

**14-PELRB-2026**

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

**In re:**

**TEAMSTERS LOCAL 492,  
Petitioner,**

**and**

**PELRB No. 301-26**

**ESTANCIA VALLEY SOLID  
WASTE AUTHORITY,  
Respondent.**

**ORDER**

**THIS MATTER** comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on April 7, 2026, upon a Petition by the union to accrete the position of Landfill Supervisor into the existing bargaining unit at Estancia Valley Solid Waste Authority. The Hearing Examiner found the position of Landfill Supervisor did not meet the definition of supervisor in the PEBA and that the Petition was supported by an adequate showing of interest. No request for Board review was filed. The Hearing Examiner issued an Amended Certification on May 5, 2026, indicating the accretion of the petitioned-for position. Upon review of the submissions and no one appearing in opposition to the Amended Certification, the Board, by unanimous vote, hereby affirms and ratifies the Hearing Examiner's Report and Recommended Decision and the Amended Certification of Representation issued by the Hearing Examiner on May 5, 2026 including the findings therein.

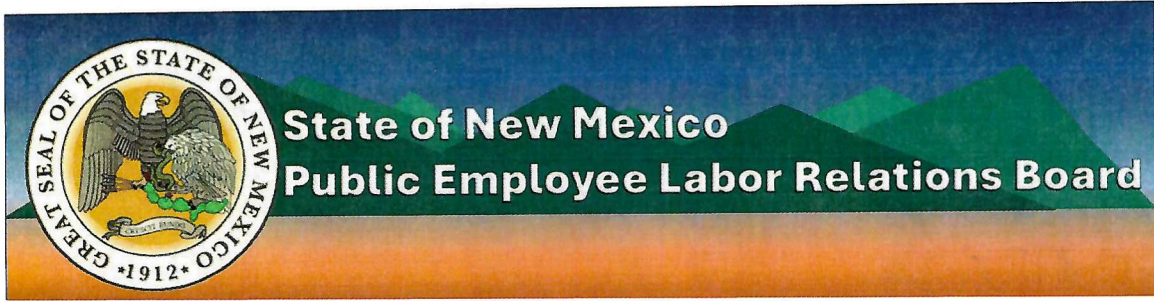
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*Nan Nash*

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Date: 5/12/2026

Nan Nash, Board Chair



### Amended Certification of Representation

The undersigned hereby certifies that **The International Brotherhood of teamsters, Local 492 (Petitioner)**, has demonstrated a sufficient basis pursuant to NMAC 11.21.2.38 to compel amendment of the certification of the bargaining unit with regard to the **Estancia Valley Solid Waste Authority (EVSWA or Employer)** employees represented by **Petitioner**.

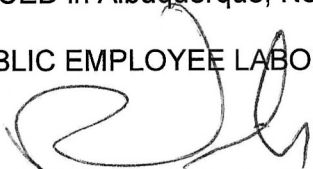
The undersigned makes this certification based on the following:

1. Petitioner filed a Petition on January 8, 2026 (301-26), requesting accretion of the Landfill Supervisor position and amendment of the Certification of the unit of EVSWA employees represented by Petitioner. After determining that the Petition was facially valid PELRB staff sent notice of the Petition requesting each parties' statement of their positions. EVSWA objected to the accretion on the ground that the Landfill Supervisor position was statutorily excluded as a supervisor.
2. A hearing was held on March 24, 2026 and both parties were given opportunity to be heard. A Hearing Officer's Report and Recommended Decision was issued on April 16, 2026 finding that the Landfill Supervisor did not meet the statutory definition of supervisor and recommended the Amended Certification be issued. No request for Board review was filed.
3. The Recommended Decision resolved all issues of unit inclusion or Exclusion. Accordingly, certification of the bargaining unit shall be, and hereby is, amended to reflect its current description as follows:

**Truck Drivers, Heavy Equipment Operators, Landfill Operators, Transfer Station Attendants, Mechanics, Scale Operators, Laborers as certified in PELRB Case No. 322-06, Lead Station Attendant, Landfill Supervisor**

ISSUED in Albuquerque, New Mexico on May 5, 2026 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

  
\_\_\_\_\_  
Pilar Vaile  
Executive Director



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

**In re:**

**TEAMSTERS LOCAL 492,  
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**ESTANCIA VALLEY SOLID  
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**HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION**

This matter comes before Matthew Huchmala, designated as the Hearing Officer in this case, on a Petition filed by the International Brotherhood of Teamsters, Local 492, (Petitioner or Union) for accretion of the position of Landfill Supervisor into an existing bargaining unit of employees of the Estancia Valley Solid Waste Authority (EVSWA or Employer).

**PROCEDURAL HISTORY:**

Petitioner filed a petition on January 8, 2026 seeking accretion of the Landfill Supervisor position. The Employer filed its response on January 21, 2026, objecting to the accretion on the ground that the Landfill Supervisor is a supervisor under the Public Employee Bargaining Act (PEBA or the Act) and including it in the bargaining unit would render it inappropriate. A hearing was conducted on March 24, 2026. All parties hereto were afforded a full opportunity to be heard, to examine and cross-examine witnesses, to introduce evidence, and to argue orally. On the entire record in this case and from my observation of the witnesses and their demeanor on the witness stand, and upon substantive, reliable evidence considered along with the consistency and inherent probability of testimony, I make the following Recommended Decision.

**FINDINGS OF FACT:**

Based on the testimony of witnesses and other evidence presented by the parties, I make the following findings of fact:

1. The Respondent is a Public Employer as defined in NMSA 10-7E-4(R).
2. The Landfill Supervisor is a Public Employee as defined by NMSA 10-&E-4(Q).
3. The Landfill Supervisor spends a majority of his worktime operating a bulldozer or compactor and doing other work similar to his subordinates.
4. The Landfill Supervisor regularly directs the work of two or more other employees.
5. The Landfill Supervisor does not have the authority to hire, promote or discipline other employees, but his recommendations are taken seriously by the employer.

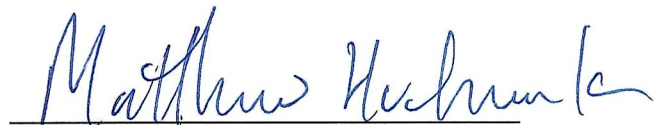
#### **ANALYSIS AND CONCLUSION**

The PEBA defines a supervisor as “an employee (1) who devotes a majority of work time to supervisory duties, (2) who customarily and regularly directs the work of two or more other employees and (3) who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively...” (NMSA 10-7E-4(T), parentheses added for clarity). Because the definition uses “and” not “or,” an employee/position must satisfy all three elements of the definition in order to be deemed a supervisor under the Act. Section 13(C) of the act states that this Board “shall not include in an appropriate bargaining unit supervisors, managers or confidential employees.” (NMSA 10-7E-13(C)). Respondent did not raise an objection to the inclusion of the Landfill Supervisor as a confidential or managerial employee, so no analysis of those definitions is necessary. (See CWA & Doña Ana County, 1 PELRB No. 16 (1996), interpreting a similar provision of PEBA I).

Here, there was testimony from Andy (AJ) Chavez, the current Landfill Supervisor, and Rafael Mirabal, one of the other employees at the landfill, that the Landfill Supervisor spends a majority of his time doing work similar to his subordinates. Both witnesses testified that the Landfill Supervisor devotes most of his time engaged in various jobs around the landfill that is the same type of work done by the other

employees at the landfill, such as operating a bulldozer or a compactor, 'picking up the slack' where coverage is needed. There was no genuine dispute about the fact that the Landfill supervisor directs the work of two or more employees. The testimony of Danette Cabber, Executive Director of EVSWA, supports a finding that the Landfill Supervisor has many supervisory duties, and his recommendations on discipline and hiring are given significant weight by the Employer. However, as noted above, an employee/position must satisfy all three prongs of the definition in order to be considered a supervisor under the Act. Because the Landfill Supervisor does not devote a majority of his time to supervisory duties, I find and conclude that the Landfill Supervisor is not a supervisor as defined by the Act and including the position in the bargaining unit would not render it inappropriate or violate §13(C) of the Act. Furthermore, because there is only one employee holding the position of Landfill Supervisor and the Petition was supported by a showing of interest, an Amended Certification should be issued.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Matthew Huchmala  
Alternate Hearing Examiner

Date: April 16, 2026