

PELRB Prohibited Practice Complaint Guide

Disclaimer: Summary only—consult PELRB Rules & PEBA for full requirements.

1. Time Limit

File within 6 months of the alleged prohibited act or discovery.

2. Proper Form

Use PELRB Form #1 – Prohibited Practice Complaint.

3. What to Include

Identify parties, statute violated, dates, facts, and include sworn declaration.

4. Filing with PELRB

Submit to the Director by email, mail, or in person.

5. Service Requirement

Serve the respondent and complete the Certificate of Service.

6. Screening

Director reviews for timeliness, completeness, and jurisdiction.

7. Investigation & Response

Respondent has 15 days to answer; PELRB may gather evidence.

8. Possible Default

If no response is filed, a default decision may be issued.

9. Hearings

If the case proceeds, a formal evidentiary hearing is scheduled.

10. Motions to Dismiss or Summary Judgment

- Parties may file motions to dismiss or for summary judgment.
- Director/Hearing Examiner decides based on filings; may grant, deny, or set for hearing.

Helpful PELRB Resources

PEBA: <https://www.pelrb.nm.gov/statutes-rules/peba/>

PELRB Rules: <https://www.pelrb.nm.gov/statutes-rules/rules/>

Decisional Law & Research Aids: <https://www.pelrb.nm.gov/decisional-law-research-aids/>

PELRB Practice Manual: <https://www.pelrb.nm.gov/forms-resources/>



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