legitimate business purpose; PELRB affirmed.

33. 133-11. ALBUQUERQUE POA v. CITY

- Alleges improper releasing of personnel information regarding discipline, in violation of City rules and regs, which are incorporated into the CBA.

- Dir. Remanded to local board, PELRB affirmed, City appeals on grounds that there's no jurisdiction so should instead be dismissed. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.

34. 134-11. CWA v. PUBLIC EDUCATION DEPT.

- Alleged submission of RIF plan to State Personnel Board without providing the Union notice or opportunity to bargain, in violation of duty to bargain in good faith, and in violation of Art. 14 of CBA.
- Motions for default judgment and to disqualify Director as hearing examiner denied; denials affirmed by Board.
- Dismissed on merits because right to bargain waived under contract coverage theory; dismissal affirmed by Board.

35. 135-11. AFSCME v. BERNALILLO COUNTY

- Alleged circumvention of bargaining spokesperson in violation of County bargaining procedures, Ord. 2-212, and refusal to bargain without prior agreement on ground rules.
- Withdrawn upon notice of facial invalidity for failure to name County Commission and failure to serve on County Clerk.

36. 136-11. AFT-NM v. N. NM COLLEGE

- Alleged College permitted Labor Board Chair, whose term expired in 2010, and who was not subsequently recommended for appointment by labor and mgmt. reps, to chair and vote on a case in 2011.
- Matter dismissed to proceed before local board, Employer appealed determination that PELRB had jurisdiction to remand; First Judic. Dist. Dismissed appeal (D-101-CV-2012-02100).

37. 137-11. MORA FEDERATION OF UNITED SCHOOL EMP. v. MORA INDEP. SCHOOLS

- Alleged refusal to reduce writing an agreement of no RIFs within the next year, and unilateral change transfer of bargaining unit members who spoke at School Board meeting.
- Withdrawn and dismissed.

38. 138-11. AFT 4935, N. FED. V. N. NM COLLEGE & H.R. DIRECTOR O'ROURKE

- Alleged interference with employees' attempt to join union.
- Matter dismissed to proceed before local board, Employer appealed determination that PELRB had jurisdiction to remand; First Judic. Dist. Dismissed appeal (D-101-CV-2012-02100).

39. 139-11. AFSCME v. CORRECTIONS DEPT.

- Alleged singling out 2 employees for retaliation because of their union activity.
- Settled.

40. 140-11. TAOS FEDERATION OF UNITED SCH. EMP. v. TAOS MUNIC. SCHOOLS

- Alleges bad faith bargaining by cancelling sessions; not giving negotiators adequate bargaining authority; conducting numerous and lengthy caucuses; refusal to provide information necessary for bargaining; giving inadequate time to consider proposal with cut in wages and increase in hours.
- Was processing as of 3/2013.

41. 141-11. AFSCME 18 v. EXPO NM

- Alleged refusal to provide requested info concerning reduction in force to as to certain positions not included in the bargaining unit.
- Withdrawn.

42. 142-11. CWA v. OFFICE OF STATE ENGINEERS

- Alleged unilateral change in terms and conditions of employment, elimination of "educational leave"
- Withdrawn.

43. 143-11. AFSCME 18 v. CITY OF SANTA FE.

- Alleged attempt to open financial articles that were fully funded, in violation of the CBA.
- Withdrawn w/o prejudice

44. 144-11. NM MOTOR TRANSPORTATION EMPLOYEES ASS'S (MTD) and FRATERNAL ORDER OF POLICE v. DEPT. OF PUBLIC SAFETY.

- Alleges violation of pattern and practice of interpreting CBA to provide that normal hourly compensation for participation in collective bargaining activities; also alleges bad faith bargaining by declaring impasse w/o prior bargaining.
- Dir. Ruled FOP had standing, based on affiliation and petitioners' formal agreement, although eventual Certification of Majority Support identified MTD as the exclusive bargaining representative; but MTD also still has standing as affiliate to FOP.
- Was processing as of 3/2013.

45. 145-11. STATE v. CWA

- Alleges violation of the duty to bargain in good faith by including on its bargaining team a consultant that is a representative from another labor organization involved in collective bargaining with the State, after the State declined to negotiate both contracts jointly.
- Motions for Default and to Disqualify Director as Hearing Examiner denied; denials affirmed by Board.
- Was processing as of 3/2013.

46. 146-11. STATE v. AFSCME

- Alleges violation of the duty to bargain in good faith by including on its bargaining team a consultant that is a representative from another labor organization involved in collective bargaining with the State, after the State declined to negotiate both contracts jointly.
- Motion to Disqualify Director as hearing examiner denied; denial affirmed by Board.
- Was processing as of 3/2013.

47. 147-11. AFSCME 18 v. NM PUBLIC REGULATION COMMISSION

- Alleged harassment in response to activities as a Union Steward.
- Settled and Withdrawn.

48. 148-11. SCOTT GOOLD V. BRETT SIEGAL

- Alleged harassment and other adverse employment action related to terms and conditions of employment, in response to union related activities, and violation of CBA prohibiting mutual interference with the internal affairs a/o officials/representatives of the other in the conduct of internal business.
- Dismissed for failure to state a claim because it was a fellow employee and union colleague that was named Respondent, and computer use not related to labor-management business.

49. 149-11. AFSCME 18 v. NM PRC

- Alleged harassment, denial of leave in response to union related activities. Settled. 154-11.

50. 150-11. DEPT OF CORRECTIONS v. AFSCME and ORTEGA and BATES.

- Alleges local Union president disseminated, in violation of the CBA, to the media, a confidential investigative report on sexual harassment allegations against a warden.
- Was processing as of 3/2013.

51. 151-11. AFSCME V. NM HUMAN SERVICES DEPT.

- Alleges refusal to meet and bargain over a unilateral proposal to removal of security guards in violation of the CBA.
- State's Motion to Dismiss is denied.
- Violation found by Board, matter now being appealed to District Court, D-101-CV-2012-02176.

52. 152-11. AFSCME 18 v. CITY OF SANTA FE

- Alleged improper release of a memorandum of agreement to employees, in contravention of internal union procedures for disseminating such information to their membership.
- Dismissed as moot because matter resolved.

53. 153-11. AFSCME v. CITY OF SANTA FE

- Alleged bad faith bargaining by attempting to prematurely re-negotiate financial articles, failing to provide information supporting its assertions regarding lack of sufficient funding, and seeking to negotiate a reduction in incentive pay and leave, from union and non-union members alike, to offset budget reduction.
- Dismissed as moot because matter resolved.

54. 154-11. AFSCME 3022 v. ABQ-BERN. CO WATER UTILITY AUTHORITY

- Requested transfer of a ABCWUA case to the PELRB based on allegation that Local Board lacked a quorum and had not met for 3-6 months; original PPC alleged refusal to apply rules and regulations governing promotion, in violation of the CBA and/or MOU.
- Dismissed for insufficient evidence at the pleading stage.

55. 155-11. SCOTT GOOLD v. NED FULLER, DIR., WORKERS COMP. ADMIN.

- Alleged wrongful termination, and also discrimination in promotion based on union related activities.
- Dismissed of PPC on failure of the Complainant to produce sufficient evidence to support the allegations.

2010 – FINAL DISPOSITIONS

Sustained on merits--violation found	2
By Hearing Examiner	0
By Board	2
By Appellate Court	0
Dismissed on merits--no violation found	0
By Hearing Examiner	0
By Board	0
By Appellate Court	0
Dismissed – not on merits	6
For lack of jurisdiction	0
For failure to exhaust contract remedies	0
For failure to state a claim	4
For failure to prosecute	1
On collateral estoppel grounds	0
As moot or not ripe	1
Upon review of Arbitration Award	0
Remanded to local board	0
Withdrawn and/or settled	11
Withdrawn upon receipt of notice of facial inadequacy	0
Withdrawn in favor of alternate venue	0
Withdrawn after failing to timely file required pleadings	0
Withdrawn as moot or not ripe	2
Withdrawn w/o explanation or for other reasons	3
Settled after mediation through the Agency	0
Settled on own	6
Closed but disposition unknown	1
Pending	8
Being processed at the PELRB	6
Deferred to arbitration	0
Stay for other reasons	0
Matter is being appealed to the Courts	2
TOTAL PPCs FILED	28

2010 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Type of Claim							TOTAL	
	Discrimination Retaliation or Interference	Violation of the duty to bargain in good faith			Domination, interference with Union	Breach of CBA	Other		
		Info.	Terms & Conditions	Other					
State	0	1	0	1	0	0	1	3	
State Agency	7	1	1	1	0	2	0	12	
County	1	0	0	0	0	0	0	1	
Municipality	2	0	1	2	0	2	0	7	
Public School	1	0	0	3	0	0	0	4	
Higher Education	0	0	0	0	0	0	0	0	
Medical Facility	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	
Union	0	0	0	1	0	0	0	1	
Individual	0	0	0	0	0	0	0	0	
Local Board	0	0	0	0	0	0	0	0	
TOTAL	11	2	2	8	0	4	1	28	

2010 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			2
	State named as a party	1	
	SPO named as a party	1	
Agencies			12
	Aging & Long Term Services (ALTS)	1	
	Children Youth & Family (CYFD)	2	
	Corrections, Dept. of	1	
	Cultural Affairs, Dept. of	1	
	Department of Health (DOH)	1	
	Public Regulation Commission (PRC)	2	
	Public Education Dept. (PED)	1	
	Public Safety, Dept. of (DPS)	1	
	Regulation and Licensing Dept. (RLD)	2	
	State Personnel Office (SPO)	0	
Counties			1
	San Juan County	1	
Municipalities			7
	Albuquerque	4	
	Las Vegas	1	
	Santa Fe	2	
Public Schools			4
	Alamogordo Schools	1	
	Espanola Schools	1	
	Los Alamos Public Schools	1	
	Taos Schools	1	
Institutions of Higher Education			0
Medical Facilities			0
Other			1
Unions			1
	AFSCME	1	
Individuals			0
Local Boards			0
TOTAL			28

2010 – CASE DESCRIPTIONS

1. 101-10. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged violation of a settlement agreement reached in Case No. 135-08, and violation of grievance procedures and PRC policies.
 - Matter moved to “closed” files, so presume closed.
2. OO102-10. CASEY CONRAD v. SAN JUAN COUNTY.
 - Alleged denial of, interference with *Weingarten* rights
 - Dismissed because County not unionized, so *Weingarten* rights did not apply.
3. 103-10. STATE v. AFSCME.
 - Alleged failure to promote harmonious relations, and violation of the duty to bargain in good faith, by Union’s having issued an email urging stewards to use the newly negotiated Dec. 2009-Dec. 2011 CBA to “harass the living hell out of the employer;” also seeks temporary restraining order and permanent injunction invalidating the new CBA and preventing Unions from harassing the employer and disrupting the orderly operation of state government.
 - PPC and counterclaims dismissed by H.E. upon Motion to Dismiss, dismissal upheld by Board.
4. 104-10. AFSCME v. DIV. OF VOCATIONAL REHAB (PED).
 - Alleged unilateral implementation of a mandatory subject of bargaining, a “3 strikes” policy regarding talking or visiting outside of regularly scheduled break or lunch periods, and discipline of Union Steward under this policy for conducting Union business.
 - Parties settled and matter closed.
5. 105-10. AFSCME v. REGULATION & LICENSING DEPT.
 - Alleged interference with Union Steward’s ability to attend arbitrations, hearings related to PPCs, and meetings at the office of the Governor’s Chief of Staff concerning furloughs; also alleges interference with Steward’s ability to disseminate information concerning furloughs to employees via the State email system.
 - Withdrawn w/o explanation.
6. 106-10. AFSCME v. NM LIBRARY (DEPT. OF CULTURAL AFFAIRS)
 - Alleged retaliation against/discipline of Union employee for engaging in Union business, such as investigating disclosures of confidential employee information, requesting Departmental investigation, and reporting physical and verbal abuse.
 - Settled and withdrawn.
7. 107-10. AFSCME v. REGULATION & LICENSING DEPT.
 - Alleged interference with the right to obtain information necessary to investigate and process grievances, by imposing stipulations and conditions, and requiring the affected employees to sign releases for the disclosures.
 - Withdrawn without prejudice due to good faith discussion regarding informal settlement.
8. 108-10. NM MOTOR TRANSPORTATION EMPLOYEES ASS’N v. DEPT. OF PUBLIC SAFETY
 - Alleged violation of the contract by the Department’s issuance of a memorandum denying the right of district commanders to establish 4-10 shifts as provided for in Art. 28 of the CBA, and by instituting a “pilot program” regarding scheduling that was not authorized under the Contract.
 - Withdrawn as moot.
9. 109-10. LOS ALAMOS FEDERATION OF SCHOOL EMPLOYEES, AFT LOCAL 3902 v. LOS ALAMOS PUBLIC SCHOOLS
 - Alleges bad faith bargaining by requiring Union to respond too quickly to a contract offer regarding a days-reduction, and by failing or refusing to implement agreements already reached regarding duties.
 - Was processing as of 3/2013.
10. 110-10. AFSCME v. SPO.
 - Alleged denial of information related to Notice of Contemplated Action-Dismissal, and necessary to represent the Department of Corrections employee at ORM.

- Director requested hard copy and/or clean copy (fax was not clear) in April, but Union has not responded, so file administratively closed.

11. 111-10. AFSMCE v. ADULT PROTECTIVE SERVICES DIV. of ALTS.

- Alleged violation of *Weingarten* and contract rights by questioning employee about an un-related matter to determine if she appeared to be under the influence of alcohol.
- Director found a violation upon cross Motions for Summary Judgment; Board affirmed finding of contract violation, but reversed finding of *Weingarten* violation.

12. 112-10. CWA v. DOH.

- Alleges violation of PEBA by reprimanding Union Steward/officer for accessing computer equipment to investigate a grievance, with Supervisor's knowledge.
- Was processing as of 3/2013.

13. 113-10. AFSCME v. PRC.

- Alleged discrimination and retaliation against employee due to Union affiliation, and due to protected whistle-blowing acts.
- Settled and withdrawn.

14. 114-10. NEA v. ESPANOLA SCHOOLS.

- Alleged refusal to bargain in good faith regarding to renew contract, and improper suspension of negotiations.
- Board affirmed Director's finding that School violated PEBA by unilaterally suspending bargaining upon a stated belief that the Union had lost its majority support.

15. 115-10. PENNELL v. DEPT. OF CORRECTIONS.

- Alleges improper disciplining of employee for responding to Union "mass emails" permitted under the CBA, which sought bargaining unit member input regarding proposed changes to terms and conditions of employment.
- Dismissed

16. 116-10. AFSCME v. STATE OF NEW MEXICO.

- Alleged State has refused to sign the negotiated renewal CBA.
- Ultimately dismissed as moot once State signed contract.

17. 117-10. AFT-NM v. CYFD.

- Alleged discriminatory performance reviews and firings of bargaining unit employees; refusal to meet and confer; refusal to provide information necessary to conduct bargaining; and unilateral change to terms and conditions of employment.
- Settled.

18. 118-10. NEA v. ALAMOGORDO SCHOOLS.

- Alleges employer has interfered with right to collectively bargain, and right to form, join or assist a union, by conducting a poll of continued union support.
- Was processing as of 3/2013.

19. 119-10. AFT v. TAOS SCHOOL

- Alleges implementation of the School's final, best offer upon impasse, in violation of the evergreen clause and the Board's ruling in *CWA Local 7911 v. County of Socorro*, 08-PELRB-2009 (Jul. 6, 2009).
- Was processing as of 3/2013.

20. 120-10. LAS VEGAS POA v. CITY OF LAS VEGAS.

- Alleged retraction of prior negotiated agreements, after Union membership had ratified the contract.
- Withdrawn as moot.

21. 121-10. AFSCME LOCAL 3022 v. EUGENE MOSER and/or CITY OF ALBUQUERQUE.

- Unsigned PPC filed 928/10. Named only Mr. Moser, but attached a City Board PPC and District Court pleadings naming the City. Alleged unilateral imposition of a contract prior to ratification of the negotiated agreement.

- Dir. remanded to local board, PELRB affirms, City appealing on ground that it should instead be dismissed b/c lack of jurisdiction w/which to remand. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.

22. 122-10. SILVESTER STANLEY et al. v. CITY ALBUQUERQUE.

- Alleges one day prior to expiration of probationary status in bargaining unit eligible positions, City coerced plaintiffs into signing agreements to be transferred to exempt non-bargaining unit positions, under threat of termination, in violation of Section 19(D).
- City requests dismissal based on lack of jurisdiction, and failure to serve or state claim.
- City POA filed Answer, seeking dismissal for failure to state a claim, because plaintiffs are not union members and Duty of Fair Representation (DFF) claims not cognizable before labor boards.

23. 123-10. CYFD v. AFT-NM.

- Alleged violation of the duty to bargain in good faith, by engaging in surface bargaining, insisting on illegal provisions, engaging in intimidating conduct, and other misconduct.
- Settled.

24. 124-10. UNKNOWN.

- There IS A PLACEHOLDER IN THE pelrb FILES FORTHIS CASE, BUT NO CASE FILED.

25. 125-10. IN RE: STANLEY and ABQ and/or ABQ POA.

- Alleged violation for violation of Section 20 of PEBA and a violation of the union's common law duty to represent its members.
- Withdrawn.

26. 126-10. AFSCME v. CITY OF ALBUQUERQUE.

- Alleged violation of the CBA (termination w/o just cause, employee Torres) and asks PELRB to assert its concurrent jurisdiction based on fact that City Board has not been functioning/operational since 12/2009.
- Case closed when union/employee filed another, identical PPC. See Case No. 104-11.

27. 127-10. FRATERNAL ORDER OF POLICE v. CITY OF SANTA FE.

- Alleged violation of the CBA and the Peace Officer's Employer-Employee Relations, §§ 29-14-1 through 29-14-11, in the process/conduct of an Internal Affairs investigation of a bargaining unit member.
- Dismissed for failure to state a claim.

28. 128-10. FRATERNAL ORDER OF POLICE v. CITY OF SANTA FE.

- Alleged unilateral change in terms and conditions of employment by seeking to collect monies for benefits paid by the City during a grievant's suspension; jurisdiction alleged on grounds that there are questions re: validity of City labor ordinance, per City v. Montoya, No. 28,846 (Ct. App. Aug. 12, 2010).
- Dir. remanded to local board, PELRB affirms, City appealing on ground that it should instead be dismissed b/c lack of jurisdiction w/ which to remand. District Ct. reversed the remand on 5/1/13, Case No. D-202-CV-2012-02239.
- Was processing as of 3/2013.

2009 – DISPOSITIONS

Sustained on merits--violation found		2
By Board		2
By Appellate Court		0
Dismissed on merits--no violation found		7
By Hearing Examiner		2
By Board		5
By Appellate Court		0
Dismissed --- not on merits		7
For failure to state a claim		1
For failure to prosecute		1
On collateral estoppel grounds		1
As moot or not ripe		1
Remanded to local board		3
Withdrawn and/or settled		30
Withdrawn after failing to timely file required pleadings		1
Withdrawn as moot or not ripe		1
Withdrawn w/o explanation or for other reasons		10
Settled after mediation through the Agency		4
Settled on own		14
Closed but disposition unknown		0
Pending		1
Being processed at the PELRB		0
Matter is being appealed to the Courts		1
TOTAL PPCs FILED		47

2009 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Discrimination Retaliation or Interference	Type of Claim					TOTAL
		Info.	Violation of the duty to bargain in good faith	Terms & Conditions	Other	Domination, interference with Union	
State	0	0	1	2	0	0	0
State Agency	10	1	3	2	2	2	1
County	2	0	4	0	0	1	0
Municipality	3	0	3	1	0	2	1
Pub. School	0	0	2	1	0	0	0
Higher Ed.	0	0	0	0	0	0	0
Med. Facility	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0
Union	0	0	0	1	0	0	0
Individual	1	0	0	0	0	0	1
Local Board	0	0	0	0	0	0	0
TOTAL	16	1	13	8	2	5	2
							47

⁴ Including claims that a local labor ordinance grandfathered under Sec. 24(B) of PEBA violated the requirements of 24(B), and that an Agency unilaterally removed bargaining unit positions previously certified by the PELRB to. See Cases 103-09 and 117-09.

2009 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			3
	State named as a party	1	
	SPO named as a party	2	
Agencies			21
	Corrections, Dept. of	10	
	Health, Dept. of (DOH)	3	
	Human Services Dept. (HSD)	1	
	Public Safety, Dept. of (DPS)	1	
	Regulation and Licensing Dept. (RLD)	4	
	Transportation, Dept. of (DOT)	2	
Counties			7
	Bernalillo County	2	
	Sandoval County	1	
	Santa Fe County	2	
	Socorro County	1	
	Valencia County	1	
Municipalities			10
	City of Alamogordo	2	
	City of Espanola	3	
	City of Las Cruces	1	
	City of Santa Fe	1	
	City of Sunland Park	3	
Public Schools			3
	Bernalillo Public Schools	1	
	Central Consolidated Schools	1	
	Gallup-McKinley County Public Schools	1	
Institutions of Higher Education			0
Medical Facilities			0
Other			1
	Albuq.-Bern. Co. Water Utility Authority	1	
Unions			1
	Valencia County Sheriff's Officers' Ass'n	1	
Individuals			1
	Named as Mgmt. Rep. or Agent ⁵	1	
Local Boards			0
TOTAL			47

⁵ This case, No. 122-09, was filed against the City of Alamogordo and six named individuals. It is treated for statistical purposes as being filed against individuals because the gravamen of the complaint concerned these individuals' alleged actions on behalf of the City.

2009 – CASE DESCRIPTIONS

1. 101-09. CWA LOCAL 7911 v. SOCORRO COUNTY.
 - Alleged improper unilateral implementation of last, best and final offer upon impasse.
 - Hearing examiner concluded PEBA's sunset clause prevents an employer from unilaterally implementing last, best and final offer upon impasse, except for granting any pay increases. The Board affirmed the Hearing Examiner's decision except to extent decision required the employer to maintain that pay increase in effect.
 - Thereafter, Union filed motion to reconsider Hearing Officer's Interpretation of Board Order, and Director inquired about nature of Motion and received no response, and Director denied request to reconsider on grounds that it raised new issues not presented in hearing or Board decision.
2. 102-09. CWA LOCAL 7911 v. CITY OF ALAMOGORDO.
 - Alleged unilateral change in the calculation of pay, and that PELRB approved local board is not currently functioning.
 - Withdrawn because being heard at the local board.
3. 103-09. IAFF v. CITY OF LAS CRUCES.
 - Alleged that certain sections of the grandfathered local labor ordinance violated the requirements of 26(B).
 - Hearing Examiner concluded the sections did violate PEBA and the Board affirmed that determination. Subsequent appeals to district courts were dismissed on venue and time limitation grounds.
4. 104-09. AFSCME v. SPO.
 - Alleged refusal to meet and confer & bargain over the contract Supplement concerning individual agency(ies) pending finalization of the Main Agreement.
 - Dismissed as moot, and matter not appealed further.
5. 105-09. AFSCME v. CORRECTONS DEPT.
 - Alleges the denial of use of Department vehicles by Union stewards to travel to meetings concerning collective bargaining, in violation of past practice, the CBA, and the duty to bargain in good faith, and the prohibition against interfering with the Union's existence and administration.
 - 1stJudic. District Court affirmed determination that the Dept. violated PEBA (Case No. D-101-CV-09-03457); Dept. moved for reconsideration and/or a hearing, on May 25, 2011, no action yet taken on motion, request for status conference filed April 2012.
6. 106-09. AFSCME v. CORRECTONS DEPT.
 - Alleged refusal to follow negotiated grievance-arbitration procedures.
 - PPC deferred to arbitration and award was issued in Union's favor and appealed by Dept. to District Court; but PPC only concerned process for striking arbitrators, so could resume processing, or dismiss as moot or for failure to prosecute.
 - 2/12 Dismissed for Failure to Prosecute.
7. 107-09. AFSCME v. BERNALILLO COUNTY.
 - Alleged obstruction of the grievance process in violation of the grandfathered local labor ordinance and PEBA, and alleged jurisdiction based on the failure of the Section 26(a) local board to promulgate rules or meet regularly to conduct business.
 - Dismissed on collateral estoppel grounds (parties already order to arbitration by the District Court), and matter not appealed further.
8. 108-09. NEA v. CENTRAL CONSOLIDATED SCHOOLS.
 - Alleged bad faith bargaining and also dissemination of contract proposals with commentary in violation of the negotiation ground rules.
 - Withdrawn as moot.
9. 109-09. AFSCME v. DEPT. OF TRANSPORTATION.
 - Alleged direct dealing with an employee regarding a pending grievance.
 - Settled, withdrawn and dismissed with prejudice.
10. 110-09. NMCPSO-CWA LOCAL 7911 v. SANDOVAL COUNTY.

- Alleges unilateral changes to wages, hours and/or terms and conditions of employment after receipt of notice of intent to engage in collective bargaining.
- Hearing Examiner found no duty to bargain under the circumstances and decision not appealed.

11. 111-09. AFSCME v. CORRECTIONS DEPT.

- Alleged a Union steward was improperly issued a letter or reprimand for using state computer equipment to disseminate a union newsletter alleged by the Department to contain partisan information.
- H.E. found the Dept. violated PEBA, PELRB remanded for additional fact finding, H.E. again found Dept. violated PEBA, and the Board affirmed the H.E; Dept. appeal to 1st Judic Dist. and Ct dismissed that as untimely filed (Case No. D-101-CV-2010-01078).

12. 112-09. AFSCME v. CITY OF ALAMOGORDO.

- Alleged bargaining in bad faith in violation of local ordinance, and asserted jurisdiction on basis that local board is not functioning because it lacks members.
- Withdrawn when complainant confirmed that all members are appointed to the local board.

13. 113-09. IAFF LOCAL 4366 v. COUNTY OF SANTA FE.

- Alleged interference, restraint and coercion of employee in the exercise of an employee's right to form, join or assist the union, by questioning the employee concerning his role at a union meeting held during the residence hours of a 24-hour shift.
- Settled and withdrawn.

14. 114-09. AFSCME v. DEPT. OF HEALTH.

- Alleged change of policy concerning employee conduct, specifically the institution of a new time clock and time clock policy, without first providing notice and opportunity to bargain.
- Settled, withdrawn and dismissed with prejudice.

15. 115-09. AFSCME v. CORRECTIONS DEPT.

- Alleged violation of the CBA, by failing to pay sick-leave incentive pay to C.O. specialists, which was found in arbitration to violate the CBA.
- Withdrawn and dismissed.

16. 116-09. AFSCME v. CITY OF ESPANOLA.

- Alleged unilateral changes in terms and conditions of employment, during negotiations.
- Settled, withdrawn and dismissed with prejudice.

17. 117-09. AFSCME v. HSD.

- Alleged unilateral removal of positions from bargaining unit when positions were certified by PELRB as being within the bargaining unit.
- Settled and withdrawn upon the filing of a Joint Petition for Clarification.

18. 118-09. AFSCME v. CORRECTIONS DEPT.

- Alleged retaliation against a union member for having previously sought and obtained union representation in resolving unrelated allegations of harassment.
- Settled and withdrawn.

19. 119-09. AFSCME v. CORRECTIONS DEPT.

- Alleged retaliation against a union steward for her union activity.
- Withdrawn after start of hearing on merits, and dismissed with prejudice.

20. 120-09. AFSCME v. CORRECTIONS DEPT.

- Alleged interference with the operation and administration of the union, by circumventing the facility's assigned steward and instead utilizing an outside steward, and by misrepresenting to the facility steward what was said or authorized by an outside steward.
- Settled and withdrawn.

21. 121-09. VALENCIA COUNTY SHERIFF'S OFFICERS' ASSOCIATION v. COUNTY OF VALENCIA.

- Alleged unilateral change of work conditions by changing the work shifts of senior deputies and requiring upgrades without appropriate pay increases, when such changes were not justified by an emergency situation.

- Settled and withdrawn after mediation through the Agency.

22. 122-09. CWA LOCAL 7911 and ALAMOGORDO PUBLIC SAFETY OFFICERS ASS'N and TIM KEELIN v. ALAMOGORDO, KELLY WALLIS, BETSY KELLER, NAOMI MUÑOZ, DAVID CEBALLES, BARBARA FLEMING AND JOHN DOE.

- Alleged Union President denied promotion due in part to responses to interview panel questions concerning his union activities, and alleged jurisdiction on grounds that one Local Board Member was listed as a respondent.
- Withdrawn to proceed before the local board.

23. 123-09. AFSCME v. DEPT. OF HEALTH.

- Alleged unilateral change in past practice regarding sick time leave incentive.
- Settled.

24. 124-09. AFSCME v. CORRECTIONS DEPT.

- Alleged denial of authorization for certain employee(s) to attend training in retaliation for having previously filed a grievance, and other acts and statements intended to intimidate or coerce employees against filing grievances.
- Withdrawn and dismissed with prejudice, after Complainant failed to timely file and serve witness and exhibit lists.

25. 125-09. AFSCME v. SPO.

- Alleged unilateral change in terms and conditions of employment concerning the payment of "sick leave incentive" pay, and violation of Article 21 of the CBA concerning the same issue.
- PPC withdrawn.

26. 126-09. NEA-BERNALILLO v. BERNALILLO PUBLIC SCHOOLS.

- Alleged unilateral change in terms and conditions of employment, related to stipends.
- Settled and withdrawn without prejudice.

27. 127-09. AFSCME v. CITY OF ESPANOLA.

- Alleged unilateral change in negotiated terms and conditions of employment.
- Withdrawn.

28. 128-09. SUNLAND PARK POLICE OFFICERS ASSOCIATION v. CITY OF SUNLAND PARK.

- Alleged President of Association was terminated for speaking up to management about contract violations and Union activities.
- After mediation before the Agency, FOP filed an Order to Vacate Case No. 133-09 on grounds that it was settled. Thereafter, PELRB closed all other pending and related Sunland Park matters as well.

29. 129-09. MCKINLEY COUNTY FUSE v. GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS.

- Alleged failure to bargain in good faith, failure to bargain with adequate authority, and unilaterally changing terms and conditions without first negotiating and/or bargaining to impasse.
- Settled and withdrawn

30. 130-09. AFSCME and CWA v. CORRECTIONS DEPARTMENT.

- Alleged retaliatory investigation of a Union Official in response to his activities related to processing a grievance.
- Hearing Examiner dismissed the PPC as unfounded but ruled, in the alternative, that if the Board disagreed, extraordinary remedies would be appropriate. The Board struck that portion of the H.E. Decision upon Department's appeal but stated that decision did not prejudice parties' right to raise similar arguments about extraordinary remedies in the future.

31. 131-09. AFSCME v. CITY OF ESPANOLA.

- Alleged violation of *Weingarten* rights by refusing to permit employee's Union representative to speak at a City "pre-determination" hearing concerning proposed discipline.
- Withdrawn due to Respondent's willing participation to resolve matter.

32. 132-09. AFSCME v. REGULATION AND LICENSING DEPT.
 - Alleges violation of *Weingarten* rights by failing to notify employee that information voluntarily provided by employee, in meeting initiated by employee, would be used against that employee for discipline purposes.
 - Withdrawn.
33. 133-09. SUNLAND PARK POLICE OFFICERS' ASS'N v. CITY OF SUNLAND PARK.
 - Alleged the hiring of several sergeants from outside of the Department without consulting the Union or conducting a "promotional process," in violation of the CBA.
 - After mediation before the Agency, FOP filed an Order to Vacate Case on grounds that it was settled, and matter closed.
34. 134-09. SUNLAND PARK POLICE OFFICERS' ASSOCIATION v. CITY OF SUNLAND PARK.
 - Alleged disciplinary actions, including terminations and suspensions, of union members and officers in retaliation against the union and union leadership.
 - After mediation before the Agency, FOP filed an Order to Vacate Case No. 133-09 on grounds that it was settled, and thereafter the PELRB closed all other pending and related Sunland Park matters as well.
35. 135-09. VALENCIA COUNTY v. VALENCIA COUNTY SHERIFF'S OFFICERS' ASSOCIATION.
 - Alleged violation of the duty to bargain in good faith by refusing to consider County's counterproposals, and immediately declaring impasse.
 - Settled and withdrawn after mediation through the Agency.
36. 136-09. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged retaliation for Union activity and/or interference with PEBA rights, by ordering employee not to talk to anyone, including Union representative, regarding Advisement of Investigation.
 - Director found a PEBA violation, but Board reversed concluding there was insufficient evidence of interference with communications with Union rep.
37. 137-09. NM STATE POLICE ASSOC. v. NM DEPT. OF PUBLIC SAFETY
 - Alleged interference by a member of management with the operation of union and ITS organizing effort
 - Settlement was pending as of 3/30/10, presumed settled now.
38. 138-09. AFSCME v. DEPT. OF TRANSPORTATION.
 - Alleged retaliation and interference by unilaterally taking away a union steward's "lead worker pay" based on attendance issues, where the large majority of his absences were excused and were related to his steward duties.
 - Settled and dismissed with prejudice.
39. 139-09. AFSCME v. REGULATION AND LICENSING DEPT.
 - Alleged violation of the duty to bargain in good faith by attempting to settle a SPB disciplinary appeal without Union representation, when employee represented by private attorney.
 - Director found a violation; Board reversed Director, finding no violation; matter not appealed further.
40. 140-09. AFSCME v. BERNALILLO COUNTY
 - Alleged violation of Weingarten rights by requiring unit member to proceed with polygraph without a Union representative observer. Bases jurisdiction on allegations that Local Board has not held timely hearings, properly enforced its orders, made inquiries necessary to carry out its functions and duties, or adopted rules or procedures for filing, hearing and determining PPCs.
 - PPC withdrawn.
41. 141-09. AFSCME v. CITY OF SANTA FE.
 - Alleged violation of the negotiated grievance-arbitration procedures.
 - PPC dismissed upon Union's motion, without prejudice.
42. 142-09. AFSCME v. REGULATION AND LICENSING DEPT.
 - Alleged violation of the duty to bargain in good faith, the CBA and PEBA, by using GPS records to investigate and discipline employees, when a different intended use was previously stated to a Union Steward.

- H.E. dismissed PPC on pleadings, and Board affirmed dismissal.

43. 143-09. AFSCME v. REGULATION AND LICENSING DEPT.

- Alleged violation of the duty to bargain in good faith by refusing to provide information necessary to resolve pending work place dispute(s), and discrimination.
- PPC dismissed for failure to state a claim, at the Status Conference, on grounds that the Steward was not entitled to advance information regarding a meeting where the Steward is allowed to be attend, and on grounds that the meeting concerned supervisorial direction of employee, so the employee was not entitled to Union representation or involvement in any event. (It is unclear whether or not these were alternative rulings.)

44. 144-09. AFSCME v. STATE

- Alleged violation of the duty to bargain in good faith by refusing to bargain over the effects and implementation of the 5-day state furlough.
- PPC and counterclaims dismissed on merits because right to bargain waived under contract coverage theory; dismissal affirmed by Board.

45. 145-09. CWA v. DEPT. OF HEALTH.

- Alleged retaliation against a Steward for having filed a grievance.
- Withdrawn.

46. 146-09. AFSCME v. SANTA FE COUNTY.

- Alleges attempt to obtain raise for bargaining unit members without first negotiating the matter with the Union.
- Withdrawn

47. 147-09. AFSCME v. ALBUQUERQUE -BERNALILLO COUNTY WATER UTILITY AUTHORITY.

- Alleged refusal to sign and abide by a recently negotiated CBA. Alleged jurisdiction on grounds that the local board lacks a third member, due to obstruction or failure on the part of the Water Authority's appointee.

2008 – DISPOSITIONS

Sustained on merits--violation found		1
By Board	0	
By Appellate Court	1	
Dismissed on merits--no violation found		7
By Hearing Examiner	6	
By Appellate Court	1	
Dismissed – not on merits		9
For failure to exhaust contract remedies	1	
For failure to prosecute	3	
Remanded to local board	5	
Withdrawn and/or settled		30
Withdrawn upon receipt of notice of facial inadequacy	1	
Withdrawn w/o explanation or for other reasons	7	
Settled after mediation through the Agency	2	
Settled on own	20	
Closed but disposition unknown		0
Pending		1
Matter is being appealed to the Courts	1	
TOTAL PPCs FILED		48

2008 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Type of Claim						TOTAL	
	Discrimination Retaliation or Interference	Violation of the duty to bargain in good faith			Domination, interference with Union	Breach of CBA		
		Info.	Terms & Conditions	Other				
State	0	0	0	0	0	2	0	2
State Agency	6	1	3	2	0	5	1	18
County	3	0	4	1	0	0	0	8
Municipality	1	0	3	1	0	1	0	6
Pub. School	2	0	3	1	0	2	0	8
Higher Ed.	0	0	0	0	0	0	0	0
Med. Facility	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	0	1
Union	1	0	0	1	0	2	0	4
Individual	0	0	0	0	0	0	0	0
Local Board	0	0	0	0	0	0	1	1
TOTAL	13	1	13	7	0	12	2	48

⁶ "Including violation of the employer's directive to conduct a face-to-face grievance meetings; and failure of a grandfathered labor board to implement rules and timely process pending PPCs. See Cases 135-08 and 142-08.

2008 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			2
	State named as a party	0	
	SPO named as a party	2	
Agencies			18
	Corrections, Dept. of	9	
	Children Youth Families Dept. (CYFD)	1	
	Health, Dept. of (DOH)	3	
	Human Services Dept. (HSD)	1	
	Public Regulation Commission (PRC)	3	
	Work Force Solutions, Dept. of (DOL)	1	
Counties			8
	Otero County	2	
	Sandoval County	1	
	Santa Fe County	2	
	Sierra County	1	
	Socorro County	2	
Municipalities			6
	City of Alamogordo	1	
	City of Espanola	2	
	City of Gallup	1	
	City of Santa Fe	2	
Public Schools			8
	Belen Consol. Schools	1	
	Bernalillo Public Schools	1	
	Gadsden Independent Public Schools	1	
	Central Consolidated School District	1	
	Espanola Public Schools	2	
	Taos Municipal Schools	1	
	Zuni Public School District	1	
Institutions of Higher Education			0
Medical Facilities			0
Other			1
	Estancia Valley Solid Waste	1	
Unions			4
	AFSCME	2	
	NM Transportation Union	1	
	NMCPSO/CWA Local 7911	1	
Individuals			0
Local Labor Boards			1
	Bernalillo County Labor Board	1	
TOTAL			48

2008 –CASE DESCRIPTIONS ⁷

1. 101-08. CWA v. DEPT. OF HEALTH.
 - Alleged that an employee coerced and threatened regarding job security after filing and settling a grievance.
 - PPC dismissed after a hearing on the merits, and matter not appealed further.
2. 102-08. AFSCME v. NM WORKFORCE SOLUTIONS.
 - Alleged unilateral change in the terms and conditions of employment.
 - Withdrawn.
3. 103-08. PHILLIP SALAZAR v. DEPT. OF CORRECTIONS.
 - Alleged violation of CBA by not allowing employee to work his post and instead allowing others to work it and collect overtime.
 - Settled, withdrawn and dismissed.
4. 104-08. TEAMSTERS LOCAL 492 v. ESTANCIA VALLEY SOLID WASTE.
 - Alleged refusal to bargain in good faith by refusing to tender a counteroffer.
 - Settled and withdrawn.
5. 105-08. ELENA VELASCO v. AFSCME.
 - Alleged interference with employee right not to join union, by sending fair share debt to collections agency without first giving employee notice and justification for debt.
 - Settled.
6. 106-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged discrimination against and coercion of Union President after filing grievance, in that employee was threatened, code of conduct was discriminatorily enforced against him, and he was subjected to a spurious Internal Affairs investigation.
 - Settled and withdrawn.
7. 107-08. CWA v. DEPT. OF HEALTH.
 - Alleged restraint and coercion of Union Steward regarding his representation activities, and denial of *Weingarten* rights.
 - Settled and withdrawn.
8. 108-08. AFSCME v. CITY OF ESPANOLA.
 - Alleged schedule of bargaining unit employee(s) was unilaterally changed.
 - Dismissed for failure to prosecute.
9. 109-08. PHILLIP SALAZAR v. DEPT. OF CORRECTIONS.
 - Alleged violation of CBA by not allowing employee to work his post and instead allowing others to work it and collect overtime
 - Settled and withdrawn.
10. 110-08. UNITED MINeworkERS v. CITY OF GALLUP.
 - Alleged improper refusal to recognize/bargain after demonstration of majority support, and violation of the CBA by unilaterally canceling arbitration.
 - Withdrawn.
11. 111-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged the transfer of a bargaining unit employee in violation of a settlement agreement of a prior grievance.
 - H.E. found Dept. liable, PELRB reversed and dismissed; District Court adopted order of H.E. and reversed order of Board (Case No. D101-CV2008-03607); Ct. of App. Issued proposed summary disposition 8/19/2010 reversing Dist Ct; no appeal and made final 3/8/11.

⁷ Two case numbers were not assigned to any matter and are therefore omitted (113-08 and 121-08).

12. 112-08. CWA v. CITY OF ALAMOGORDO.
 - Alleged unilateral change in terms and conditions by disallowing a method of payment previously utilized (“wage” or “income averaging”).
 - Dismissed based on existence of functioning local board.
13. 114-08. CWA v. COUNTY OF OTERO.
 - Alleged the Sheriff discouraging bargaining unit employees (Sergeants) from joining the Union, and that Sheriff offering to represent these Sergeants in Internal Affairs investigations.
 - Dismissed based on existence of functioning local board.
14. 115-08. ORTIZ v. AFSCME.
 - Alleged violation of CBA re the collection of dues, by assessing excessive dues for part-time or “job share” employees, and by sending fair share debt to collections agency without first giving employee notice and justification for debt.
 - Dismissed for failure to state a claim after a hearing on the merits, and matter not appealed further.
15. 116-08. AFSCME & CWA v. SPO.
 - Alleges violation of CBA by offering a smaller mid-point raise than stated under the CBA, to afford a similar raise to all other classified State employees.
 - PPC deferred to arbitration and arbitrator found for Union; parties filed cross motions to confirm or overrule arbitration award; Dist. Ct. confirmed award, and dismissed motion to vac. award (Case No. D-202-CV-200909756); thereafter Ct. of App. affirmed the District Court at 2012-NMCA-114, and cert granted Nov. 16, 2012, No. 33,792.
16. 117-08. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged bad faith bargaining by the violation of the grievance process, failure to provide a required face-to-face meeting at Levels 1 and 2, and failure to finalize the settlement thereafter reached on the grievance.
 - Settled, withdrawn and dismissed.
17. 118-08. NEA v. ESPANOLA PUBLIC SCHOOLS.
 - Alleged the announcement of unilateral changes to working conditions and reduction in number of days and commensurate loss of pay, vacation and other benefits.
 - Settled and withdrawn.
18. 119-08. AFT-NM v. TAOS MUNICIPAL SCHOOLS
 - Alleged the retaliatory and discriminatory discipline and termination of a Union officer after he filed a PPC.
 - Dismissed after a hearing on the merits, and matter not appealed further.
19. 120-08. NEA v. ESPANOLA PUBLIC SCHOOLS.
 - Alleged unilateral change to several working conditions by signing—over the Union’s request to first bargain—a contract with an outside agency that required the employer, over the next several years, to impose specific working conditions and a selective financial reward system.
 - Settled.
20. 122-08. IAFF v. COUNTY OF SANTA FE.
 - Alleged local president reprimanded for stating to Human Resources—while off duty and acting in his union capacity—his intent to file a PPC regarding a problem with dues deduction.
 - Settled after parties submitted to voluntary mediation through the Agency.
21. 123-08. NEA BERNALILLO v. BERNALILLO PUBLIC SCHOOLS.
 - Alleged refusal to bargain in good faith as required by a contract re-opener provision.
 - Withdrawn.
22. 124-08. OTERO, GONZALES & FROONJIAN v. NM TRANSPORTATION UNION.
 - Alleged that the Union failed or refused to implement an auditing process required under the CBA to show accountability of union dues and funds received and dispensed.
 - Parties referred to City of Albuquerque’s local labor board.

23. 125-08. AFSCME v. CITY OF ESPANOLA.
 - Alleged a violation of the expired CBA intended to continue in effect, and unilateral change in working conditions.
 - Settled and withdrawn.
24. 126-08. AFSCME v. CITY OF SANTA FE.
 - Alleged a Union Steward was subject to a discriminatory and retaliatory investigation.
 - Withdrawn and dismissed.
25. 127-08. AFSCME v. HSD.
 - Alleged refusal to bargain over changes to operations as required under the CBA, and interference and coercion with CBA rights
 - Deferred to grievance arbitration, then dismissed for failure to prosecute after completion of arbitration, and matter not appealed further.
26. 128-08. AFT LOCAL 4212 v. GADSDEN INDEP. SCHOOL DISTRICT.
 - Alleged refusal to follow the negotiated grievance procedure, and that jurisdiction lied because local board lacked members and was not meeting regularly.
 - Deferred to grievance arbitration; thereafter dismissed for failure to exhaust the grievance-arbitration remedies to which processing had been deferred, and matter not appealed further.
27. 129-08. AFSCME v. SPO.
 - Alleged violation of Article 36 of the CBA, by refusing to discuss through the Labor-Management Committee an item of mutual interest and concern affecting the working conditions of unit employees, specifically the proposed change to a four day/10 hour day work week.
 - Settled and withdrawn.
28. 130-08. SANDOVAL COUNTY PROF. FIREFIGHTERS ASSOC. IAFF LOCAL 4563 v. SANDOVAL COUNTY.
 - Alleged discrimination by providing probationary non-union employees a larger raise than that negotiated for bargaining unit members, while also providing all other negotiated benefits.
 - Withdrawn and dismissed without prejudice.
29. 131-08. SANTA FE COUNTY FIREFIGHTERS ASSOC., IAFF LOCAL 4366 v. COUNTY OF SANTA FE.
 - Alleged unilateral change of a term and condition of employment that arose under the doctrine of past practice; unilateral change and/or implementation of policies affecting terms and conditions; bad faith bargaining; and disciplinary action for union activities.
 - Settled after parties submitted to voluntary mediation through the Agency.
30. 132-08. GAYLEEN LASELUTE v. ZUNI PUBLIC SCHOOL DISTRICT.
 - Alleged discriminatory transfer and change in work duties and assignment in retaliation for participating on bargaining team.
 - Remanded to local board and dismissed.
31. 133-08. CWA V. SIERRA COUNTY.
 - Alleged failure or refusal to bargain in good faith over the adoption and implementation of a personnel policy ordinance; also sought immediate injunctive relief.
 - Request for immediate relief denied because petitioner did not demonstrate irreparable harm. Thereafter, entire PPC dismissed after an evidentiary hearing, on grounds that it was untimely filed or, in the alternative, petitioner waived its right to bargain, and matter not appealed further.
32. 134-08 AFSCME v. PRC.
 - Alleged issuance of discipline and notices of discipline in violation of written PRC policies and CBA
 - Settled, withdrawn and dismissed after successful mediation before SPB on related SPB matter.
33. 135-08 AFSCME v. PRC.
 - Alleged violation of the face-to-face directive issued by the Governor's Chief of Staff (then Deputy COS) regarding processing of grievances, and violation of other grievance procedures stated in the CBA.
 - Settled and withdrawn.

34. 136-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged discriminatory discipline and harassment as a result of employee's union activity.
 - Settled.
35. 137-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged violation of the CBA by failing to provide annual tuberculosis screenings.
 - Dismissed with prejudice for failure to prosecute.
36. 138-08. SANTA FE POLICE OFFICERS ASSN' v. CITY OF SANTA FE.
 - Alleged violation of the CBA by failure to notify employees when they are a target of investigation.
 - Settled, withdrawn and dismissed with prejudice.
37. 139-08. AFSCME v. CYFD
 - Alleged Dept. was moving employees from permanent to term positions, and transferring employees to different job sites, without first notifying the Union and negotiating the changes to terms and conditions of employment.
 - Settled and withdrawn.
38. 140-08. NMCPSON/CWA Local 7911 v. SOCORRO COUNTY
 - Alleged violation of the duty to bargain in good faith by transferring bargaining unit work out of the bargaining unit, and failing to return a temporary transferee to his assigned job location, as earlier promised.
 - Withdrawn upon further investigation by Complainant.
39. 141-08. CWA LOCAL 7911 v. OTERO COUNTY
 - Alleged violation of the contract by hiring new employees at higher grade and rate of pay than set out in CBA's "career ladder."
 - Dismissed in favor of local board.
40. 142.08. AFSCME COUNCIL 18 v. BERNALILLO COUNTY LABOR BOARD
 - Petitioned the PELRB to assert Superintending Control over the Bernalillo County Labor Board and process two PPCs pending there, on grounds that the local board lacked rules and regulations and was not timely processing the pending PPCs.
 - Withdrawn upon notice of facial inadequacy.
41. 143-08. SOCCORRO COUNTY v. NMCPSON/CWA Local 7911.
 - Alleged violation of the duty to bargain in good faith by retracting prior tentative agreements (TAs) and prior proposals. At the evidentiary hearing it was revealed that the union did so after and because its membership voted to not ratify the TAs and proposals.
 - Hearing Examiner dismissed complaint as failing to state a claim, and matter was not appealed further.
42. 144-08. NMCPSON/CWA Local 7911 v. SOCORRO COUNTY
 - Alleged violation of the duty to bargain in good faith by unilaterally changing the work schedules of bargaining unit employees.
 - Settled and withdrawn.
43. 145-08. NEA-NM v. BELEN CONSOLIDATED SCHOOLS
 - Alleged violation of the CBA and that local board not functioning.
 - Settled and withdrawn.
44. 146-08. AFSCME v. DEPT. OF HEALTH
 - Alleged a violation of contract rights to notice and representation in interviews that could lead to discipline violation, but phrased violation as an interference with the right to form, join or assist the union.
 - Withdrawn.
45. 147-08. AFSCME v. DEPT. OF CORRECTIONS
 - Alleged discrimination, violation of CBA and interference with Union Steward's right to hand out political flyers while on break.
 - May 11, 2011, 1stJudic. District Court PELRB affirmed determination that the Dept. violated PEBA (Case D-0101-CV-09-3458).

46. 148-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged refusal to provide information necessary to process grievances.
 - Settled & withdrawn.
47. 149-08. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged promulgation of work rules and actions designed to interfere with processing of grievances.
 - Hearing Examiner dismissed after hearing on the merits, and matter not appealed further.
48. 150-08. NEA v. CENTRAL CONSOLIDATED SCHOOLS.
 - Alleged improper unilateral implementation of last, best and final offer upon impasse.
 - Settled, withdrawn and dismissed with prejudice.

2007 – DISPOSITIONS

Sustained on merits--violation found	5
By Hearing Examiner	1
By Board	4
By Appellate Court	0
Dismissed on merits--no violation found	1
By Appellate Court	1
Dismissed – not on merits	13
For failure to state a claim	2
On summary judgment	1
For failure to prosecute	4
On collateral estoppel grounds	1
Remanded to local board	5
Withdrawn and/or settled	51
Withdrawn upon receipt of notice of facial inadequacy	1
Withdrawn in favor of alternate venue	1
Withdrawn w/o explanation or for other reasons	12
Settled after mediation through the Agency	6
Settled on own	31
Closed but disposition unknown	1
Pending	0
Matter is being appealed to the Courts	0
TOTAL PPCs FILED	71

2007 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Discrimination Retaliation or Interference	Type of Claim					TOTAL	
		Violation of the duty to bargain in good faith			Domination, interference with Union	Breach of CBA		
Info.	Terms & Conditions	Other						
State	1	0	0	1	1	1	0	4
State Agency	18	0	1	5	0	12	2	38
County	1	0	1	1	0	0	0	3
Municipality	1	0	0	2	1	1	0	5
Pub. School	0	1	4	1	0	0	0	6
Higher Ed.	1	0	1	0	0	0	1	3
Med. Facility	1	0	0	0	0	0	0	1
Other	5	0	1	1	0	0	0	7
Union	1	0	0	0	0	0	1	2
Individual	0	0	0	0	0	0	0	0
Local Board	0	0	0	0	0	0	2	2
TOTAL	29	1	8	11	2	14	6	71

⁸ Including: promulgation of a local board rule that violated PEBA and prior PELRB precedent; improper payroll deduction for union dues or fair share; refusal to respond to request s to change bill from union dues to fair share; making unfounded assertions that a union representative was coercing bargaining unit employees; and publication and public discussion of employer's contract proposal; promulgation of local labor board rules in violation of PEBA's procedures. See Cases 103-07; 104-07; 105-07; 116-07; 137-07; 154-07.

2007 — IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			4
	State named as a party	2	
	SPO named as a party	2	
Agencies			38
	Aging & Long Term Services	3	
	Corrections, Dept. of	4	
	Cultural Affairs, Dept. of	1	
	Children Youth Families Dept. (CYFD)	2	
	Environment Dept.	1	
	General Services Div. (GSD)	1	
	Health, Dept. of (DOH)	6	
	Human Services Dept. (HSD)	6	
	Public Education Dept. (PED)	3	
	Public Regulation Commission (PRC)	7	
	Regulation & Licensing Dept. (RLD)	3	
	State Personnel Office ⁹ (SPO)	1	
Counties			3
	Santa Fe County	1	
	Sierra County	1	
	Taos County	1	
Municipalities			5
	City of Albuquerque	1	
	City of Espanola	2	
	City of Santa Fe	2	
Public Schools			6
	Carlsbad Schools	2	
	Central Consolidated School District	1	
	Socorro Schools	1	
	Taos Municipal Schools	1	
	Zuni Public Schools	1	
Institutions of Higher Education			3
	Northern NM College	2	
	UNM	1	
Medical Facilities			1
	UNM Health Sciences Center (UNMH)	1	
Other			7
	Southwest Solid Waste Authority	1	
	Timburon Water and Sanitation District	6	
Unions			2
	CWA	1	
	SSEA Local 3878	1	
Individuals			0
Local Boards			2
	Gallup McKinley School District Labor Board ¹⁰	1	
	Northern NM College Labor Board	1	
TOTAL			71

⁹ This PPC, PELRB Case No. 168-07, concerned allegations regarding SPO's actions only as to a single grievance appeal, so is not treated as a State PPC or one having impact on state-wide contract administration.

¹⁰ This case, No. 103-07, was filed against both the local board and the School. It is treated for statistical purposes as being filed against the local board because the gravamen of the complaint concerned the local board's actions, and the claim against the school was dismissed.

2007 – CASE DESCRIPTIONS ¹¹

1. 101-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged violation of the CBA by posting of job position that replaced a bargaining unit position without first giving the Union notice and opportunity to bargain.
 - Settled and dismissed with prejudice.
2. 102-07. AFSCME v. AGING & LONG TERM SERVICES
 - Alleged violation of the CBA by purging and/or reclassifying bargaining unit positions without first giving the Union notice and opportunity to bargain, and eliminating one position to retaliate for employee having previously filed a grievance.
 - Settled and withdrawn.
3. 103-07 MCKINLEY AFT 3313 v. GALLUP-MCKINLEY SCHOOLS and GALLUP-MCKINLEY SCHOOL'S LOCAL LABOR BOARD.
 - Alleged local board promulgated rule in violation of PEBA and of prior PELRB interpretations of PEBA and PELRB rules.
 - Board upheld jurisdiction, local board given greater than 30 days to amend or rescind rule and prior board approval revoked when it failed to do so.
4. 104-07. THOMAS BAKER v. DEPT. OF HEALTH.
 - Alleged reinstatement of cancelled payroll deduction without permission, after receiving notice that union membership cancelled.
 - Withdrawn.
5. 105-07. THOMAS BAKER v. CWA.
 - Alleged refusal to respond to request to change billing from union dues to fair share, after receiving notice that union membership cancelled.
 - Withdrawn.
6. 106-07. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged direct dealing with a bargaining unit employee in the settlement of a grievance.
 - Hearing examiner sustained PPC, concluding that the Department's conduct violated the duty to bargain in good faith, and Report adopted/affirmed by Board
7. 107-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged bargaining unit employee(s) were threatened, locked out of office and falsely accused of theft; and that employer unilaterally removed job duties of bargaining unit employee(s).
 - Settled after parties submitted to voluntary mediation through the Agency.
8. 108-07. AFSCME v. SPO.
 - Alleged domination and interference with the exclusive representative, by agreeing with the Labor Management Committee to amend the manner of processing union dues and by returning dues cards unprocessed.
 - Withdrawn while settlement pending.
9. 109-07. AFSCME v. DEPT. OF CULTURAL AFFAIRS.
 - Alleged that employee penalized and discriminated against for failing to join or assist the union, by being issued a Corrective Action Plan after evidences lack of knowledge about provisions of the CBA.
 - Withdrawn while settlement pending, and PPC dismissed.
10. 110-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged that employee threatened, intimidated and coerced against filing a grievance or exercising other PEBA or CBA rights.
 - Settled and withdrawn.

¹¹ Two cases, 122-07 and 144-07, are omitted as inadvertent duplicate files.

11. 111-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged that bargaining unit employee(s) suspended without pay after filing grievance and PPC.
 - Settled after parties submitted to voluntary mediation through the Agency.
12. 112-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged termination of a bargaining unit employee and subsequent contracting of work outside of the bargaining unit
 - Settled after parties submitted to voluntary mediation through the Agency.
13. 113-07. SOCCORRO SCHOOLS v. SSEA LOCAL 3878.
 - Alleged interference, restraint or coercion in employees' right to not join or assist the Union, by intimidating and harassing employees and interfering with school operations while gathering of signed authorization cards.
 - Settled and withdrawn.
14. 114-07. CWA v. GSD.
 - Alleged violation of CBA by failing to enter into arbitration after its proper submission to arbitration by the Union.
 - Settled, withdrawn and dismissed.
15. 115-07. CWA v. DEPT. OF HEALTH.
 - Alleged reprisal against and penalty of employee after having filed a grievance, by canceling standing schedule and ordering her to use annual leave instead; issuing a 'memo of concern'; and publishing contents of employee's "soft file" without notice and consent of employee.
 - Settled, withdrawn and dismissed.
16. 116-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged employer made unfounded allegations that a union representative was coercing bargaining unit employees regarding the processing of their grievances.
 - Disposition unknown.
17. 117-07. AFT-NM v. CARLSBAD SCHOOLS.
 - Alleged unilateral change of job description
 - Dismissed for failure to prosecute.
18. 118-07. NEA v. CARLSBAD SCHOOLS.
 - Alleged unilateral extension of workday.
 - Settled and withdrawn.
19. 119-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged failure to implement settlement agreement derived from a grievance
 - Dismissed upon joint agreement.
20. 120-07. AFSCME v. REGULATION AND LIC. DEPT.
 - Alleged violation of the CBA by not following proper grievance procedures
 - Settled, withdrawn and dismissed with prejudice.
21. 121-07. AFSCME v. REGULATION AND LIC. DEPT.
 - Alleged refusal to implement a Labor-Management Committee required under the CBA, and intimidating employees for their exercising PEBA rights.
 - Settled and withdrawn.
22. 123-07. CWA v. SIERRA COUNTY.
 - Alleged refusal to bargain (delay and refusal to meet and confer in fact, by requiring negotiations be conducted via email), discrimination, and interference with PEBA rights
 - Dismissed by hearing examiner upon the pleadings, and matter not appealed further.
23. 124-07. AFSCME v. AGING & LONG TERM SERVICES.
 - Alleged unilateral change of employees' flextime schedules.
 - Case dismissed upon Respondent's Motion for Summary Judgment.

24. 125-07. AFSCME v. HSD.
 - Alleged discrimination and retaliation against Union Stewards, by the sending of a pejorative and insulting email describing discussion of union grievances as gossip, and dissemination of false information regarding Union's handling of a prior grievance.
 - Withdrawn in favor of mediation, and dismissed with prejudice.
25. 126-07. AFSCME v. AGING & LONG TERM SERVICES.
 - Alleged direct dealing and threat of discrimination due to filing of a grievance.
 - Settled and withdrawn.
26. 127-07. AFSCME v. CITY OF SANTA FE.
 - Alleged domination of Union by allowing, assisting and encouraging a management employee to openly campaign for the bargaining unit President position.
 - Settled.
27. 128-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged discrimination against and intimidation and coercion of a Union Steward.
 - Settled and dismissed.
28. 129-07. AFT v. SOCORRO SCHOOLS.
 - Alleged refusal to provide the names and addresses of proposed bargaining unit employees.
 - Hearing officer sustained PPC and decision affirmed by Board.
29. 130-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged refusal to negotiate wages as required under CBA, and refusal to provide information.
 - Settled after parties submitted to voluntary mediation through the Agency.
30. 131-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged unilateral reduction in hours and laying off of Steward.
 - Settled after parties submitted to voluntary mediation through the Agency.
31. 132-07. CWA v. PUBLIC EDUCATION DEPT.
 - Alleged discriminatory denial of Union Stewards' request for flextime schedules.
 - Withdrawn pending settlement.
32. 133-07. ESPANOLA VALLEY FIREFIGHTERS v. CITY OF ESPANOLA.
 - Alleged refusal to put negotiated CBA on the agenda for final approval.
 - Withdrawn and dismissed without prejudice.
33. 134-07. AFSCME v. VOCATIONAL REHABILITATION (a Div. of PUBLIC EDUCATION DEPT).
 - Alleged interference with Weingarten rights, and attempted direct dealing.
 - Settled, withdrawn, and dismissed.
34. 135-07. AFSCME v. VOCATIONAL REHABILITATION (a Div. of PUBLIC EDUCATION DEPT).
 - Alleged interference with Weingarten rights, and attempted direct dealing.
 - Settled, withdrawn, and dismissed.
35. 136-07. NFEE v. NORTHERN NM COLLEGE.
 - Alleged unilateral change in term and condition of employment, by changing the decision date for hire/re-hire.
 - Dismissed and remanded to local board.
36. 137-07. NFEE v. NORTHERN NM COLLEGE.
 - Alleged publication and public discussion of College's salary proposal.
 - Dismissed and remanded to local board.
37. 138-07. AFSCME v. HSD.
 - Alleged retaliation against Union Steward for conduct engaged in while acting in a Steward capacity.
 - Settled, withdrawn, and dismissed with prejudice by stipulation.

38. 139-07. IAFF v. COUNTY OF SANTA FE.

- Alleged improper investigation into Union business and strategy discussions, interference with *Weingarten* rights, refusal to allow Steward to confer privately with employee subject to investigation, and disciplining a Union Steward for conduct engaged in while acting in a Steward capacity.
- Settled and withdrawn.

39. 140-07. CWA v. ENVIRONMENT DEPT.

- Alleged interference with steward's investigation and handling of grievance, and violation of CBA's 45-day limit to impose discipline.
- Hearing Examiner found violation of PEBA; Board reversed on grounds that it was collaterally estopped from considering the matter, which had been previously adjudicated before the State Personnel Board.

40. 141-07. AFSCME v. CYFD.

- Alleged imposition of discipline in violation of CBA b/c issued later than 45 days after knowledge of incident.
- Settled and withdrawn.

41. 142-07. CWA v. DEPT. OF HEALTH.

- Alleged retaliatory termination.
- Withdrawn.

42. 143-07. AFSCME & STATE OF NEW MEXICO.

- Alleged employee evaluation form changed without first bargaining in good faith.
- Dismissed by hearing officer for failure to state a claim, because right to do this was reserved under Management Rights clause of CBA, and matter not appealed further.

43. 145-07. AFSCME & SOUTHWEST SOLID WASTE AUTHORITY.

- Alleged harassment, intimidation and discrimination against employees trying to organize with the Union.
- Dismissed after successful election for failure to prosecute.

44. 146-07. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged improper refusal to proceed to arbitration upon request, in violation of the CBA and the duty to bargain in good faith.
- Withdrawn and dismissed.

45. 147-07. AFSCME v. DEPT. OF HEALTH.

- Alleged discrimination against and interference with a Steward by negatively commenting on her use of union time.
- Withdrawn while settlement pending, and dismissed.

46. 148-07. AFSCME v. DEPT. OF HEALTH.

- Alleged discriminatorily disciplining an employee after she became a Steward.
- Withdrawn while settlement pending, and dismissed.

47. 149-07. AFSCME v. DEPT. OF HEALTH.

- Alleged discriminatory notice of contemplated dismissal issued to Steward.
- Withdrawn while settlement pending, and dismissed.

48. 150-07. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged union steward disciplined for conduct while acting as steward.
- Hearing Examiner Report found no violation for discipline for refusal to return to post, but discipline improper to extent directed to attitude, demeanor and/or statements. Also found Dept. violated a directive under the CBA to meet face-to-face at every step of grievance.
- Dept. appealed to Board, Board remanded for additional clarification, and matter settled and withdrawn upon approval of the Board, prior to a hearing on remand.

49. 151-07. AFSCME & CYFD.

- Alleged that overtime directive implemented without bargaining.
- Dismissed for failure to prosecute.

50. 152-07. ZUNI FEDERATION v. ZUNI PUBLIC SCHOOLS.
 - Alleged unilateral change of terms and conditions of employment.
 - Remanded to local board and dismissed.
51. 153-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged direct dealing with grievants.
 - Settled, withdrawn and dismissed.
52. 154-07. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged violation of the CBA by failing to separately advertise certain vacant positions prior to filling them.
 - Hearing examiner sustained the PPC, and matter not appealed further..
53. 155-07. NFEE v. NORTHERN NM COLLEGE LABOR RELATIONS BOARD.
 - Alleged that the local board adopted local rules in violation of procedure stated in PEBA.
 - Withdrawn after local board adopted Open Meetings Act Resolution, and took steps to publicly request proposals for draft rules.
54. 156-07. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged violation of the CBA by refusing to respond to a written Demand for Arbitration.
 - Withdrawn.
55. 157-07. AFSCME v. REGULATION AND LIC. DEPT.
 - Alleged violation of the CBA by refusing to respond to a written Demand for Arbitration, and requests for information.
 - Withdrawn.
56. 158-07. CWA v. TIMBERON WATER & SANITATION DISTRICT.
 - Alleged the termination of all bargaining unit employees due to bankruptcy and the subsequent offering of employment to the same employees under private contract.
 - Settled after parties submitted to voluntary mediation through the Agency.
57. 159-07. AFSCME v. COUNTY OF TAOS.
 - Alleged the unilateral offering of wage increase to bargaining unit employees, while in negotiations, without first bargaining with the Union
 - Withdrawn.
58. 160-07. AFSCME v. CITY OF ESPANOLA.
 - Alleged refusal to bargain in good faith, by canceling and failing to appear for and refusing to schedule negotiation meetings; also alleged breach of the ground rules' requirement to bargain in good faith. City challenges PELRB jurisdiction over claims concerning breach of ground rules.
 - Dismissed for failure to prosecute.
59. 161-07. AFSCME v. HSD.
 - Alleged retaliation, discrimination, harassment and threatening of Union Steward.
 - Settled, and dismissed with prejudice by stipulation.
60. 162-07. AFSCME v. CITY OF ALBUQUERQUE.
 - Alleged discrimination in the hiring and terms and conditions of employment due to union activity, and jurisdiction asserted on grounds that Local Board not neutral.
 - 8/7/2010, Court of Appeals upheld PELRB's assertion of jurisdiction, reversed grant of Writ of Prohibition, and remanded to District Court (Case No. 28846); the Supreme Court, Maes, J., held that grandfather clause of Public Employee Bargaining Act applied to city's collective bargaining ordinance allowing president of city council to appoint an interim member to city labor board, such as to exempt ordinance from requirements of the Act. *City of Albuquerque v. Montoya*, 274 P.3d 108 (N.M. 2012)

61. 163-07. TAOS FEDERATION v. TAOS MUNICIPAL SCHOOLS.
 - Alleged unilaterally changing wages and terms and conditions; refusing to meet and confer; deduction of dues for another labor organization; disclosure of confidential bargaining discussions; violation of impasse procedures; and interference with PEBA rights.
 - Settled.
62. 164-07. NUHHCE DISTRICT 1199 NM v. UNM HEALTH SCIENCES CENTER.
 - Alleged suspension and discipline of bargaining unit employee(s) for exercising rights under collective bargaining resolution; and refusal to provide information. Invoked PELRB jurisdiction on grounds that the local board was not timely holding hearings and rendering decisions.
 - Settled and withdrawn.
63. 165-07. AFSCME v. STATE OF NEW MEXICO.
 - Alleged that unidentified employees placed on administrative leave for purpose of interfering with employees' access to and ability to communicate with Union Stewards.
 - Withdrawn upon notice of facial inadequacy.
64. 166-07. SANTA FE POLICE ASSOCIATION v. CITY OF SANTA FE.
 - Alleged violation of CBA and due process rights in the issuance of discipline, and the conduct of investigations, and alleged threats against employees for statements made in support of the Union.
 - PPC "vacated" and dismissed without prejudice while settlement pending.
65. 167-07. AFSCME v. STATE PERSONNEL OFFICE.
 - Alleged violation of the CBA and interference with right to form, join or assist Union, by interpreting CBA rights attendant to grievance (e.g., right to interviews and use of union time) to not apply to arbitration.
 - Motion to Dismiss granted as to all claims except violation of the CBA, and that claim deferred to arbitration; thereafter parties settled.
66. 168-07. AFSCME v. SPO.
 - Alleged violation of the CBA by SPB Director's failure to timely issue a final and binding decision on an appeal from a Step 3 grievance.
 - Withdrawn upon receipt of satisfactory explanation of events.
67. 169-07. AFSCME v. HSD.
 - Alleged violation or unilateral alteration of the mediated settlement agreement reached regarding a prior dispute (also raised the alleged discriminatory termination of an employee that formed the basis of the dispute previously mediated).
 - Withdrawn and dismissed.
68. 170-07. DAVID SIMES v. UNM.
 - Alleged he was laid off after representing another employee in lieu of a union representative, at a Notice of Contemplated Action meeting
 - Dismissed because UNM has a local board.
69. 171-07. NEA v. CENTRAL CONSOLIDATED SCHOOL DISTRICT.
 - Alleged unilateral change in the terms and conditions of employment, and discrimination for union membership.
 - Withdrawn and dismissed.
70. 172-07. AFSCME v. HSD.
 - Alleged violation of the CBA by refusing to provide information regarding dates and times of proposed investigatory interviews, and intimidating employees into attending interviews without Union representation.
 - Withdrawn and dismissed.
71. 173-07. AFSCME v. HSD.
 - Alleged retaliation against six Union Stewards and an employee who had signed up for Steward training, in response to their Union activities.
 - Withdrawn pending settlement.

2006 – DISPOSITIONS

Sustained on merits--violation found		4
By Hearing Examiner	3	
By Board	1	
Dismissed on merits--no violation found		3
By Hearing Examiner	2	
By Board	1	
Dismissed – not on merits		12
For lack of jurisdiction	1	
For failure to state a claim	3	
For failure to prosecute	4	
Upon review of Arbitration Award	1	
Remanded to local board	3	
Withdrawn and/or settled		48
Withdrawn upon receipt of notice of facial inadequacy	1	
Withdrawn in favor of alternate venue	3	
Withdrawn as moot	1	
Withdrawn w/o explanation or for other reasons	5	
Settled on own	38	
Closed but disposition unknown		1
Pending		0
TOTAL PPCs FILED		68

2006 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Discrimination Retaliation or Interference	Type of Claim					TOTAL
		Violation of the duty to bargain in good faith	Info.	Terms & Conditions	Other	Domination, interference with Union	
State	0	0	1	0	0	1	3
State Agency	15	4	2	2	1	10	2
County	4	0	2	1	0	0	0
Municipality	0	0	1	1	1	1	5
Pub. School	3	0	4	3	0	0	12
Higher Ed.	0	0	0	0	0	0	0
Med. Facility	1	0	0	0	0	0	1
Other	1	0	0	1	0	0	2
Union	0	0	0	1	0	0	1
Individual	0	0	0	0	0	0	0
TOTAL	24	4	10	9	2	12	68

¹² Including: breach of the Union's duty to fairly and adequately represent a bargaining unit members; proposing a variance from PEBA impasse provisions; violation of a prior settlement agreement; stating false information in response to a grievance; failing to provide final and binding arbitration as to all disputes, in the CBA; breach of ground rules for negotiations; and imposition of residency requirement on members to the local board without first obtaining PELRB approval. See Cases 102-06; 135-06; 148-06; 154-06; 164-06; 167-06; and 169-06.

2006 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			3
	State named as a party	1	
	SPO named as a party	2	
Agencies			36
	Aging & Long Term Services	2	
	Corrections, Dept. of	8	
	Children Youth Families Dept. (CYFD)	4	
	Expo New Mexico	1	
	Health, Dept. of (DOH)	5	
	Human Services Dept. (HSD)	2	
	Labor, Dept. of (DOL)	3	
	Public Defenders Office (PD)	1	
	Public Regulation Commission (PRC)	1	
	Regulations & Licensing Dept. (RLD)	2	
	Taxation & Revenue Dept. (TRD)	4	
	Transportation , Dept. of (DOT)	3	
Counties			7
	Dona Ana County	2	
	Los Alamos County	1	
	Sandoval County	2	
	Valencia County	2	
Municipalities			5
	City of Espanola	1	
	City of Gallup	2	
	City of Rio Rancho	1	
	City of Santa Fe	1	
Public Schools			12
	Central Consolidated Schools	8	
	Gadsden Independent Schools	1	
	Las Cruces Public Schools	1	
	Santa Fe Public Schools	2	
Institutions of Higher Education			0
Medical Facilities			1
	UNM Health Sciences Center (UNMH)	1	
Other			2
	Valencia County Regional Dispatch Center	2	
Unions			2
	AFSCME	1	
	NEA-Santa Fe	1	
Individuals			0
TOTAL			68

2006 – CASE DESCRIPTIONS ¹³

1. 101-06. AFSCME v. HSD.
 - Alleged violation of the CBA by refusing or failing to meet and confer upon request concerning caseload and staffing related issues.
 - Settled and withdrawn.
2. 102-06. PITA ROYBAL v. AFSCME
 - Alleged the Union breached its fiduciary duty to fairly and adequately represent a bargaining unit member.
 - Dismissed for lack of jurisdiction, pursuant to *Callahan v. NM Federation of Teachers*, 2006-NMSC-010, and matter not appealed further.
3. 103-06. AFSCME v. CITY OF ESPANOLA.
 - Alleged domination or interference with Union by initiating investigation and journalistic inquiry into whether the local president could serve as such, and whether rank & file votes were conducted according to law.
 - Withdrawn.
4. 104-06. AFSCME v. EXPO NEW MEXICO.
 - Alleged discrimination because of union membership, by deciding to discipline a member because he sought Union representation in the matter.
 - Withdrawn while settlement pending.
5. 105-06. AFSCME v. SPO.
 - Alleged violation of the CBA by failing to provide multi-lingual pay differential.
 - Withdrawn while settlement pending.
6. 106-06. AFSCME v. CITY OF SANTA FE.
 - Alleged violation of the CBA by refusing to provide a salary differential upon a bargaining unit member's receipt of a certification related to his job function.
 - Settled and withdrawn.
7. 107-06. AFSCME v. TAXATION AND REVENUE DEPT.
 - Alleged violation of the CBA by issuing notices of discipline greater than 45 days after the occurrence of the incidents on which disciplinary actions were based.
 - Settled and withdrawn.
8. 108-06. AFSCME v. DEPT OF HEALTH.
 - Alleged violation of the CBA by issuing a notice of discipline greater than 45 days after the occurrence of the incident on which disciplinary action was based, and by failing to notify the employee that he was being investigated.
 - Withdrawn while settlement pending.
9. 109-06. AFSCME v. DEPT OF HEALTH.
 - Alleged violation of the CBA by issuing a notice of discipline greater than 45 days after the occurrence of the incident on which disciplinary action was based, and by failing to notify the employee that he was being investigated.
 - Withdrawn while settlement pending.
10. 110-06. AFSCME v. DEPT. OF TRANSPORTATION.
 - Alleged discrimination in promotion based on union affiliation, and retaliation for voicing intent to file a grievance over such discrimination.
 - Settled and dismissed upon joint motion
11. 112-06. AFSCME v. TAXATION AND REVENUE DEPT.
 - Alleged violation of the CBA by failing to give required notice of a schedule change.
 - Settled and withdrawn.

¹³ Case No. 111-06 is omitted as an inadvertent duplicate of case 107-06.

12. 113-06. AFSCME v. HSD.
 - Alleged refusal to provide information necessary to investigate and prosecute a grievance based on a potential violation of the CBA.
 - Withdrawn while settlement pending.
13. 114-06. CWA v. SANDOVAL COUNTY.
 - Alleged interference with Union's access to and ability to communicate with bargaining unit employees.
 - Settled and withdrawn.
14. 115-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.
 - Alleged change in work conditions prior to union election, due to union involvement and activities.
 - Settled and withdrawn.
15. 116-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.
 - Alleged change in work conditions prior to union election, due to union involvement and activities.
 - Settled and withdrawn.
16. 117-06. AFSCME v. AGING & LONG TERM SERVICES.
 - Alleged violation of the CBA by failing to pay employee a differential when temporarily acting as supervisor or Officer in Charge.
 - Settled, withdrawn and dismissed.
17. 118-06. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged intimidation and threats to job security because of involvement as union official.
 - Withdrawn while settlement pending.
18. 119-06. LOS ALAMOS FIREFIGHTERS v. LOS ALAMOS COUNTY.
 - Alleged improper change in terms and conditions of employment while in mediation, and interfered with, coerced and restrained a union member in his union activities.
 - Remanded to local board and dismissed.
19. 120-06. AFSCME v. DEPT. OF LABOR.
 - Alleged obstruction of the grievance process by refusing to accept grievances timely submitted for processing, and threatening to throw away such grievances.
 - Withdrawn with the "hope that DOL will take this opportunity to address the issues raised in the PPC through the negotiated arbitration process spelled out in the CBA."
20. 121-06. AFSCME v. DEPT. OF TRANSPORTATION.
 - Alleged discrimination to discourage union involvement, retaliation and interference, by threatening to write an employee up for not following the chain of command and instead going to the Union with a complaint.
 - Settled and dismissed upon joint motion.
21. 122-06. SANTA FE PUBLIC SCHOOLS v. NEA-SANTA FE.
 - Alleged breach of ground rules and breach of the duty to bargain in good faith by discussing subjects of bargaining with management outside of bargaining; by attempting to coerce management in its selection of bargaining team members; attempting to change pre-selected and identified members of its own bargaining team; and by releasing to non-bargaining unit members a document containing information related to pending negotiations, including management's contract proposals.
 - Hearing Examiner sustained PPC; PELRB dismissed appeal as moot after parties undertook to enter into mediation and impasse arbitration.
22. 123-06. NEA-SANTA FE v. SANTA FE PUBLIC SCHOOLS.
 - Alleged refusal to bargain until a previously filed PPC had been resolved.
 - Hearing Examiner dismissed PPC; PELRB dismissed appeal as moot after parties undertook to enter into mediation and impasse arbitration.
23. 124-06. AFSCME v. TAXATION AND REVENUE DEPT.
 - Alleged failure or refusal to provide, upon request, information necessary to investigate and prosecute a grievance.

- Withdrawn.

24. 125-06. AFSCME v. TAXATION AND REVENUE DEPT.

- Alleged discrimination, retaliation and interference, by attempting to discourage a bargaining unit member from seeking Union assistance in resolving scheduling issues, and by soliciting complaints from co-workers after she did so.
- Withdrawn, in hopes that Dept. would proceed through grievance-arbitration.

25. 126-06. AFSCME v. DONA ANA COUNTY.

- Alleged that a supervisor told a citizen of Gallup that the supervisor was “getting rid of the union crybabies,” and that a union member had asked for a transfer.
- Withdrawn after receipt of notice of facial invalidity.

26. 127-06. NUHHCE v. UNMHHC.

- Alleged interference with Union-member communications and with negotiations, by removing official Union postings from Union bulletin boards and a union delegate’s desk; by unilaterally changing work schedules; and refusing to provide information upon request.
- Remanded to local board and dismissed.

27. 128-06. AFSCME v. DONA ANA COUNTY.

- Alleged unilateral change in work schedules without notice and opportunity to bargain.
- Dismissed by Hearing Examiner due to local board and appeal to PELRB subsequently withdrawn because local board found to be functioning.

28. 129-06. AFT v. SANTA FE PUBLIC SCHOOLS.

- Alleged interference with the collective bargaining relationship by investigating and terminating certain employees that lacked social security numbers on file with the federal government or appropriate immigration forms, without first providing notice to the Union.
- Settled and dismissed upon Complainant’s request.

29. 130-06. AFT v. LAS CRUCES SCHOOLS.

- Alleged unilateral change in terms and conditions by converting a work-day into a forced, unpaid holiday; violation of the duty to bargain in good faith; and interference with Union’s access and ability to communicate with bargaining unit members.
- Hearing Examiner sustained first claims, dismissed the latter two, and the matter was not appealed further.

30. 131-06. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged interference with the Union and violation of the CBA by removing official Union postings from the Union bulletin board.
- Settled and dismissed.

31. 132-06. AFSCME v. NM REGULATIONS AND LICENSING DEPT.

- Alleged violation of the CBA by failing to give an employee an upgrade in pay when working outside of her classification.
- Withdrawn while settlement pending.

32. 133-06. AFSCME v. PUBLIC DEFENDER’S OFFICE.

- Alleged interference with *Weingarten* rights in violation of a prior Hearing Examiner determination.
- Settled and withdrawn.

33. 134-06. AFSCME v. CYFD.

- Alleged unilateral change in terms and conditions of employment by adding new job requirements to existing bargaining unit positions.
- Matter deferred to arbitration and PPC subsequently dismissed upon formal review of the arbitration award. Matter not appealed further.

34. 135-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged violation of the duty to bargain in good faith by refusing to bargain over “fair share.”
- PPC dismissed by Hearing Examiner for failure to state a claim, and matter not appealed further.

35. 136-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged violation of PEBA's impasse provisions by submitting a CBA proposal that outlined what costs would be borne by each party, rather than requiring the parties to share arbitration costs equally.
- Withdrawn.

36. 137-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged violation of the duty to bargain in good faith by submitting a CBA proposal that would limit to twenty-four (24) hours the amount of time an investigatory meeting could be postponed while an employee obtained the presence of a union representative.
- PPC dismissed by Hearing Examiner for failure to state a claim, and matter not appealed further.

37. 138-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged unilateral change in wages, while engaged in contract negotiations and without negotiating to impasse.
- Settled and withdrawn.

38. 139-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged discrimination, retaliation and violation of the doctrine of past practice by failure to award, after union certification and pending bargaining, a forecasted but discretionary pay raise that was in addition to the pay raise mandated by the Legislature.
- PPC dismissed by Hearing Examiner after a hearing on the merits, and matter not appealed further.

39. 140-06. AFSCME v. CYFD.

- Alleged interferences, restraint, retaliation and coercion of a Union Steward, by issuing her a letter of reprimand based on conduct while acting in the performance of Steward duties.
- Settled and withdrawn.

40. 141-06. IUOE v. CENTRAL CONSOLIDATED SCHOOLS.

- Alleged discrimination by the removal of Union members from participation in a Task Force.
- Settled and withdrawn.

41. 142-06. AFSCME v. DEPT. OF TRANSPORTATION.

- Alleged violation of the CBA by repairing Department vehicles in a manner in violation of federal law, and consequently endangering employees and the public.
- Withdrawn pending resolution of similar matter pending before the SPB.

42. 143-06. AFSCME v. DEPT. OF HEALTH.

- Alleged violation of the CBA by unilaterally changing an employee's work schedule without requisite notice, and by violating certain whistleblower provisions therein.
- Dismissed for failure to state a claim and failure to cure deficiencies.

43. 144-06. AFSCME v. DEPT. OF HEALTH.

- Alleged denial of *Weingarten* rights.
- Settled and withdrawn.

44. 145-06. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged violation of the CBA by refusing to bargain upon request over proposed changes to the Department's code of ethics.
- Settled and withdrawn.

45. 146-06. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged refusal to provide requested information necessary to administer the contract.
- Settled, withdrawn and dismissed.

46. 147-06. AFSCME v. DEPT. OF CORRECTIONS.

- Alleged discrimination in terms and conditions, interference with PEBA rights, and breach of the CBA in failing to provide safe working conditions, by allowing one employee to threaten and belittle a Union Steward
- Settled, withdrawn and dismissed.

47. 148-06. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged violation of a prior settlement agreement, by failing to award negotiated back-pay upon the reversal of certain terminations and suspensions.
 - Withdrawn while settlement pending.
48. 149-06. AFSCME v. DEPT. OF LABOR.
 - Alleged harassment in retaliation for becoming active in the Union.
 - Settled and withdrawn.
49. 150-06. CWA v. STATE OF NEW MEXICO.
 - Alleged that unilateral reclassification of IT employees resulted in lower wage increase that had been previously negotiated.
 - Settled and withdrawn.
50. 151-06. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged interference with *Weingarten* rights by conducting an investigatory interview without first advising employee that interview could result in discipline, that he was under investigation, or that he could have representation before answering the questions.
 - Withdrawn while settlement pending.
51. 152-06. AFSCME v. DEPT. OF CORRECTIONS.
 - Alleged violation of the duty to bargain in good faith by violating a settlement agreement in PELRB Case 131-06, and by counsel for Department making untruthful representations to the PELRB hearing examiner in that earlier case.
 - Withdrawn.
52. 153-06. CWA v. SANTA FE COUNTY CORRECTIONS.
 - Alleged interference with organizer's access to and ability to communicate with employees prior to organization, and threatening and retaliating against employees for Union involvement.
 - Withdrawn after successful election conducted.
53. 154-06. AFSCME v. PUBLIC REGULATION COMMISSION.
 - Alleged that various responses to a grievance violated PEBA, by stating false information and by negating or disregarding certain provisions of the CBA.
 - Withdrawn pending settlement through Department's Labor Management Committee, after receipt of notice of facial inadequacy.
54. 155-06. AFSCME v. AGING & LONG TERM SERVICES.
 - Alleged unilateral change in terms and conditions of employment in retaliation for the filing of a grievance.
 - Withdrawn in favor of resolution through a different venue.
55. 156-06. AFSCME v. CYFD.
 - Alleged discrimination and retaliation against an employee by changing his work duties, encouraging him to leave his employment, instituting a corrective action plan, and suspending the employee's on-call duties, after the employee exercised his *Weingarten* rights.
 - Settled, withdrawn and dismissed.
56. 157-06. AFSCME v. CYFD.
 - Alleged that Union Steward was retaliated against, by being investigated for disciplinary action, after having represented a bargaining unit member in a potential grievance.
 - Settled, withdrawn and dismissed.
57. 158-06. AFSCME v. REGULATION AND LIC. DEPT.
 - Alleged failure or refusal to provide information necessary to investigate and prosecute a grievance.
 - Withdrawn pending settlement.

58. 159-06. AFSCME v. CITY OF RIO RANCHO.
 - Alleged City undertook to contract out of bargaining unit work without providing Union notice and opportunity to bargain.
 - Settled and dismissed by stipulated agreement.
59. 160-06. CWA v. VALENCIA COUNTY.
 - Alleged conspiracy between Respondent Valencia County and the Regional Dispatch Center to discriminate in the hiring of Union members.
 - Dismissed for failure to prosecute (according to Respondent, matters settled)
60. 161-06. CWA v. VALENCIA COUNTY REGIONAL DISPATCH CENTER.
 - Alleged conspiracy between Respondent Regional Dispatch Center and Valencia County to discriminate in the hiring of Union members.
 - Dismissed for failure to prosecute (according to Respondent, matters settled)
61. 162-06. CWA v. VALENCIA COUNTY.
 - Alleged violation of the duty to bargain in good faith by canceling several meetings.
 - Dismissed for failure to prosecute (according to Respondent, matters settled)
62. 163-06. CWA v. VALENCIA COUNTY REGIONAL DISPATCH CENTER.
 - Alleged violation of the duty to bargain in good faith by canceling several meetings.
 - Dismissed for failure to prosecute (according to Respondent, matters settled)
63. 164-06. AFSCME v. STATE.
 - Alleged the CBA violates PEBA by failing to provide for final, binding arbitration as to all disputes, including those related to the appeal of terminations, suspensions and demotions, and the interpretation of SPB rules.
 - PELRB affirmed the Hearing examiner's determination that the parties may limit the scope of the grievance-arbitration provisions, and that the limitation in this case comport with PEBA's conflict provisions. Union appealed PELRB ruling to the First Judic. Dist., and that appeal was dismissed for failure to prosecute. See Case No. CV-2007-03130. (Note, matter may have been made moot by amendment to State Personnel Act and SPO regulations permitted bargaining unit employees to elect between SPB remedies and grievance remedy for appeals of terminations, suspensions and demotions.)
64. 165-06. AFSCME v. DEPT. OF LABOR.
 - Alleged obstruction of the grievance process by refusing to accept a grievance for processing.
 - Disposition unknown.
65. 166-06. UNITED MINE WORKERS OF AMERICA v. CITY OF GALLUP.
 - Alleged refusal to bargain in retaliation for Union having filed a PPC.
 - Settled and withdrawn.
66. 167-06. UNITED MINE WORKERS OF AMERICA v. CITY OF GALLUP.
 - Alleged breach of the ground rules by issuing statement to newspaper regarding status of ongoing negotiations.
 - Settled and withdrawn.
67. 168-06. AFSCME v. DEPT. OF HEALTH.
 - Alleged retaliation for exercising right to engage in collective activity of circulating petition, and interference with relationship between Union and bargaining unit members by scheduling mandatory meetings concerning terms and conditions of employment without prior notice to Union.
 - Hearing examiner dismissed first claim and sustained second, and decision upheld by Board.
68. 169-06. AFT LOCAL #4212 v. GADSDEN INDEP. SCHOOL DISTRICT.
 - Alleged failure or refusal to timely appoint members to local labor board, to provide adequate resources to local board, and to issue notices of local board meetings upon request of board members; improper removal of labor appointee; interference with labor recommendations by imposing a requirement that board members live within the School District area; and refusal to bargain in good faith.
 - Hearing examiner concluded the removal of appointee prior to conclusion of term and without hearing or cause violated Sec 19(B) and imposition of requirement that board members live in the area, without

submitting requirement to PELRB for approval, violated Section 10 and NMAC 11.21.1.13. Matter not appealed further.

2005 – DISPOSITIONS

Sustained on merits--violation found	2
By Hearing Examiner	2
Dismissed on merits--no violation found	3
By Hearing Examiner	2
By Board	1
Dismissed – not on merits	8
For lack of jurisdiction	1
For failure to prosecute	1
Remanded to local board	6
Withdrawn and/or settled	37
Withdrawn w/o explanation or for other reasons	9
Settled	28
Closed but disposition unknown	5
Pending	0
TOTAL PPCs FILED	55

2005 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Discrimination Retaliation or Interference	Type of Claim					TOTAL
		Violation of the duty to bargain in good faith			Domination, Interference with Union	Breach of CBA	
Info.	Terms & Conditions	Other					
State	0	0	0	0	0	0	0
State Agency	21	2	8	1	1	7	0
County	0	0	1	0	0	0	0
Municipality	0	0	0	1	0	1	1
Pub. School	2	0	0	0	0	0	2
Higher Ed.	3	1	1	0	0	1	0
Med. Facility	1	0	0	0	0	0	1
Other	0	0	0	1	1	0	2
Union	0	0	0	0	0	0	0
Individual	0	0	0	0	0	0	0
TOTAL	27	3	10	3	2	9	1

¹⁴ Including an alleged a violation of first amendment related claims. See *CWA v. City of Farmington*, Case 120-05.

2005 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State		0	0
Agencies		40	
	Children Youth Families Dept. (CYFD)	7	
	Corrections, Dept. of	1	
	Cultural Affairs, Dept. of	11	
	Environment Dept.	1	
	General Services Div. (GSD)	2	
	Human Services Dept. (HSD)	8	
	Public Defender's Office (PD)	2	
	Public Regulation Commission (PRC)	1	
	State Veteran's Home	1	
	Taxation and Revenue Dept. (TRD)	2	
	Transportation, Dept. of (DOT)	3	
	Women, Commission on the Status of	1	
Counties		1	
	Dona Ana County	1	
Municipalities		3	
	City of Farmington	2	
	City of Las Vegas	1	
Public Schools		2	
	Gadsden Independent School District	1	
	Gallup-McKinley County Schools	1	
Institutions of Higher Education		6	
	NMSU	1	
	Central NM Community College (CNM, a.k.a. TVI)	1	
	UNM	2	
	Western NM University	2	
Medical Facilities		1	
	Ft. Bayard Hospital	1	
Other		2	
	Elephant Butte Irrigation District (EBID)	2	
Unions		0	
Individuals		0	
TOTAL		55	

2005 – CASE DESCRIPTIONS ¹⁵

1. 101-05. NM FEDERATION OF EDUCATIONAL EMPLOYEES v. UNM.
 - Alleged employee deemed a probationary and therefore at-will employee and terminated without cause, contrary to the CBA and thus contrary to PEBA.
 - Hearing examiner concluded UNM violated PEBA and CBA (thereafter matter settled while appeal to PELRB was pending).
2. 102-05. CWA v. NM MUSEAUM OF NATURAL HISTORY AND SCIENCE, DEPT. OF CULTURAL AFFAIRS (“NMMNHS”).
 - Alleged attempt to interfere with union-related discussions a/o union meetings.
 - Settled and withdrawn.
3. 103-05. CWA v. NMMNHS.
 - Alleged refusing to meet and confer with union representative regarding complaints about hostile work environment.
 - Disposition unknown.
4. 104-05. CWA v. NMMNHS.
 - Alleged implementing policies without first bargaining with the union.
 - Settled and withdrawn.
5. 105-05. CWA v. NMMNHS.
 - Alleged threatening of union officials.
 - Settled and withdrawn.
6. 106-05. CWA v. NMMNHS.
 - Alleged denial of union representation or presence at certain mgmt-employee meetings.
 - Disposition unknown.
7. 107-05. CWA v. NMMNHS.
 - Alleged reprimand and discrimination of employee because of union membership.
 - Withdrawn.
8. 108-05. CWA v. NMMNHS.
 - Alleged dominating or interfering with the union and interfering with the exercise of PEBA rights by stating, in a labor-management meeting, that a particular employee should not be a union officer.
 - Settled and withdrawn.
9. 109-05. CWA v. NMMNHS.
 - Alleged interference with and denying Weingarten rights, attempting to coerce employee to sign away grievance rights, without union representation.
 - Settled and withdrawn.
10. 110-05. AFSCME v. WESTERN NEW MEXICO UNIV.
 - Alleged failure or refusal to provide list of names and addresses of purported bargaining unit members upon filing of petition for representation.
 - Remanded to local board.
11. 111-05. AFSCME v. DEPARTMENT OF CORRECTIONS.
 - Alleged violation of CBA by instituting a number of unilateral changes to policies affecting conduct, safety and/or location or operations, without first giving Union notice and opportunity to bargain.

¹⁵ Two case numbers are omitted from the 2005 list. In Case 137-05, *State of New Mexico and AFSCME*, there was never a true case in controversy. The parties simply filed a mutual request that the six-month statute of limitations be extended in the event a PPC was filed, because the parties had ended up in impasse arbitration and there had been considerable time delays in obtaining and implementing the award. No actual PPC, however, was ever filed. The other omitted case number, Case 138-05, was not assigned to any case.

- Settled and withdrawn.

12. 112-05. CWA v. ENVIRONMENT DEPARTMENT.

- Alleged retaliation for filing grievances, by giving negative evaluations and remedial action plans.
- Settled and dismissed by stipulation.

13. 113-05. CWA v. DEPT. OF CULTURAL AFFAIRS, NMMNHS.

- Alleged that after filing grievance, employee was disciplined and harassed by receiving a five memos requiring action within an unrealistic time frame.
- Withdrawn.

14. 114-05. CWA v. NMMNHS.

- Alleged discrimination and interference by contacting State Police to investigate an employee active in the Union.
- Settled and withdrawn.

15. 115-05. AFSCME v. CYFD.

- Alleged shift bid posted in middle of negotiations without reasonable notice to Union.
- Settled and withdrawn.

16. 116-05. CWA v. COMMISSION ON STATUS OF WOMEN.

- Alleged that certified bargaining unit classifications were unilaterally changed during bargaining without notifying the Union.
- Settled and withdrawn.

17. 117-05. CWA v. NMMNHS.

- Alleged employee given written reprimand after filing grievance.
- Withdrawn.

18. 118-05. AFSCME v. CYFD.

- Alleged change in grooming and clothing policies without first giving Union notice and opportunity to bargain.
- Settled and withdrawn.

19. 119-05. AFSCME v. NMSU.

- Alleged that process of filing for local board used to interfere with Union's organizing efforts, by causing delay and procedural impediments.
- Remanded to local board.

20. 120-05. CWA v. CITY OF FARMINGTON.

- Alleged 2001 Ordinance amending the City's 1990 and 1991 collective bargaining Ordinances violated PEBA by violating the fundamental rights of employees to be protected from arbitrary decertification; right to communicate with the community through media communications; right to hold votes to indicate no confidence in public officials' performance; and right to be politically active.
- Case closed for lack of prosecution.

21. 121-05. AFSCME v. PUBLIC DEFENDER'S OFFICE.

- Alleged retaliation against employee for asking for Union representation at meeting at which a letter of reprimand was to be issued.
- Dept. was found to have violated PEBA (thereafter, matter settled and dismissed while awaiting appeal to Board).

22. 122-05. CWA Local 7911 v. CITY OF FARMINGTON.

- Alleged violation of the duty to bargain in good faith by offering a contract proposal less favorable than the previous proposal, after the union filed a PPC.
- Stipulated withdrawal and dismissal.

23. 123-05. AFSCME v. DONA ANA COUNTY DETENTION CENTER.

- Alleged initiation of overtime policy change while parties in bargaining, over the union's objection and prior to impasse.

- Dismissed due to existence of local board.

24. 124-05. AFSCME v. FORT BAYARD HOSPITAL.

- Alleged discrimination and refusal to bargain in good faith by unilaterally changing terms and conditions of employment
- Dismissed after hearing on the merits (no evidence of discrimination and only job assignment changed, not job duties), no further appeal.

25. 125-05. CWA v. GSD.

- Alleged denial of *Weingarten* rights, and retaliation for seeking to exercise *Weingarten* rights.
- Settled and withdrawn.

26. 126-05. MCKINLEY COUNTY FEDERATION OF EDUCATIONAL EMPLOYEES # 3313 v. GALLUP MCKINLEY COUNTY SCHOOLS.

- Alleged that process of filing for and creating the local board used to interfere with Union's organizing efforts, and right to have pending PPCs heard by the local board, by causing delay and procedural impediments.
- Settled and voluntarily dismissed.

27. 127-05. AFSCME v. CYFD.

- Alleged interference with *Weingarten* rights.
- Withdrawn.

28. 128-05 AFSCME v. DEPT. OF TRANSPORTATION.

- Alleged interference with *Weingarten* rights, and threats of retaliation if *Weingarten* rights exercised.
- Dismissed because not timely filed.

29. 129-05. INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 953 (IUOE) v. ELEPHANTE BUTTE IRRIGATION DISTRICT (EBID).

- Alleged failure to bargain in good faith, by stalling bargaining, not providing a complete, last and best offer to the arbitrator, and by changing the arbitration award.
- Disposition unknown.

30. 130-05. IUOE v. EBID.

- Alleged interference with the formation of a labor organization by unilaterally imposing conditions regarding union security.
- Disposition unknown.

31. 131-05. AFSCME v. CYFD.

- Alleged unilateral change in terms and conditions of employment by prohibiting all Juvenile Justice Service staff from using, wearing or presenting badges.
- Settled and withdrawn.

32. 132-05. GADSDEN FTA v. GADSDEN INDEP. SCHOOL DISTRICT.

- Alleged use of the process for approving and establishing a local board to delay processing a pending petition for recognition
- Dismissed upon motion for directed verdict.

33. 133-05. AFSCME v. WESTERN NM UNIVERSITY.

- Alleged violation of local labor resolution by changing the work hours, work location and lunch times of Maintenance Department employees, many of whom are participating in a union organizational campaign, for purposes of discouraging union involvement and interfering in ability to communicate with one another about the organizational efforts.
- PPC withdrawn and remanded to local board.

34. 134-05. AFSCME v. HSD.

- Alleged refusal to process a grievance, and that a hostile work environment created after the grievance was filed and after Union representatives requested an investigation by the inspector General regarding corruption and mismanagement at the Espanola ISD office.
- Withdrawn.

35. 135-05. AFSCME v. HSD.
 - Alleged violation of the CBA in that certain employees were given 30, 60 and 90-day EDA evaluations, rather than annual evaluations; that the evaluations included investigatory questions unrelated to the job performance and allegations of misconduct without union representation present; and that the evaluations were issued in retaliation for the employees having previously asserted rights in the workplace.
 - Settled and withdrawn.
36. 136-05. TVI FEDERATION v. TVI.
 - Alleged interference with and denial of *Weingarten* rights.
 - Withdrawn.
37. 139-05. AFSCME v. CYFD.
 - Alleged discrimination to discourage union membership, and refusal to bargain in good faith.
 - Withdrawn while engaged in settlement efforts.
38. 140-05. AFSCME v. DEPT. OF TRANSPORTATION.
 - Alleged animosity and sarcasm regarding requests for union representation at a meeting that employee could reasonably have believed could result in discipline, and alleged retaliation for filing EEO complaint.
 - Settled and withdrawn.
39. 141-05. AFSCME v. HSD.
 - Alleged employer confronted employee in an intimidating manner about having contacted employee's union representative.
 - Settled and withdrawn.
40. 142-05. US-UNM LOCAL 6155 v. UNM.
 - Alleged unilateral raising of the salaries of employees mis-designated as "managers", and the renaming of job positions to remove such positions from the bargaining unit.
 - Withdrawn upon notice of facial inadequacy, in light of existence of local board.
41. 143-05. AFSCME v. CYFD.
 - Alleged intimidation of employee to discourage her from asserting her *Weingarten* rights.
 - Settled and withdrawn.
42. 144-05. CWA v. ISD-GSD.
 - Alleged unilateral changing of shift and post schedules while in bargaining, and the change in terms and conditions of a union activist after he met with a Union organizer.
 - Settled and withdrawn.
43. 145-05. AFSCME v. STATE VETERANS' HOME (DOH).
 - Alleged a violation of the CBA and unilateral change in terms and conditions of employment, by having bargaining unit employees perform work outside of their job descriptions, and refusal to meet and confer upon request regarding these changes.
 - Withdrawn while engaged in settlement efforts.
44. 146-05. AFSCME v. HSD.
 - Alleged unilateral change in terms and conditions of employment by doubling "intake" duties without negotiating the matter.
 - Settled, withdrawn and dismissed by stipulated agreement.
45. 147-05. AFSCME v. HSD.
 - Alleged refusal to provide, upon request, information necessary to investigate a potential grievance.
 - Settled, withdrawn and dismissed.
46. 148-05. AFSCME v. HSD.
 - Alleged violation of the CBA and interference with PEBA rights by improperly denying or obstructing requests for Union time allowed under the CBA.
 - Settled and dismissed by stipulated agreement.

47. 149-05 AFSCME v. HSD.

- Alleged discrimination in terms and conditions of employment after employee requested time off to attend Union steward training.
- Settled.

48. 150-05. AFSCME v. HSD.

- Alleged employee demoted in violation of the CBA.
- Withdrawn.

49. 151-05. AFSCME v. PUBLIC REGULATION COMMISSION.

- Alleged violation of *Weingarten* rights, and issuance of a letter of reprimand after employer instigated a fight at the meeting for which the *Weingarten* rights were denied.
- Settled and withdrawn.

50. 152-05. AFSCME v. CITY OF LAS VEGAS.

- Alleged violation of the CBA by refusing to accept or recognize a timely filed response to a notice of contemplated action.
- Transferred to local board.

51. 153-05. AFSCME v. PUBLIC DEFENDER'S OFFICE.

- Alleged refusal to provide, upon request, information necessary to investigate a potential grievance concerning violation of the contract.
- Disposition unknown.

52. 154-05. AFSCME & TAXATION AND REVENUE DEPT.

- Alleged violation of the CBA by changing an employee's work schedule without the required advance notice.
- Withdrawn.

53. 155-05. AFSCME & TAXATION AND REVENUE DEPT.

- Alleged violation of the CBA by refusing to meet with employees and Union officials informally, to resolve labor relations issues at the lowest possible level.
- Withdrawn.

54. 156-05. PITA ROYBAL v. CYFD.

- Alleged violation of *Weingarten* rights.
- PPC dismissed and dismissal affirmed by Board (meeting was not investigatory).

55. 157-05. AFSCME v. DEPT. OF TRANSPORTATION.

- Alleged violation of the CBA by failing to notify employee that meeting could lead to discipline (and perhaps denial of *Weingarten* rights as well, but PPC not clear).
- Withdrawn while engaged in settlement efforts.

2004 – DISPOSITIONS

Sustained on merits--violation found	1
By Appellate Court	1
Dismissed on merits--no violation found	1
By Appellate Court	1
Dismissed – not on merits	15
For failure to state a claim	3
For failure to prosecute	3
Remanded to local board	9
Withdrawn and/or settled	16
Withdrawn w/o explanation or for other reasons	7
Settled	9
Closed but disposition unknown	6
Pending	0
TOTAL PPCs FILED	39

2004 – TYPES OF CLAIMS AND RESPONDENTS

Type of Respondent	Discrimination Retaliation or Interference	Type of Claim					TOTAL
		Info.	Violation of the duty to bargain in good faith	Terms & Conditions	Other	Domination, Interference with Union	
State	0	0	0	0	0	0	0
State Agency	9	0	0	0	1	0	0
County	1	1	1	0	0	0	3
Municipality	3	0	0	1	0	0	6
Public School	3	1	2	1	0	0	9
Higher Educ.	2	0	0	1	0	0	4
Med. Facility	2	0	0	0	0	3	5
Other	0	0	0	0	0	0	0
Union	0	0	0	0	0	0	0
Individual	0	0	0	0	0	0	1
TOTAL	21	2	3	3	1	3	39

¹⁶ Including: local resolution's violation of PEBA; not providing good working conditions; an affirmative defenses to another PPC (denial of jurisdiction) and a local resolution violated PEBA; certain employees were improperly excluded from the bargaining unit; a local dispute resolution policy violated due process; and factual evidence was improperly misrepresented to a School Board regarding local boards or resolutions, and a local resolution was proposed that denied probationary school employees their rights under PEBA. See Cases 102-04; 117-04; 130-04; 132-04; 133-04; and 135-04.

2004 – IDENTITY OF RESPONDENTS

ENTITY TYPE	IDENTITY	Subtotal	TOTAL
State			0
Agencies			10
	Children Youth Families Dept. (CYFD)	2	
	Environment Dept.	1	
	Health, Dept. of (DOH)	6	
	Taxation & Revenue Dept. (TRD)	1	
Counties			3
	Dona Ana County	1	
	Grant County	1	
	Santa Fe County Sheriff's Dept.	1	
Municipalities			6
	City of Clovis	1	
	City of Deming	1	
	City of Espanola	2	
	City of Hobbs	1	
	City of Raton	1	
Public Schools			9
	Dulce Independent Schools	3	
	Gadsden Independent Schools	2	
	Gallup Schools	1	
	Rio Rancho Schools	3	
Institutions of Higher Education			4
	New Mexico State University (NMSU)	2	
	Northern New Mexico Community College	1	
	UNM	1	
Medical Facilities			5
	Ft. Bayard Medical Center	1	
	Miner's Colfax Medical Center	1	
	UNM Health Sciences Center (UNMH)	3	
Other			0
Courts			1
	Second Judicial Dist.	1	
Unions			0
Individuals			1
	Alleged Management Representative or Agent	1	
TOTAL			39

2004 – CASE DESCRIPTIONS

1. 101-04. NM FEDERATION v. DULCE INDEPENDENT SCHOOLS.
 - Alleged interference with PEBA right to form, join or assist a union, discrimination against bargaining unit members, and denial of Weingarten rights.
 - Settled.
2. 102-04. DEMINING FIREFIGHTERS, IAFF LOCAL 4251 v. CITY OF DEMING.
 - Alleged that the grandfathered local resolution violates PEBA.
 - PELRB affirmed the hearing examiner's determination of violation in part and reversed in part; Ct. of App. affirmed PELRB in part and reversed in part; matter thereafter remanded by PELRB to local board.
3. 103-04. LAURA CHAMA-ORTEGA v. 2nd JUDICIAL DISTRICT COURT.
 - Alleged discrimination in prohibiting court employee from displaying union markers but allowing other employees to display other types of markers.
 - Decision asserting jurisdiction affirmed by PELRB, then reversed by District Court on appeal. See *Chamas-Ortega v. 2d Judicial District Court*, 7th Judicial Dist., Case No. Case No. CV-04-7883 (March 10, 2006) (J. Kase) (ruling that PEBA does not apply to judicial employees under separation of powers grounds).
4. 104-04. INT'L UNION OF POLICE ASSOCIATIONS v. CITY OF HOBBS.
 - Alleged interference, retaliation and unilateral change of status quo.
 - Remanded to local board.
5. 105-04. AFSCME v. CYFD.
 - Alleged employee improperly docked pay for attending a bill signing related to union business.
 - Dismissed for failure to supplement PPC upon notice of facial inadequacy.
6. 106-04. NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, District 1199 NM v. UNMH.
 - Alleged failure to give negotiated pay raises and refusal to provide information upon request.
 - PELRB affirmed hearing examiner's determination of liability; thereafter the matter was settled and withdrawn while appeal pending before District Court.
7. 107-04. AFSCME v. FT. BAYARD MEDICAL CENTER.
 - Alleged interference with and denial of union access to bargaining unit employees.
 - Settled and withdrawn.
8. 108-04. CWA v. SANTA FE COUNTY SHERIFF'S DEPT.
 - Alleged refusal to bargain in good faith, and unilateral change of terms and conditions.
 - Settled and withdrawn.
9. 109A-04. CLOVIS POLICE OFFICERS ASSOCIATION v. CITY OF CLOVIS.
 - Alleged that general pay raise improperly denied to bargaining unit members after petition for representation filed.
 - Remanded to local board.
10. 109-04. GADSDEN FEDERATION OF TEACHERS v. GADSDEN INDEP. SCHOOL DIST.
 - Alleged refusal to recognize and bargain with the incumbent union.
 - Remanded to local board.
11. 110-04. GADSDEN FEDERATION OF TEACHERS v. GADSDEN INDEP. SCHOOL DIST.
 - Alleged refusal to provide information to the incumbent union.
 - Remanded to local board.
12. 111-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.
 - Withdrawn.
13. 112-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.

- Withdrawn.

14. 113-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.
 - Withdrawn.
15. 114-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.
 - Withdrawn.
16. 115-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.
 - Withdrawn.
17. 116-04. AFSCME v. DEPT. OF HEALTH.
 - Alleged discrimination and harassment since employee elected as Local President.
 - Withdrawn.
18. 117-04. JOHN CASIAS v. DULCE INDEPENDENT SCHOOLS.
 - Alleged not providing good working conditions.
 - Remanded to local board by joint stipulated agreement.
19. 118-04. RICH MENDELSON v. CYFD.
 - Alleged harassment regarding union activities.
 - Dismissed for failure to supplement PPC.
20. 119-04. AFSCME v. DONA ANA COUNTY.
 - Alleged failure or refusal to provide a list of names of employees in the petitioned for bargaining unit, upon filing of a petition for recognition.
 - Remanded to local board by stipulated agreement.
21. 120-04. RIO RANCHO SCHOOL EMPLOYEES UNION, NEA v. RIO RANCHO SCHOOLS.
 - Alleged unilateral change of wages while at impasse.
 - Disposition unknown.
22. 121-04. RIO RANCHO SCHOOL EMPLOYEES UNION, NEA v. RIO RANCHO SCHOOLS.
 - Alleged unilateral change of wages while at impasse and refusal to comply with PEBA impasse provisions.
 - Disposition unknown.
23. 122-04. AFSCME v TAXATION AND REVENUE DEPT.
 - Alleged the holding of a meeting of bargaining unit employees to chastise them for "crying to the union" when management asked them to sign a memo.
 - Settled and withdrawn.
24. 123-04. NMFEE v. DULCE INDEPENDENT SCHOOLS.
 - Alleged reprimanding Local President for raising concerns regarding terms and conditions of employment (including a directive allegedly in violation of federal law, and random drug testing).
 - Settled and withdrawn.
25. 124-04. NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, District 1199 NM v. UNMH.
 - Alleged failure to give negotiated pay raises and refusal to provide information upon request.
 - Settled and withdrawn.
26. 125-04. AFSCME v. CITY OF ESPANOLA.
 - Alleged retaliation against employee for activities in helping to form a local union.
 - Settled and voluntarily dismissed.

27. 126-04. DANIELA BOWMAN v. NM ENVIRONMENT DEPT.
 - Alleged that Department provided an incomplete employee list so Union did not accurately demonstrate majority support, in violation of Section 19(C) (domination of, interference with union, by recognizing a union that has not demonstrated majority support).
 - Dismissed for failure to state a claim.
28. 127-04. AFT/FEDERATION v. NORTHERN NEW MEXICO COMMUNITY COLLEGE.
 - Alleged refusing to bargain upon request.
 - Disposition unknown.
29. 128-04. CWA v. MINER COLFAX MEDICAL CENTER.
 - Alleged termination of vocal union supporter after publicly supporting the union.
 - Withdrawn.
30. 129-04. NMFE v. GALLUP SCHOOLS.
 - Alleged refusal to admit union as a vendor at teacher orientation while allowing other organizations admission.
 - Disposition unknown.
31. 130-04. RIO RANCHO PUBLIC SCHOOL EMPLOYEES, NEA v. RIO RANCHO PUBLIC SCHOOLS.
 - Alleged that affirmative defense in another PPC violated PEBA by asserting jurisdiction lied with local board, and because local resolution violated PEBA.
 - Disposition unknown.
32. 131-04. IAFF v. CITY OF ESPANOLA.
 - Alleged refusal to bargain upon request.
 - Dismissed for failure to prosecute.
33. 132-04. IAFF v. CITY OF RATON.
 - Alleged improper exclusion of paramedics from bargaining unit.
 - Dismissed for failure to prosecute.
34. 133-04. CWA v. UNM.
 - Alleged denial of due process by way of UNM dispute resolution policy.
 - Dismissed for failure to prosecute.
35. 134-04. DAVID SARNOWSKY V. GRANT COUNTY.
 - Alleged pretextual termination after filing of grievance, and failure to comply with subsequent arbitration order to reinstate with backpay.
 - Dismissed because local board approved.
36. 135-04. MCKINLEY COUNTY FEDERATION OF UNITED SCHOOL EMPLOYEES # 3313 v. JOHN MARTINEZ.
 - Alleged misrepresenting factual evidence to the School Board to coerce it to adopt a local board, and proposing local resolution that denied probationary employees their rights under PEBA.
 - Disposition unknown.
37. 136-04. AFSCME v. NMSU.
 - Alleged discrimination, intimidation and interference with meetings regarding forming, joining or assisting a union.
 - Remanded to local board upon joint request.
38. 137-04. NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, District 1199 NM v. UNMH.
 - Alleged failure to give negotiated pay raises and refusal to provide information upon request.
 - Settled and withdrawn.
39. 138-04. AFSCME v. NMSU.
 - Alleged using anti-solicitation policy to interfere with union's access to bargaining unit members and to interfere with bargaining unit members' right to form, join or assist union.

- Remanded to local board upon joint request.