



**State of New Mexico**

Public Employee Labor Relations Board

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# 2025 ANNUAL REPORT

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Executive Director

**Nan Nash, Board Chair**

**Peggy Nelson, Vice-Chair**

**Mark Myers, Board Member**

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

**2025 ANNUAL REPORT**

Albuquerque, New Mexico  
March 16, 2026  
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This report was prepared by the Staff of the New Mexico Public Employee Labor Relations Board under its authority to “conduct studies on problems pertaining to employee-employer relations” found in NMSA §10-7E-9(2), and its obligation under NMAC 11.21.1.30 to keep the Board members and public informed regarding case dispositions and Agency operations.

## Table of Contents

<b>Executive Summary</b> .....	1
<b>Vision Statement</b> .....	1
<b>I. Introduction</b> .....	2
<b>II. Summary of PELRB’s Core Functions &amp; Responsibilities</b> .....	6
<b>III. 2025 Case Activity</b> .....	7
<b>A. Prohibited Practice Complaints (PPCs)</b> .....	8
<b>(1) General PPC Procedures</b> .....	8
<b>(2) New PPCs Filed in 2025</b> .....	9
<b>(3) Holdover PPCs Processed in 2025</b> .....	15
<b>B. Representation Petitions</b> .....	18
<b>(1) General Petition Procedures</b> .....	19
<b>(2) New Petitions Filed in 2025</b> .....	20
<b>(3) Holdover Petitions Processed in 2025</b> .....	23
<b>C. Monitoring &amp; Supporting Local Boards</b> .....	24
<b>D. Rulemaking</b> .....	27
<b>IV. Judicial Review of PELRB Decisions</b> .....	27
<b>A. New Appeals Filed in 2025</b> .....	27
<b>B. Court Decisions Issued in 2025</b> .....	28
<b>C. Other Pending Appeals</b> .....	29
<b>V. Other PELRB Activities in 2025</b> .....	30
<b>A. Outreach and Data Collection</b> .....	30
<b>B. Other Activities in Aid of N.M. Public Bargaining</b> .....	30
<b>C. Staff and Board Education and Training</b> .....	32
<b>D. Facilities &amp; Infrastructure Improvements</b> .....	33
<b>VI. Performance Measures Met, But Agency Faces Challenges</b> .....	35
<b>Appendices</b>	
<b>A. All Cases Filed 2004-2025</b> .....	39
<b>B. 2025 Case Statistics</b> .....	40
- Table 1, All Cases Filed in 2025 by Workplace or Respondent.....	40
- Table 2, 2025 Case Status, Activity, and/or Resolutions .....	41
- Table 3, 2025 Summary of Processing Time Frames, Motion Practice, & Hearings.....	42
- Table 4, 2025 Processing Time Frames – Detailed.....	42
<b>C. A Brief History of the PELRB with Additional Materials</b> .....	43

## EXECUTIVE SUMMARY

The New Mexico Public Employee Labor Relations Board (PELRB) implements the Public Employee Bargaining Act (PEBA). PEBA,

guarantee[s] public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions.

See NMSA § 10-7E-2, Public Employee Bargaining Act (PEBA) (Purpose of act).

The PELRB's primary functions involve processing Prohibited Practice Complaints (PPCs) and Petitions for Representation (Petitions or Representation Petitions). In 2025, the PELRB had **78 new filings, including 43 PPCs and 35 Petitions for representation**, which represents a **30% increase in case filings from 2024** (60 case, including 35 PPCs and 25 Petitions). Additionally, the Agency continued to process and/or monitor the 17 holdover PPCs and six (6) holdover Petitions from prior years. **Combined, the PELRB handled 60 PPCs and 41 Petitions, for a total of 101 cases.**

The PERLB also began the process of reviewing and changing internal and external processes and expectations under new the new Director, who came on board effective January 17, 2025. The Agency was not able to meet the promise made in the [2024 Annual Report and 20+ Year Review of Our Mission and Operations](#) (hereinafter "2024 Report"), to conduct-rule making, or its hope for constituent training. Nonetheless, in addition to timely processing PPCs and Petitions, the Agency:

- provided significant training to Staff and Board Members;
- upgraded our technology and website;
- gathered and published extensive data on New Mexico public bargaining actors, bargaining units, collective bargaining agreements (CBAs) and covered employees;
- and participated and assisted in State and national efforts to preserve the Federal Mediation and Conciliation Service (FMCS), for the benefit of N.M. public employees and public employers.

## VISION

To implement PEBA by timely<sup>1</sup> and competently processing Prohibited Practice Complaints (PPCs or Complaints) and Representation Petitions (Petitions) consistent with due

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<sup>1</sup> See Appendix D to the [2024 Report](#) at pp. 61-65, "Regulatory Case Processing Timelines".

process and fair hearing requirements; and taking other timely Agency action as needed in the interests of New Mexico public collective bargaining, including but not limited to data gathering, public outreach, education, and rulemaking.<sup>2</sup>

## I. INTRODUCTION

The 2025 Annual Report marks the first year of operations of the PELRB under the Executive Director Pilar Vaile, who came to the PELRB after previously serving as a Board Member and Vice Chair (2004), the PELRB Deputy Director and primary Hearing Examiner under Director Juan Montoya (2005-2009), and a private neutral and labor arbitrator (2010-present; Member of the National Academy of Arbitrators, NAA Board of Governors, and Vice-Chair then Chair of the NAA SW Region).

As a matter of housekeeping, note that the 2025 Annual Report marks a significant change in format going forward, as we have (a) deleted the extensive boilerplate language regarding PEBA duties and functions, and (b) drastically reduced the procedural detail that the last few years' Reports reflected. If constituents observe other ways we can improve how we report information, please do not hesitate to reach out to us by email or telephone.

The PELRB is pleased to report the work that Staff has been engaged in the past year, including the following.

1. Continuing to timely process Prohibited Practice Complaints and Representation Petitions, including
  - ***78 new cases filed (43 PPCs and 35 Petitions)***
  - ***22 holdover cases also processed (17 PPCs and 5 Petitions)***
  - ***A total of 100 cases process or monitored***
  - ***81% of cases resolved within 6 months (95% for Petitions, 72% for PPCs)***
  - ***7 dispositive motions resolved***
  - ***9 hearings held***
  - ***16 reasoned decisions issued***
  - ***PELRB was sustained in all 4 appeals decided in 2025***

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<sup>2</sup> This represents a reorientation and “slimming-down” from the Vision as stated in the recent FY26 Strategic Plan, the new Director’s first. As with the [2024 Report](#), which was also the new Director’s first, she simply copied forward the template that had been used with little or no change for the past several years. Future Strategic Plans will reflect attainable goals given staffing and budget. See Sec. VI, and Note 10, *infra*.

2. Presenting at the American Bar Association (ABA) Labor and Employment Law ([LEL](#)) [Section Annual Conference](#) in Denver, Colorado.
3. Identifying and publishing all known local bargaining representatives and their emails and phone numbers ([over 350](#)).
4. Identifying and publishing the [scope of our jurisdiction](#) (90 State and local employers across approximately 120 workplaces or agencies, and more than 60,000 public employees).
5. Sending two Board members, the Agency's assigned Asst. AG, and the Executive Director to the Labor and Employment Relations Association ([LERA](#)) [77<sup>th</sup> Annual Conference](#).
6. Sending the Agency's 7+ year Legal Assistant, and now acting Alternate Hearing Examiner<sup>3</sup>, to the Fair Hearing and Evidence courses at the [National Judicial College \(NJC\)](#).
7. Completing our technology upgrades needed to conduct effective video and hybrid hearings and Board Meetings from our conference room.
8. Further updating and modernizing our website to make it more accessible and useful to constituent users, and doing the advance work needed to create and roll out a PELRB Chat Bot in early 2026, and to obtain a proposal for automated case-filing/management/calendaring software by the end of FY26.
9. The Director, serving as an ad hoc member of the Albuquerque Labor Management Relations Board upon recusal of the Chair, the Hon. Ted Baca (ret.), in LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.*
10. Providing assistance to the N.M. Attorney General (AG) in joining with approximately 18 other states to [enjoin a March 2025 federal Executive Order](#) that harmed New Mexico public employees by disbanding the Federal Mediation and Conciliation Service (FMCS).
11. Upgrading our somewhat aged or dilapidated furniture and adding some decorative touches.

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<sup>3</sup> The Director has initiated the process with the GovEx Liaison to formally change his titled to reflect the new responsibilities that, very sadly, cannot yet be accompanied by a commensurate salary increase, due to budgetary constraints. (We are currently discussing "Deputy Chief Hearing Examiner".)



Oils on canvas, Gloria Blinn and Noell Custer



Oil on canvas, Krysteen Waszack

The foregoing list of accomplishments/improvements is particularly notable when considered in context. With only two full-time employees or FTEs (the Executive Director and a Legal Assistant II/Alt. H.E.) and a budget now of approximately \$325,000<sup>4</sup>, we are the smallest or second smallest State Agency depending on whether you are looking at the number of personnel or budget. See [2024 Report](#) at 1 and Note 2 therein.<sup>5</sup>

Although small, the PELRB is a vital State agency that plays an important role in the smooth functioning of State and local New Mexico workplaces. The PEBA vests the PELRB with authority over all general collective bargaining matters among public employers, labor organizations and individual public. To fulfill its various duties, it is charged with ensuring prompt and fair processing of complex and disputed legal matters, to help the State and its political subdivisions maintain harmonious labor relations and ensure efficient government operations.

As of October 2025, PELRB data collection reveals that ***more than 60,000 public employees are represented*** by an exclusive collective bargaining agent or Union under the PEBA. See <https://www.pelrb.nm.gov/wp-content/uploads/2026/03/Represented-Employees-Feb-2026-1.pdf>. Moreover, their bargaining units span approximately ***90 State and local employers across approximately 120 workplaces or agencies***. See <https://www.pelrb.nm.gov/wp-content/uploads/2026/03/All-Known-State-and-Local-Public-Bargaining-Units-Feb-2026.pdf>. Many of their collective bargaining agreements (CBAs) can be accessed through our website, also. See <https://www.pelrb.nm.gov/nm-public-bargaining/collective-bargaining-agreements/>.

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<sup>4</sup> Our FY24 budget was \$285,300; our FY25 budget was \$304,800; our FY26 was \$324,800; and our FY27 request, recently approved in February 2025, is for \$324,810.

<sup>5</sup> The respective contenders are the N.M. MLK Commission (with one employee) and the Office of Military Base Planning and Support (with an FY25 budget of 309,400).

The PELRB also has jurisdiction to ensure that the two (2) remaining local labor-management relations ordinances, charters or resolutions (hereinafter “Local Board(s)”), comport with the requirements of PEBA. See <https://www.pelrb.nm.gov/operations/local-labor-boards/>.

*Since it received its first filing upon PEBA’s re-enactment in 2004,<sup>6</sup> the PELRB has processed 1,303 total cases, including 768 Prohibited Practice Complaints (PPCs), 439 Representation Petitions, and 96 Local Board Applications or Affirmations.* See Appendix A, All Cases Filed 2004-2025. The Brief History of the PELRB that was first provided in the [2024 Report](#) is reattached here at Appendix C, along with the full statements from former Directors.

*The year 2025 saw the filing of 78 total cases, including 43 Prohibited Practice Complaints (PPCs) and 35 Representation Petitions.* Additionally, the PELRB continued to process 17 holdover PPCs and 5 holdover Petitions, for a *total of 100 cases processed in 2025 (or monitored, in the case of cases up on appeal)*. The PELRB also again expanded its jurisdiction with the 2025 biennial reporting deadline for Local Boards. By December 31, 2025 (the statutory deadline) *only two (2) of the four (4) Local Boards remaining at that time affirmed* their continuing and PEBA-compliant operations. As a result, only the *Albuquerque and Albuquerque Public School (APS) Local Boards* remain in operation. See Sec. III(C), *infra*.

The most significant thing to observe for 2025 is that case filings continued to march upwards, creating difficulties for only two FTE Staff to meet the increased caseload. In 2025 we processed 78 cases with two FTEs. This represents a *30% increase in case filings from 2024* (60 case, including 35 PPCs and 25 Petitions). By way of further comparison, *from 2004 through 2012 we processed an average of 75 cases a year with three FTEs; from 2012 through 2019 we averaged 33.75 cases a year with two FTEs; and from 2020 through 2025 we averaged 59.7 cases a year with two FTEs.* See [2024 Report](#) at 52; see also Appendix A herein, showing 20+ year average of 59.2 cases).

As a consequence, we are now “at capacity” in terms of what we can timely process and perform, in addition to the myriad other statutory administrative duties that are required of any

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<sup>6</sup> The PELRB does not maintain files from either the PEBA I era or from Local Boards, other than the first Board’s final decisions. PELRB files from PEBA I are available from the State archives, and Local Board records should be available through that Board or the relevant public employer if the Board has lapsed or otherwise ceased to exist.

State agency, with only two FTEs. On the “positive news” side, fewer new cases have been filed so far in 2026, so we may be entering a period of relative “labor peace.”

## II. SUMMARY OF PELRB’s CORE FUNCTIONS & RESPONSIBILITIES

Aside from statutory administrative functions such as budget, audit and governmental compliance matters, the PELRB’s *primary or core enforcement activities* fall within one of the following categories:

1. Holding hearings;
2. processing Representation PPCs or Petitions;
3. monitoring Local Labor Boards for compliance with PEBA; and
4. rulemaking activity as needed.

See NMSA §§ 10-7E-9, -10, -12, -14.

These primary functions relate directly to the *basic rights and responsibilities* under PEBA, including but not limited to the following:

1. The right of public employees to form, join or assist a union for the purpose of collective bargaining through representatives of their choice, or refrain from such activities without interference, restraint or coercion. See §§ 10-7E-2 and 5.
2. The right of public employees to engage in other concerted activities for mutual aid or benefit. See § 10-7E-5(B).
3. The duty of public employees and labor organizations to refrain from engaging in or encouraging strike activity, and the corresponding duty public employers to refrain from causing, instigating or engaging in a public employee lockouts. See § 10-7E-21(A).
4. The reciprocal duty of public employers and unions to negotiate in good faith over mandatory subjects of bargaining such as wages; hours and most terms and conditions of employment. See §§ 10-7E-17(A), (D) and (G); § 19(F); and § 20(C).
5. The reciprocal duty of public employers and unions to abide by the provisions of PEBA and any CBA. See § 10-7E-19(G), (H); and § 10-7E-20(D), (E).
6. The duty of public employers to provide an exclusive representative with the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in a proposed bargaining unit. See § 10-7E-15(F).

***The vast majority of the cases filed with the PELRB are ultimately settled and/or resolved without a hearing on the merits. In 2025, 83% did and that is typical. However, most required some level of process, including at least a Status and Scheduling Conference. Additionally, 7%***

*required litigation through dispositive motions or “motion practice”, and 9% required an evidentiary hearing. In 2025, 81% of the cases processed were closed within six months, which is also consistent with prior years. See [Historical Data - Public Employee Labor Relations Board](#). In 2025, five new judicial appeals were filed, and four judicial decisions were rendered (including in two of the cases filed in 2025). All appellate decisions in 2025 affirmed the Board. See Sec. III, 2025 Case Loads and Operations Summary; Sec. IV, Judicial Review of PELRB Decisions; and Appendix B, Tables.*

More details about our 2025 activities follow, beginning with the quotidian but all-important day-to-day processing of cases (PPCs and Petitions) filed under PEBA. Case descriptions/resolutions are described in pages 7-25 (Sec. III(A) and (B)); what little Local Board activity that remains is described at pages 25-26 (Sec. III(C)); and judicial appeal activity related to PELRB decisions is described at pages 26-29 (Sec. IV). Thereafter, other PELRB activities are discussed at pages 29-34 (Sec. V); and we report on our performance measures and overall “Agency health” at Sec. VI. Lastly, our usual Tables are in Appendices A-B; and, as noted, we have reattached the Brief History of the PELRB from the [2024 Report](#), at Appx. C along with some other items of historical interest.

Happy reading, and feel free to let us know how we are doing, by telephone or email, or through Public Comment at our Board Meetings. The PELRB holds its meetings on the *first Tuesday of every month unless scheduled otherwise*, and our [hearing calendar](#) and our [Agendas and Minutes](#) are available on our website.

### **III. 2025 CASE ACTIVITY<sup>7</sup>**

The bulk of the PELRB’s work consists of timely and competently processing PPCs and Representation Petitions. Both may involve motion practice or evidentiary hearings, and judicial appeals; but PPCs are more likely to require one or the other, or both. Additionally, the PELRB monitors any appeals, and the now two (2) remaining Local Labor Boards; and it periodically engages in rulemaking as needed. The case processing data below is also presented in table format,

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<sup>7</sup> Consistent with last year’s practice, the 2025 Annual Report catches the reader up on all case activity, including into 2026 parenthetically, to avoid having to re-research many of these cases again for the next year’s report.

in *Appendix B, Tables 1-4*. Lastly, note that case processing information is provided up to time of publication, but the case processing data is limited to calendar year 2025.

### **A. Prohibited Practice Complaints (PPCs)**

In 2025, the PELRB processed a total **60 PPCs, which included 43 new PPCs and 17 holdover PPCs** from prior years. By way of comparison, 35 were filed in 2024 and 25 in 2023. However, as the issuance of the 2025 Report, only 4 PPCs and 6 Petitions have been filed, so 2026's numbers may not be as high.

Of the 60 PPCs processed in 2025, **6 PPCs involved the State or a State agency; 13 involved a county; 6 involved a municipality; 9 involved a public school; 3 involved an institution of higher education; 3 involved a medical facility; 1 involved another governmental authority, such as a waste or water authority; and 2 were filed against a union. Only 13 PPCs were still actively pending before the Board by the close of the year, and another 9 were up on appeal before the New Mexico Courts. See Appendix B, Tables.**

**Sixteen percent of the PPCs processed required some kind of motion practice or evidentiary hearing. Decisions were issued by year-end in 4 of the 8 PPCs that had an evidentiary hearing; in all 4 cases the PPC was sustained in whole or part and no PPCs were dismissed after a hearing on the merits. Nine (9) PPCs were summarily dismissed for facial inadequacy or upon motion to dismiss or deferral to arbitration; and 23 were withdrawn and settled voluntarily prior to a hearing on the merits. Id.**

All PPCs were resolved within the statutory and/or regulatory time limits or extended for cause. NMAC 11.21.1.8 and 11.21.1.31 (time limits for Board or H.E. actions can be extended for 20 business days at a time). **Forty-three (43) or 72% of the PPCs were resolved within six calendar months; and most of those that were not involved motion practice and/or a hearing on the merits. Id.**

#### **(1) General PPC Procedures**

Upon receipt of a PPC, Staff review it for **facial adequacy** and will provide an opportunity to cure the PPC if it is not facially adequate. See NMAC 11.21.3.12. If it is determined to be facially adequate, the Answer will be due in 15 business days after the original service (see NMAC

11.21.3.10 and NMAC 11.21.1.8 (Computation of time)); and we will hold a Status and Scheduling Conference as soon as practicable after an Answer is due. *See* NMAC 11.21.1.16(A). There we encourage settlement discussions and schedule any dispositive motions, the exchange of witness and exhibits lists and exhibits, the issuance of any needed subpoenas, and the hearing on the merits. *See* NMAC 11.21.1.23 (Parties' right to file and respond to motions).

The resultant administrative hearings are subject to the requirements of *due process or fair hearings process*. *See* NMSA § 10-7E-12 (B); *see also* *City of Albuquerque v. Joseph Chavez*, 1997-NMCA-0534, 123 NM 428, 941 P.2d 509 (although arms of the government do not possess due process rights, they have a right to a fair hearing pursuant to the relevant law or regulation, which includes a decision maker free from bias or objective appearance of such). The matter will be heard by a designated Hearing Examiner in the first instance, and thereafter subject to Board review, and then judicial appeal. *See* NMAC 11.21.1.28 (Director's delegation and hearing examiner appointment authority); § 10-7E-12(C); NMAC 11.21.3.19 (Appeal to Board of Hearing Examiner's recommendations within 10 business days); and § 10-7E-23(B) (Judicial enforcement; standard of review) (allowing appeal to District Court within 30 days of a Board decisions).

If a violation is found, the PELRB can enforce the provisions of PEBA through "*appropriate administrative remedies*", which include "actual damages related to dues, back pay including benefits, reinstatement with the same seniority status that the employee would have had but for the violation, declaratory or injunctive relief or provisional remedies, including temporary restraining orders or preliminary injunctions." However, "[n]o punitive damages or attorney fees may be awarded by the board or local board." *See* NMSA § 10-7E-9(F).

## (2) New PPCs Filed in 2025

1. 101-25, IAFF 244 v. Bernalillo County
  - Alleged unilateral changes; failure to bargain
  - Filed 1-23-25, withdrawal and voluntary dismissal 6-18-25
2. 102-25, MCFUSE v. Gallup McKinley County Schools
  - Alleges retaliatory investigation and termination of the Local President
  - Filed 1-25-25; 2025 saw two (2) rounds of motion practice, first a *Motion to Dismiss based on res judicata and/or issue preclusion related to a prior School Board hearing that sustained the President's termination under the just cause standard, or in the alternative to adopt that record; and a Motion for Summary*

***Judgment based upon the prior School Board record adopted upon the earlier Motion (on 1-27-26 the H.E. dismissed the PPC finding lack of showing of pretext because there were multiple grounds of serious misconduct established and/or admitted; no request for Board review.)***

3. 103-25 CWA v NM Dept. of Cultural Affairs (DCA)
  - Alleged discrimination, interference
  - Filed 2-4-25, withdrawal and vol. dismissal 3-20-25
4. 104-25, NEA Carlsbad v. Carlsbad Schools
  - Alleged discrimination, interference, retaliation
  - Filed 2-4-25, withdrawal 2-25-25, vol. dismissal 2-26-25
5. 105-25, APSOA v. Alamogordo
  - Alleged bad faith bargaining, refusal to provide information
  - Filed 2-11-25, withdrawal/vol. dismissal 4-3-25
6. 106-25, AFSCME v. Bernalillo County
  - Alleged retaliation, discrimination and violation of the CBA in issuing discipline
  - Filed 2-25-25, hearing on the merits held 8-6-25, H.E. Report issued 9-22-25, ***determining the employer retaliated against the Union President by making him the subject of a disciplinary investigation on a false and/or implausible pretext; no request for review was filed and the Board approved and adopted in 37-PELRB-25 on 12-10-25***
7. 107-25, Swan v. Moriarty-Edgewood Schools
  - Alleged a hostile work environment
  - Filed 3-17-25; notified of inadequacy 3-20-25; uncured so case closed 4-7-25
8. 108-25, Swan v. NEA
  - Alleged a DFR claim
  - Filed 3-17-25; dismissed for uncured facial inadequacy 4-7-25
9. 109-25, Franklin v. CNMEU
  - Alleged Union malfeasance
  - Filed 4-14-25; dismissed for uncured facial inadequacy 5-15-25
10. 110-25, UWUA Local 51 v. City of Roswell
  - Alleged bad faith bargaining/failure to provide information
  - Filed 4-22-Apr-25; withdrawn/vol. dismissal 6-4-25
11. 111-25, UWUA Local 51 v. City of Roswell
  - Alleged improper classification as probationary after transfer
  - Filed 4-22-25; withdrawn/vol. dismissal upon second notice of inadequacy 5-12-25
12. 112-25, AFSCME v. Doña Ana County
  - Alleged breach of CBA in disciplinary process
  - Filed 4-25-25; Motion to Dismiss for failure to state a claim denied 7-20-25; H.E. Report issued on 9-19-25 after Merits Hearing, ***determining the contract was***

*violated but it was not harmful error and did not warrant mitigating or reversing discipline (30-day suspension) for proven sexual harassment (an unwanted kiss); Board affirmed, Order 34-PELRB-2025 upon a request for review; no further appeal followed*

13. 113-25 US-UNM Union v. UNM

- Alleged discrimination and retaliation
- Filed 5-5-25; pending (Merits Hearing commenced 7/21/25, continued until May 2026 due to PELRB building and participant/witness availability issues)

14. 114-25, NEA-NM v. Española Schools

- Allege unilateral changes
- Filed 5-13-25; withdrawal/vol. dismissal 7-1-25

15. 115-25 CWA v. NM Workers Compensation Administration

- Alleged refusal to provide information
- Filed 5-16-25; on 7-25-25 the H.E. affirmed the PPC in part and denied it in part, on cross-filed motions for summary judgment, determining that “*Under the plain language of Articles 6 and 12 of the CBA, and SPB rule 1.7.1.12(C), the Agency was correct to limit Union access to the requested confidential information without employee permission. That said, the Agency was in violation of the CBA by not also making the Thompson summarization available on the same conditions established under the CBA. See CBA, Art. 12(2)*”; in 25-PELRB-2025, the Board affirmed that portion of the Report that found the Department had violated Section 19(F) of the PEBA by failing to offer an accommodation in the first instance, and it overruled the portion that found the report that was the nexus of the dispute was confidential under the CBA and SPO rules; CWA appealed on 11-4-25 in D-202-CV-2025-09870 – it is at the briefing stage with pending request for hearing/setting

16. 116-25, AFSCME 3422 v. NMCD

- Alleged breach of CBA/settlement, petitioned for TRO
- Filed 6-3-25; TRO Hearing 6-12-25, TRO Granted; motion to dismiss SPO as improper party denied 6-30-25; withdrawal and vol. dismissal 8-28-25

17. 117-25 AFSCME v Bernalillo County

- Alleged breach of CBA/settlement, petitioned for TRO
- Filed 6-5-25; Prelim. Inj. 6-30-25; withdrawal and vol. dismissal 10-17-25

18. 118-25 UHPNM & UNM-SRMC

- Alleged failure to collect/deliver dues
- Filed 6-9-25; Merits Hearing 8-13-25; H.E. Report 10-16-25, sustained PPC, but declined to order the requested remedy of 15% interest, pursuant to NMSA § 56-8-3(A) (that “[t]he rate of interest, in the absence of a written contract fixing a different rate, shall be not more than fifteen percent annually in the following cases: A. on money due by contract...”), *finding “[t]his is an unusual remedy request*

*before the PELRB, even though authorized under other New Mexico law. Accordingly, a strong case is required to support the remedy request, such as particularly egregious, patterned, and/or intentional contract violations, or significant violations of other PEBA rights. The facts do not support an award of interest, however. Nor does the Union point to any prior case in which the PELRB or its hearing examiners, or a New Mexico Court, have ordered the payment of interest as a remedy for a technical breach of a CBA”; no request for review filed, and the Board affirmed in 37-PELRB-2025, 12-10-25*

19. 119-25 UHPNM v. SRMC

- Alleged breach of CBA and unilateral changes, in failing to provide uniforms and billboards, and implemented a new patient scheduling template that changed bargaining unit member workloads or assignments
- Filed 6-23-25; Interim Order on Motion to Dismiss issued 9-15-25, granting motion in part, denying it part, and reaffirming original dismissal or rejection of Section 5(A) and 19(C) claims on facial validity grounds (*“The only difference between the PPC and the Amended PPC is that the Amended PPC added the following paragraphs: 31. The Hospital’s actions continue to interfere with public employees’ ability to engage with the Union for the purpose of collective bargaining..[; and ] 32. The Hospital’s actions impede the Union’s ability to perform its duties as a labor organization... [N]either the Respondent nor the undersigned can be required to guess or speculate about what factual circumstances or harms are alleged.... Even assuming the facts as alleged in the Amended PPC and/or the Response to the Motion to Dismiss, the Union fails to show a nexus between the Section 5(A) and 19(C) legal claims and the factual averments of breach of contract and breach of duty to bargain in good faith....”*); however, the H.E. rejected claim that PELRB lacked jurisdiction over CBA claims based on CBA’s provision that it “sole shall be the sole and exclusive means of settling any dispute arising under this Agreement”...Absent binding or compelling authority to the contrary, the undersigned presumes express PEBA rights cannot be waived, much like minimum wage and overtime requirements cannot be waived. Compare New Mexico Dept. of Workforce Solutions FAQ, located at <https://www.dws.state.nm.us/en-us/Businesses/Rules-and-Regulations/Labor-Relations-FAQs/category/wages-and-work-hours/pager/31343/page/2> ... ”); on 9-17-25 deferred to arbitration (on 2-3-26, it was withdrawn in favor of arbitration)

20. 120-25, CIR-UNM v. UNMH

- Alleged bad faith bargaining
- Filed 7-28-25; withdrawal/vol. dismissal 8-25-25

21. 121-25 IAFF v. Bernalillo County

- Alleged bad faith bargaining

- Filed 7-23-25; deferred to arbitration 9-9-25, new arbitrator selected in Feb. 2026, pending
22. 122-25 IAFF v. Bernalillo County
- Alleged bad faith bargaining in willful refusal to provide information
  - Filed 7-23-25; Merits Hearing 9-22-25; pending as of 12-31-25 (thereafter H.E. Report issued 1-6-26 sustaining the PPC (“...*the overwhelming weight of the evidence is that the County knew the response to the RFI was stuck somewhere in the County’s legal department or with outside counsel, and Mr. Roberson failed to take adequate steps to ensure no unlawful delay. Because the County fails to rebut the clear evidence of unwarranted delay under the totality of the circumstances, the Union establishes by a preponderance of the evidence that the County engaged in bad faith bargaining under Section 19(F) of the PEBA.*”); no request for review and Board affirmed in 4-PELRB-2026, 2-19-26)
23. 123-25 AFSCME Local 477 v. CYFD
- Alleged breach of the settlement agreement reached in PELRB Case 133-24
  - Filed 8-24-15; withdrawal/vol. dismissal 9-9-25
24. 124-25. MCFUSE v. Gallup McKinley County Schools
- Alleged breach of CBA, failure to deduct dues
  - Filed 8-1-25; Merits Hearing 10-9-25; H.E. Report 12-8-25, *sustaining PPC, and awarding damages payable “with interest at the rate prescribed in New Horizons for the Retarded, 283 NLRB 1173 (1987), compounded daily as prescribed in Kentucky River Medical Center, 356 NLRB 6 (2010), and without recouping the money owed for past dues from employees;* no request for review filed (thereafter, Board affirmed determination of liability in 5-PERB-2026, 2-19-26)
25. 125-25 MCFUSE v. Gallup McKinley Schools
- Alleged failure to provide information
  - Filed 8-11-25; withdrawal/vol. dismissal 10-28-25
26. 126-25, San Juan College Educ. Ass’n v. SJC
- Alleged Discrimination/retaliation
  - Filed 9-8-25; deferred to arbitration 11-20-25
27. 127-25, IAFF 3602 v. Clovis
- Alleged bad faith bargaining
  - Filed 9-22-2; withdrawal/vol. dismissal 11-12-25
28. 128-25, Hatch Police Officers Ass’n v. Hatch
- Alleged unilateral changes (disallowance of take-home vehicle)
  - Filed 9-18-25; Merits Hearing 12-30-25 (H.E. Report issued 2-5-26, sustaining the PPC upon *determination that the take-home vehicle allowance was a legally binding past practice that required notice and opportunity to bargain before its termination, and ordering reinstatement of the allowance and interest based*

*upon the formula identified in Case 124-25; no request for review filed, although the Report advised that a report would be made, and was made, to the N.M. Disciplinary Board regarding false citations/lack of candor, related to potential AI mis-use – that complaint is pending)*

29. 129-25, Sunland Park Police Officers Ass'n v. Sunland Park
  - Alleged breach of CBA
  - Filed 10-7-25; settlement pending
30. 130-25, CWA v. NM Dept. of Cultural Affairs & SPO
  - Alleged refusal to acknowledge unit members/process dues
  - Filed 10-9-25 and dispositive motions filed in 2025 (in 2026, H.E. granted summary Judgement in part/denying it in part issued 1-5-26, determining that *bona fide temporary employees are not regular employees under Section 4(Q) of PEBA but that genuine disputes of material fact existed as to whether employees that worked significantly longer than one (1) year were bona fide temporary employees*; thereafter, merits Hearing held on 1-16-25, H.E. decision issued on 3-11-26, *reaffirming determination that bona fide temporary employees are excluded, but that these positions were not bona fide temporary or otherwise “irregular” under PEBA or Personnel Act/SPB Rules*)
31. 131-25, Cogar v. Dept. of Voc. Rehab. Breach of CBA
  - Alleged breach of CBA
  - Filed 10-15-25; pending (set for hearing in Apr. 2026)
32. 132-25, NEA-NM v. Las Vegas Schools
  - Alleged direct dealing, refusal to bargain, unilateral changes
  - Filed 10-20-25; stayed with 30-day status conferences, pending settlement
33. 133-25, Rivas v. NM Highlands Univ. & NEA-NM
  - Alleged Union disclosed confidential representation information to NMHU and that both Respondents interfered with his PEBA rights to Union representation
  - Filed 11-3-25 (Dispositive Motions filed in 2026, decision(s) pending)
34. 134-25, IAFF 244 v. Bernalillo County
  - Alleged failure to bargain
  - Filed 12-2-25; pending (Motion to Amend PPC granted 2-18-25, set for merits Hearing on 3-18-26)
35. 135-25, Teamsters 492 v. Estancia Valley SWA
  - Alleged retaliation and interference
  - Filed 12-22-25; pending (as of 12-31-25, was set for merits Hearing on 4-17-26)
36. 136-25, CWA 7911 v. Doña Ana County
  - Alleged violations related to placement of or access to bulletin board for Union postings

- Filed 12-22-25 (thereafter, withdrawn and dismissed at 1-29-26 Status & Scheduling Conference)
37. 137-25, CWA 7911 v. Doña Ana County
- Alleged violations related to employment actions taken post-discipline and arbitration
  - Filed 12-22-25; pending (withdrawn at 3-13-26 Status Conf.)
38. 138-25, CWA 7911 v. Doña Ana County
- Alleged violations related to change in promotion testing for Metro Narcotics
  - Filed 12-22-25; pending (on 1-29-26, deferred to arbitration; reaffirmed at 3-13-26 Status Conf.)
39. 139-25, CWA 7911 v. Doña Ana County
- Alleged violations related to change in the assignment of felony narcotics investigative duties
  - Filed 12-22-25; pending (withdrawn at 3-13-26 Status Conf.)
40. 140-25, Wilson v. Las Lunas Schools
- Alleged breach of CBA, and Weingarten violation
  - Filed 12-30-25; pending (Motions to Dismiss/for Summary Judgment cross-filed in Feb. 2026, H.E. dismissed the PPC 3-16-26)
41. 141-25, CWA 7911 v. Doña Ana County
- Alleged interference based on actions of Supervisor
  - Filed 12-29-25; pending (on 1-29-26, deferred to arbitration; reaffirmed at 3-13-26 Status Conf.)
42. 142-25, MCFUSE v. Gallup McKinley Schools
- Alleged Bad faith bargaining, breach of CBA
  - Filed 12-31-25; pending (on 1-23-25, set for dispositive motions, then a merits Hearing on 4-30-26)
43. 143-25, CWA 7911 v. Doña Ana County
- Alleged Retaliation at training academy
  - Filed 12-31-25; pending (thereafter, on 1-29-26, deferred to EEOC proceedings and grievance arbitration; reaffirmed at 3-13-26 Status Conf.)

### **(3) Holdover PPCs Processed or Monitored in 2025**

Seventeen (17) PPCs were pending at the end of 2024. Most of those have been resolved unless filed late in the year or if they are on appeal, and their present statuses are as follows:

1. 104-24, AFSCME Local 3422 v. NM Corrections Department
  - Alleged unilateral changes to the shift-bid process

- Filed 2-14-24 and heard in 2024; in 2025 matter was reviewed by the Board, which affirmed the H.E.’s finding that “*the last bargained for roster*” referred to the last negotiated and agreed upon roster and that the Respondent breached the settlement agreement by implementing the last bargained roster rather than “*the last bargained for roster*” – see Board Order 5-PELRB-2025, 2-15-25; and thereafter the Dept. appealed in *D-202-CV-2025-02137, filed 3-5-2025, stipulated dismissal 8-29-25*
2. 113-24, NMCPSO v. Otero County
    - Alleged numerous violations of the PEBA in relation to the transfer of a bargaining unit employee to a new position
    - Filed 6-10-2024; case withdrawn/settled and administratively closed pursuant to NMAC 11.21.1.29 effective February 3, 2025
  3. 116-24, UHPNM v. UNMH-SRMC
    - Alleged various violations of the PEBA related to unilateral changes to the terms and conditions of the employment of bargaining unit members
    - Filed 6-24-2024 and heard in 2024; in 2025 matter was reviewed by the Board, which affirmed the H.E.’s recommendation of *dismissal of the PPC upon determination that some of the alleged changes did not occur, and the Union failed to request bargaining on others* – see Board Order 6-PEBRB-2025; thereafter, the Union appealed in *D-202-CV-2025-02461, filed 3-15-25*
  4. 119-24, IAFF Local 5441 v. Torrance County
    - Alleged unilateral changes to the terms and conditions of employment by transferring bargaining unit work to non-unit employees
    - Filed 8-9-2024; withdrawal/vol. dismissal 12-2-2024; reported to the Board on 1-7-25
  5. 120-24, CWA v. NM Environment Dept
    - Alleged breach of the CBA by failure to comply with a settlement reached in a previous dispute
    - Filed 8-13-2024; after extended stay upon Party motion, withdrawal/vol. dismissal 9-30-25
  6. 122-24, CWA v. NM Dept. of Health
    - Alleged bad faith bargaining by refusal to provide requested information
    - Filed 8-15-202; withdrawal/vol. dismissal 1-24-2025
  7. 125-24, UHPNM v. UNMH-SRMC
    - Alleged retaliation and discrimination against an employee for her concerted activities
    - Filed 8-30-2024; stayed pending settlement and then withdrawal/vol. dismissal 9-17-25

8. 126-24, AFSCME, Council 18 v. Luna County
  - Alleged discrimination and retaliation for union affiliation
  - Filed 9-16-2024; withdrawal/vol. dismissal 12-4-24; reported to Board 1-7-25
9. 128-24, UHPNM v. UNMH-SRMC
  - Alleged interference/coercion regarding union activity
  - Filed 9-23-2024; evidentiary hearings held on 1-29-25, 2-19-25 and 11-6-25 (thereafter, the H.E. Report was issued on 1-8-26 dismissing the PPC, ***concluding the Union failed to meet its burden of proof, regarding allegations that the Hospital supported a decertification campaign against the Union, treated pro-Union bargaining team members and/or supporters different that the pro-decertification or anti-Union employees***; no request for review filed, Board affirmed/adopted in 3-PELRB-2026, 2-19-26)
10. 129-24, AFSCME 2475 v. Valencia County
  - PPC and Counterclaims alleged bad faith bargaining
  - Filed 9-30-2024; withdrawal/vol. dismissal 11-18-2024; reported to Board 1-7-25
11. 130-24, UHPNM v. UNMH-SRMC
  - Alleged retaliation and discrimination against an employee for her concerted activities under the same facts as 127-24
  - Filed 10-15-2024; stayed pending attempts to settle this and related cases; withdrawal/vol. Dismissal 10-23-25
12. 134-24, CWA v. NMDOH
  - Alleged failure to provide information relating to the discipline of a bargaining unit member
  - Filed 12-10-2024; deferred to arbitration 2-14-25, scheduled for late April 2026
13. 135-24, United Electrical Workers, Local 1466 v. UNM
  - Alleged failure to provide information relating to the employees in the petitioned-for unit in PELRB 324-24
  - Filed 12-10-2024; withdrawal/vol. dismissal 4-8-25
14. 107-23, UHPNM v. UNMH-SRMC
  - Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (D), (E), & (G) for retaliation, interference and discrimination relating to discipline
  - Filed 4-10-2023; during 2025, stayed first pending settlement efforts and later pending resolution of ***Ct. App. Case No. A-1CA-42271***, appealing decision that PRN nurses are not regular employees – see D-202-CV-2023-09660, related to Case 304-22 and Board Order 304-22 (as of 2-16-26, briefing is complete and matter has been submitted to a panel and is awaiting decision)
15. 109-23, UHPNM v. UNMH-SRMC
  - Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (C), (D), (F), & (G) for retaliation, interference and discrimination relating to discipline

- Filed 5-5-2023; in 2025, on appeal in ***D-202-CV-2024-01995***, filed by SRMC 3-8-24, related to 8-PELRB-2024, issued 2-8-24, adopting 12-8-23 H.E. Report finding and recommending that ***some of the charges be sustained and some dismissed; on 6-10-25, the Court aff'd the Board***
16. 111-23, UHPNM v. UNMH-SRMC
- Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (D), (E), and (G) for retaliation, interference and discrimination relating to the discipline of a bargaining unit member
  - Filed 6-3-23; in 10-PELRB-24 the Board affirmed the H.E.'s determination ***there was substantial, non-discriminatory reason for taking the disciplinary action at issue apart from her union activities and affiliation (allowing Union organizer into secured areas of the hospital in knowing violation of the Employer's "Access Control" policy)***; appeal filed 2-8-24, in ***D-202-CV-2024-01099***; on 2-7-25, the ***Court aff'd*** Board's determination that Complainant did not prove pretext and no further appeal followed
17. 117-23, UHPNM v. UNMH-SRMC
- Alleged violations of Sections 17(A)(1), and 19 (F), for failure to bargain in good faith and to provide, and direct dealing; and sought TRO
  - Filed 10-10-2023; in 2025, on appeal in ***D-202-CV-2024-07978*** (filed 10-10-2024) over 36-PELRB-2024, issued 9-3-2024, adopting H.E. recommendation to dismiss the PPC, reasoning, among other things, that ***no bargaining obligation, if any, exists between a successor employer and a predecessor union until the successor employer hires a "full complement of employees... since it will not be evident until then that the bargaining representative represents a majority of the employees in the unit."***; ***Court aff'd the Board 12-8-25***

### A. Representation Petitions

In 2025, the PELRB processed ***41 Representation Petitions, which included 35 new Petitions and six (6) holdover Petitions*** from prior years. By way of comparison, 25 Petitions were filed in 2024 and 45 in 2023. As of the issuance of the 2025 Report, only 6 Petitions have been filed, so 2026's numbers may not be as high as 2025.

Of the 35 new Petitions filed in 2025, ***8 involved the State or a State agency; 5 involved a county; 9 involved a municipality; 5 involved a public school; 1 involved an institution of higher education; 3 involved a medical facility; and 4 involved another governmental authority, such as a waste or water authority.*** See Appendix B, Tables.

*Only 4 Petitions were actively pending before the PELRB as of year-end, and 1 was pending on judicial appeal. Only 2 Petitions processed (5%) required some kind of motion practice or evidentiary hearing – 1 of each – and the 1 case requiring a hearing (which lasted 2 days) is pending Board review. Three (3) Petitions were summarily dismissed for facial inadequacy; 4 were deferred or stayed; and 4 were withdrawn and settled voluntarily prior to a hearing on the merits. Id.*

All Petitions processed were resolved within the various statutory and/or regulatory time limits or those time limits were extended for cause. *38 cases or 95% were resolved within six calendar months.* The 2 Petitions that took longer than six months to conclude involved motion practice and/or a hearing on the merits. *Id.*

### **(1) General Petition Procedures**

Several different Representations Petitions can be filed with the PELRB, including Petitions for initial recognition, decertification, amendment or clarification of a unit or its representative. All such matters are generally referred to as a “representation proceeding”, and *today they are largely concluded by card check.* See NMAC 11.21.2.35; NMSA §10-7E-14(A) and (C).

Today, the PELRB generally only conducts a formal secret ballot election where there are more than two parties involved or if the Union submits cards for 30% but less than 50%+1 of the eligible bargaining unit members. In the latter cases, we often allow them to simply supplement their showing of support, as is permitted for showings of interest, as a matter of non-prejudicial administrative efficiency. (For the same reason, the PELRB will also allow a Petition to be “reformed” based on the pleadings and admissions, particularly when the exact type of Petition called for is unclear under the facts and circumstances.<sup>8</sup>)

Nonetheless, a Representation hearing may still be required along the way, to resolve such issues as questions concerning representation (QCRs), the appropriate bargaining unit, eligible bargaining unit employees, whether there are any intervenors, and/or objections to the card check

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<sup>8</sup> See, e.g., PELRB 321-25, Clovis (a case involving a “grandfathered” union that had legally ceased to exist when PEBA became effective; Hearing Examiner Report noted that the same result, allowing certification upon demonstration of majority support, would obtain irrespective of the exact type of petition filed, or how the petition were styled).

or election processes. The pertinent standards and procedurals can be found in [PEBA](#) and [PELRB Rules](#).

The most important procedures to be aware of are (a) the need to immediately *maintain the status quo* that existed prior to the filing; and (b) the need to file a timely response to the Petition. The response must be filed with the PELRB *within 10 business days and include a list of the eligible employees within the petitioned-for bargaining unit, and raise any objections, issues, concerns or questions* that the employer may see with the Petition. *See* NMAC 11.21.3. Other detailed information is also required to be provided directly to the Union. *See* NMSA §10-7E-14(A).

Once certified, a labor organization is the exclusive bargaining representative for the employees in the bargaining unit. As exclusive representative, the Union owes a duty to represent all employees in the recognized bargaining unit “without discrimination or regard to membership in the labor organization.” *See* NMSA §10-7E-15(A); *but see also* Note 41, *infra* (the PELRB does not hear “DFR” claims).

## **(2) New Representation Petitions Filed in 2025**

1. 301-25, IAFF 5399 and Valencia County
  - Petition to Accrete EMS Specialists
  - Filed 1-23-25; Card Check and Amended Certification 2-24-25; Order 7-PELRB-2025, 4-3-25
2. 302-25, UWUA and Bosque Farms
  - Disclaimer of Interest; posting certified and approved by Board
  - Filed 2-12-25, Notice posted, Board recognized disclaimer in 12-PELRB-2025 4-3-25
3. 303-25, CWA and NM Dept. of Health
  - Petition for Accretion of Security Guards
  - Filed 2-27-25; Card Check and Amended Certification 3-25-25; Order 8-PELRB-2025, 4-3-25
4. 304-25, CWA and NM Dept. of Cultural Affairs
  - Petition for Accretion of Cust. Svc. Reps, Security Officers and Set Designers
  - Filed 2-27-25, Card Check and Amended Certification 3-25-25; Order 9-PELRB-2025, 4-3-25
5. 305-25, CWA and NM Workers Compensation Administration
  - Petition for Accretion of Data Analysts

- Filed 2-27-25; Card Check and Amended Certification 3-25-25; Order 10-PELRB-2025, 4-3-25
6. 306-25, AFSCME and Bernalillo County
    - Joint Petition for Accretion of foremen
    - Filed 3-3-25; Card Check and Amended Certification 3-25-25; Order 11-PELRB-2025, 4-3-25
  7. 307-25, AFSCME and Town of Taos
    - Petition for Certification of Police/Public Safety unit
    - Filed 3-20-25; Card Check and initial Certification 4-7-25; Order 14-PELRB-2025, 6-9-25
  8. 308-25, FOP Lodge 9 and Hobbs
    - Petition for Accretion/Incumbent status
    - Filed 3-27-25; dismissed as inadequate 5-8-25
  9. 309-25, CFUSE AFT Local 4859 and Carlsbad Schools
    - Petition for Accretion
    - Filed 4-10-25; Card Check and Amended Certification 6-6-25; Order 17-PELRB-2025, 8-8-25
  10. 310-25, APSOA and IAFF and Alamogordo
    - Petition to sever fire fighters and police from the general Public Safety unit, into units with different exclusive representation
    - Filed 5-1-25; Card Check and Amended Certification 6-30-25; Order 18-PELRB-2025, 8-8-25
  11. 311-25, WNMU-NEA and Western Univ. of N.M.
    - Petition for Certification
    - Filed 5-16-25; Card Check and initial Certification 8-8-25; Order 21-PELRB-2025 9-5-25
  12. 312-25, IBEW Local 611 and Farmington
    - Petition to Accretion warehouse managers
    - Filed 5-16-25; Card Check and Amended Certification 5-27-25; Order 16-PELRB-2025 6-9-25
  13. 313-25 UWUA 51 and Roswell
    - Petition for Accretion
    - Filed 6-6-25; Card Check and Amended Certification 10-23-25; Order 32-PELRB-2025 11-11-25
  14. 314-25, CWA Local 7076 and Dept. of Health (DOH)
    - Petition for Accretion
    - Filed 6-9-25, Card Check and Amended Certification 7-23-25; Order 19-PELRB-2025, 8-8-25

15. 315-25, CWA Local 7076 and NMED
  - Petition for Accretion
  - Filed 6-9-25; Card Check and Amended Certification 6-20-25; Order 20-PELRB-2025, 8-8-25
16. 316-25, CWA Local 7076 and Dept. of Health (DOH)
  - Petition for Accretion
  - Filed 6-9-25, Consolidated with 314-25; Card Check and Amended Certification 7-23-25; Order 19-PELRB-2025, 8-8-25
17. 317-25, CWA Local 7076 and Workers Comp. Admin (WCA)
  - Petition for Accretion
  - Filed 6-9-25; withdrawal 6-23-26; vol. dismissal 6-26-25
18. 318-25, AFSCME 3022 and ABCWUA
  - Joint Petition for Accretion
  - Filed 6-9-25; closed for lack of adequate showing of interest; Board Order 30-PELRB-2025, 11-11-25
19. 319-25, US-UNM and UNM
  - Petition for Accretion of Early Childhood teachers at Children's Campus
  - Filed 6-16-25; Card Check and Amended Certification 8-27-25; Order 22-PELRB-2025, 9-5-25
20. 320-25, FEA NEA-NM and Farmington Schools
  - Petition for Certification
  - Filed 6-23-25; Card Check and Certification 8-27-25; Order 23-PELRB-2025, 9-5-25
21. 321-25, Clovis Fire Fighters Ass'n and Clovis
  - Petition for Certification for firefighters and EMTs
  - Filed 7-23-25; a motion to dismiss was filed based on the alleged grandfathering of the Union, and then unit composition hearings were held on 10-8-25 and 11-8-25 (thereafter H.E. Report issued 1-16-26, ***concluding that the grandfather clause does not apply to exclusive representatives that were not in legal existence when PEBA passed or became affective, and that Clovis Lieutenants and Fire Marshalls are appropriately included because they do not devote a majority of their work time to supervisory duties and are not primarily engaged in executive and management functions***; the City's request for Board review is pending)
22. 322-25, AFSCME 1413 and Santa Fe County
  - Joint Petition for accretion of Cert. Medication Aide and Clinic Nurse
  - Filed 7-28-25; Card Check and Amended Certification 9-19-25; Order 26-PELRB-2025, 10-10-25
23. 323-25, AFSCME 1413 and Sandoval County
  - Joint Petition to Accrete Detention Training Sergeant

- Filed 7-31-25; closed for lack of adequate showing of interest; Board Order 31-PELRB-2025, 11-11-25
24. 324-25, SSEA AFT-NM Local 3878 and Socorro Schools
- Petition for Accretion
  - Filed 8-1-25; Card Check and Amended Certification 8-27-25; Board Order 24-PELRB-2025, 9-5-25
25. 325-25, CWA and UNMH
- Petition for Accretion of Parking Attendant
  - Filed 8-18-25; Card Check and Amended Certification 9-17-25; Order 33-PELRB-2025 10-10-25
26. 326-25, Teamsters 492 and Estancia Valley Solid Waste
- Petition for Accretion of Lead Transfer Station Attendant
  - Filed 8-20-25; Card Check and Amended Certification 9-17-25; Order 27-PELRB-2025 10-10-25
27. 327-25, PPSA and Valencia County
- Petition for Accretion of Wildland Engine Boss
  - Filed 8-21-25; Card Check and Amended Certification 9-29-25; Order 28-PELRB-2025 10-10-25
28. 328-25, NEA-Carlsbad and Carlsbad Schools
- Petition for Accretion
  - Filed 8-27-25; withdrawn 9-17-25
29. 329-25, NMCPSO and Cibola County Dispatch
- Disclaimer of Interest
  - Filed 9-24-25; Notice posted 9-24-25 through 10-2-25, disclaimer recognized in 29-PELRB-2025
30. 330-25, NUHHCE and UNMH
- Petition for Accretion of Cardiac Sonographer I & II into the Licensed & Technical (L&T) bargaining unit
  - Filed 10-6-25; Card Check and Amended Certification 11-25-25; Order 35-PELRB-2025, 12-10-25
31. 331-25, NUHHCE and UNMH
- Petition for Accretion of Peer Recovery Specialists into the Support Staff bargaining unit
  - Filed 10-6-25; Card Check and Amended Certification 11-25-25; Order 36-PELRB-2025, 12-10-25
32. 332-25, CWA and NM Health Care Authority
- Petition for Clarification/Accretion
  - Filed 10-24-25; pending as of 12-31-25 (Parties working on final bargaining unit stipulations)

33. 333-25, AFSCME and Bosque Farms
  - Petition for Certification (Police and Animal Control)
  - Filed 11-7-25; pending as of 12-31-25 (set for unit composition Hearings 2-3-26 and 2-4-26)
34. 334-25, Explore Academy Faculty Ass'n and Explore Academy
  - Petition to Certification
  - Filed 12-9-25; pending as of 12-31-25 (thereafter, Card Check and Amended Certification 1-22-27; Order 1-PELRB-2026, 2-19-26)
35. 335-25, AFSCME 1382 and Valencia County
  - Petition for Accretion of Animal Control Officers
  - Filed 12-19-25; pending as of 12-31-25 (Card Check and Amended Certification 1-22-27; Order 2-PELRB-2026, 2-19-26)

### **(3) Holdover Petitions Processed or Monitored in 2025**

The following six (6) Representation cases were filed but not resolved in prior years. Four (4) were filed late in the year, in November, and two (2) remain open in 2026 due to pending appeals of the unit certification:

1. 325-24, FOP and City of Hobbs
  - Petition to Accrete Faculty Assistants working at UNM Law School into the existing unit of Graduate Student Employees.
  - Filed 12-16-24; closed for failure to cure deficiencies; Board affirmed dismissal in 4-PELRB-2025, 1-17-25
2. 324-24, United Electrical Workers, Local 1466 and UNM
  - Petition to Accrete Faculty Assistants working at UNM Law School into the existing unit of Graduate Student Employees.
  - Filed 11-26-24; withdrawal/vol. dismissal 12-23-24, closed 1-7-25 after report to the Board
3. 323-24, NMHU Faculty & Staff Ass'n and NMHU
  - Petition to Accrete position of Program Coordinator
  - Filed 11-13-24; Card Check and Certification 12-30-2024; Board affirmed 3-PELRB-2025, 1-7-25
4. 322-24, United Steelworkers, Local and South Central Solid Waste Authority
  - Petition for initial Certification
  - Filed 11-7-24; Card Check and Certification 12-16-24; Board affirmed 2-PELRB-2025, 1-7-25
5. 303-24, IAFF Local 4384 and City of Hobbs
  - Petition to accrete EMP Specialists and Fire Captain
  - Filed 1-30-24; hearing held, H.E. decision 7-10-24; Board Order 32-PELRB-2024 affirmed determination *that the Clovis Fire Captains are excluded as managers*

*under PEBA*; Amended Certification issued 8-16-24; matter appealed 3-25-25 in in *D-506-CV-2025-00320*; *Fifth Judic. Dist. affirmed the PELRB on 1-28-26; on 2-27-26, the Union filed a Petition for Writ of Certiorari to Court of Appeals (Rule 12-505(H))*

6. 304-22, United Health Professionals of New Mexico, AFT (UHPNM) and UNMH-Sandoval Regional Medical Center (UNMH-SRMC or SRMC)
  - Petition for initial Certification
  - Filed 12-1-22; hearing held on inclusion of certain positions, including PRN or “as needed” nursing staff; H.E. determined PRNs not covered, Board reversed the H.E., and in D-202-CV-2024-09660 the District Court reversed the Board and/or remanded the matter several times, ultimately resulting in new Board Certification without PRNs in 5-PELRB-2025, dated 2-15-24; the Union’s appeal of the District Court ruling in -09660 is pending before the Court of Appeals, in *Case No. A-1-CA-42271* (as of 2-16-26, 2-16-26, *briefing completed, it is submitted to a panel on the General Calendar, awaiting decision*) (see also 8-PELRB-2023;9-PELRB-2023; District Court Order dated 3-17-23 in D-202-CV-2023-02118 (J. Victor Lopez); D-202-CV-2023-09345, Petition for Writ of Mandate; 32-PELRB-2024; 59-PELRB-2023 dated 11-29-23)

## **B. Monitoring and Supporting Local Labor Boards**

As discussed in the [2024 Report](#), the landscape for Local Boards has changed drastically since the PELRB’s inception under PEBA I and PEBA II. No more may be created, and any remaining Local Boards must now be certified biennially as being fully staffed and functioning in compliance with the Act; and any Local Board with a vacancy for longer than 60 days will cease to operate as a matter of law. See [NMSA § 10-7E-10\(F\) and \(G\) \(2020\)](#).

2025 was a biennial reporting year for the four (4) Local Boards remaining as of the last reporting period in 2023. However, the Silver City and Deming Local Boards did not file the required affirmations. As such, they have ceased to exist as a matter of law, and only the following two (2) Local Boards remain:

1. *City of Albuquerque* - The necessary affirmations were submitted in 2025, so they continue to operate. The City of Albuquerque’s Labor Management Relations Board is comprised of the Hon. (Ret.) Ted Baca, Chair, and Members Juan Montoya (former PELRB Director) and Bruce Perlman. They meet twice a month and average about 30 cases a year, 75% of which are estimated to settle without a hearing on the merits. See

[2024 Report](#) at 24. The City Labor Board’s contact information, Agendas, and Meeting Minutes can be found here: <https://www.cabq.gov/clerk/administrative-hearings/labor-management-relations-board>; see also <https://www.pelrb.nm.gov/wp-content/uploads/2024/02/local-boards-contact-and-filing-info-2024-02-01.pdf>.

2. ***Albuquerque Public Schools (APS)*** - The necessary affirmations were submitted in 2025 so they continue to operate through December of 2027. The APS Labor Management Relations Board is comprised of the Hon. (Ret.) Ted Baca, Chair, and Members Juan Montoya and Sandra Jo Sloan. Reportedly, their case load is significantly smaller than that of the Albuquerque Board. The APS Labor Board’s contact information can be found here: <https://www.aps.edu/human-resources/labor-relations>.

In addition to monitoring Local Boards’ compliance with PEBA, the PELRB is also able to support Local Boards as requested and able.

For instance, in 2025, ***the PELRB Executive Director served as the ad hoc Presiding Member of the Albuquerque Local Board in Case 25-07***, upon recusal of Chair Ted Baca and pursuant to the Albuquerque LMRO. In 2025, we held a hearing on and denied a Motion to Dismiss based on legislative immunity (thereafter the matter was settled and withdrawn on March 16, 2026, before the commencement of the hearing on the merits). See ABQ LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.* (Findings of Fact and Conclusions of Law on Legislative Immunity, dated 12-1-25; and Stipulated Motion and Order of dismissal dated 3-18-26).

The Director has been grateful for the opportunity to serve New Mexico public employees alongside such well respected labor law professionals as the Honorable Ted Baca and Members Montoya and Perlman, while also supporting a long-standing Local Board whose case volume the PELRB could not absorb, should it be rendered inoperable under PEBA. See [2024 Report](#) at 24, Note 38. She was also highly impressed by the level of professional and civil advocacy observed.

***The next biennial reporting/certification deadline is December 29, 2027. We take this time to remind constituents of the Albuquerque and APS Local Boards that may be reading this, that most or all of these Boards’ members have been serving for many years in their retirement, some for even 10+ years. Their tremendous public service is applauded by the PELRB and the Director! Note, however, that some may wish to “retire” again, from their Labor Board(s), at some point. Due to the harsh and unwaivable (60 day) time limit to refill Board Member positions, we encourage all constituents of the Albuquerque and APS Local Boards to regularly***

*consult with their appointed Members regarding ongoing service interests and/or abilities. We also encourage Local Board constituents to submit and/or update their recommendations for replacement Board Members in advance, should seats become unexpectedly vacant.*

### **C. Rulemaking Activity**

The PELRB is empowered under § 10-7E-9(A) to promulgate rules necessary to accomplish and perform its statutory functions and duties. In the [2024 Report](#), Staff forecasted being able to convene an ad hoc Rules Committee (our standard practice) to consider potential rule changes but it was unable to, due to staffing and workload constraints.

In retrospect, it was better for the new Director to take a full year to review our existing rules “in action”. Having done so, it is evident that her that some of our rules are “clunky” and difficult for our many pro se advocates to navigate; and some are out-of-date.

We plan to convene an ad hoc rules committee in 2026 but as always it depends on case load, given our limited staffing and resources. If we are able to do so, notice of convening dates will be sent by “email blast” to known practitioners, posted on our website and/or announced at our regular meeting(s). We encourage regular practitioners before the PELRB to participate and/or submit their suggestions independently.

## **IV. JUDICIAL REVIEW OF PELRB DECISIONS**

### **A. New Appeals Filed**

Four (4) new appeals were filed in 2025, two of which were resolved later in the year, and one of which was resolved in early 2026:

1. **115-25, CWA v. NM Workers Compensation Administration – D-202-CV-2025-09870**, filed 11-4-25, In re 25-PELRB-2025, PELRB 110-23 - CWA filed brief and request for hearing/setting 1-15-26, no action other action since then
2. **303-24, IAFF Local 4384 and City of Hobbs – D-506-CV-2025-00320**, filed 3-25-25, In re 32-PELRB-2024 – Board affirmed 1-28-26; *on 2-27-26, the Union filed a Petition for Writ of Certiorari to Court of Appeals (Rule 12-505(H))*
3. **116-24, UHPNM v. UNMH-SRMC – D-202-CV-2025-02461**, filed 3-15-25, In re 6-PEBRB-2025 – appeal dismissed/denied on 9-3-25, no further appeal followed
4. **104-24, AFSCME Local 3422 v. NM Corrections Department – D-202-CV-2025-02137**, filed 3-5-2025, In re 5-PELRB-2025 – stipulated dismissal 8-29-25

## B. Court Decisions Issued in 2025

There were five (5) judicial decisions or resolutions issued in the 2025 reporting period concerning PELRB cases, two of which were on appeals filed that same year (see above):

1. ***UHPNM v. UNMH-SRMC, D-202-CV-2024-07978*** (filed 10-10-24; In re 36-PELRB-2024, PELRB 117-23). On 12-8-25, the District Court ***affirmed the Board's determination*** that the successor employer did not have a duty to bargain and the dissemination of information did not constitute a unilateral change of terms and conditions of employment. The Court wrote that, ***“Even if Employer initiated the communications or facilitated the communications through hits intranet, Employer did not violate PEBA by failing to bargain the conditions of its current employees’ potential future employment. Employer was under no obligation to bargain the terms and conditions that existed at a different entity. Absent a duty to bargain, a claim of error in the Hearing Officer’s factual finding regarding the source of the communications is not grounds to reverse....Union’s claim that it had a right to the information thus is premised on the existence of a duty to bargain. The claim necessarily fails where, as here, there was no duty to bargain.”***
2. ***UHPNM v. UNMH-SRMC, D-202-CV-2025-02461*** (filed 3-14-25; In re: 6-PELRB-2025, PELRB No. 116-24). On 9-3-25, the District Court ***affirmed the Board’s dismissal*** of the PPC, which had alleged unilateral changes to terms and conditions of employment. The Court wrote, ***“The Employer argues that it had no duty to bargain with the Union because of this Court’s prior decision [that PRNs are not regular employees],... however, that issue is not before this Court on appeal. The Court’s role here is to review whether the Board’s final decision in this case is ‘arbitrary, capricious or an abuse of discretion’ or ‘otherwise not in accordance with law.’ § 10-7E-23(B). ...The Board’s decision on the claim of unilateral changes is not arbitrary or capricious...The Board did not err by addressing only the issues presented in the Pre Hearing Order...The Board did not err in concluding that the Employer did not make unilateral changes with respect to Charge Nurses” because the Board’s “conclu[sions] that ‘assigning exempt RN Supervisors to the clinics does not affect Charge Nurse positions’ and that the Union failed to prove its case regarding the allegation of ‘Charge Nurses being replaced with Nurse Supervisors...’... rationally flow[s] from the findings of fact.”***
3. ***AFSCME Local 3422 and NM Corrections Dept., D-202-CV-2025-02137*** (filed 3-5-25; In re: 5-PELRB-2024, PELRB 104-24) On 8-29-25, the District Court entered a ***stipulated dismissal***. (The Department had appealed the Board’s affirmation of the Hearing Examiner’s Report finding and determining that ***“the last bargained for” roster was the last roster negotiated and agreed to***).
4. ***UNMH-SRMC v. HPNM, D-202-CV-2024-01995*** (filed 3-8-24; In re Board Order 8-PELRB-24, PELRB 109-23). On 6-10-25, the Court ***affirmed the PELRB***, writing that ***“The Court identifies no error in the Board’s conclusion with regard to the duty to bargain. The Board found that the Union was certified as the exclusive representative of a group of Employer’s employees on January 19, 2023 and that the certification was***

*affirmed by the Board on February 15, 2023... The Board explained that “all events at issue in this PPC occurred between April and May of 2023 when the duty to bargain indisputably existed” and declined to opine on the effect of the August Decision [to reverse certification and remand for explanation]...The Board’s reasoning is rational and the Board’s findings support the conclusion that the Employer had a duty to bargain with the Union at the times relevant to the PPC.”*

5. **UNMH-SRMC v. HPNM, D-202-CV-2024-01996** (filed 3/8/24; In re Board Order 9-PELRB-24, PELRB 110-23). On 11-4-2024, the *District Court affirmed the PELRB’s determination that SRMC violated the statutory duty to bargain* by failing to respond to the several requests for an updated list of bargaining employees and failure to provide information for bargaining dates, after which the PELRB closed the case. On 11-18-24, SRMC filed a *motion for rehearing and that was denied on 4-2-25*. (This case is not counted in Appx. B, Table 2 because it was counted as closed in 2024.)
6. **UHPNM v. UNMH-SRMC, D-202-CV-2024-01099** (filed 2-8-24; In re 30-PELRB-2023, PELRB 111-23). On 2-7-25, the District Court affirmed the Board, stating *“Generally, the Union argues that the Board should have reached a different result and refers to evidence in the record that may support different findings than the Board’s findings. However, the issue before this Court is whether the record supports the result reached, not whether a different result could have been reached...The Board’s interpretation of the Employer’s policies is reasonable because it relies on the plain meaning of the quoted language in the documents. Substantial evidence supports the Board’s findings and the Board’s conclusion rationally flows from the findings. Further, the Board’s conclusion is reasonable even if other evidence in the record could support a contrary result.”* No further appeal followed.

### **C. Other Pending Appeals**

The following additional appeal is also still pending by the end of the 2025 reporting period:

1. **UNMH-SRMC v. UHPNM, A-1-CA-42271** (filed 12-20-23, pending; In re 59-PELRB-2023, PELRB 304-22). On November 1, 2024, the District Court reversed the Board’s determination that PRNs were regular employees and denied the Union’s emergency petition regarding bargaining (D-202-CV-2024-09660). On *February 25, 2025, the Court of Appeals granted a writ of certiorari and placed the matter on their general calendar* (Case No. A-1-CA-42271); as of 2-16-26, briefing is complete and the case has been submitted to a panel and is awaiting decision)

## V. OTHER PELRB ACTIVITIES IN 2025

The PELRB's other activities, besides case processing and the administrative tasks needed to keep any State Agency running, included outreach and data collection; assisting and supporting local and national efforts related to ensuring collective bargaining rights; and staff and Board education and training.

### A. Outreach and Data Collection

In early 2025, the PELRB gathered comprehensive data to measure the size, impact and nature of the New Mexico public sector collective bargaining community governed by the PEBA; as well as of the extent of the PELRB's jurisdiction and stakeholders.

Since then, we have updated our "Chief Spokespersons" lists for N.M. public bargaining; and also identified the contact information for *over 300 other bargaining representatives* working with the PEBA. That information is available on our website at <https://www.pelrb.nm.gov/nm-public-bargaining/labor-relations-contacts/>.

At the same time, we also gathered and updated PELRB information on existing bargaining units, and bargaining unit members. As of December 2025, there were *over 60,000 public employees* covered under a CBA, with bargaining units spanning approximately *90 State and local employers across approximately 120 workplaces or agencies*. That information is also available on our website, and many of their collective bargaining agreements (CBAs) can be also be accessed through our website: <https://www.pelrb.nm.gov/nm-public-bargaining/>.

### B. Other Activities in Aid of N.M. Public Collective Bargaining

In 2025, the PELRB Director was also able to serve constituents of the Albuquerque Labor Board, and other state, local and national labor professionals.

As described in Local Boards, supra, the Director, *served as an ad hoc member of the Albuquerque Labor Board* upon recusal of the Chair, the Hon. Ted Baca (ret.), in LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.* In 2025, the Albuquerque Local Board heard and denied Respondent City Councilors' motion to dismiss on grounds of legislative immunity (the

matter settled and was withdrawn on March 16, 2026, before the commencement of the hearing on the merits).

This was important work for the PELRB because, as discussed above, the PELRB lacks staffing and budget to handle a sudden influx of cases should the Albuquerque Board in particular fail.

Additionally, the Director was able to assist the larger labor relations community, which was negatively impacted by the *March 2025 federal Executive Order that purported to gut or discontinue the Federal Mediation and Conciliation Service (FMCS)*. In *State of Rhode Island, et al. v. Donald J. Trump, in his official capacity as President of the U.S., et al.*, Case 1:25-cv-00128-JJM-LDA, United Dist. Ct. for the Dist. of R.I., the New Mexico Office of the Attorney General (AG) joined with approximately 18 other states to enjoin a March 2025 federal [Executive Order](#) that sought to gut the FMCS along with two other federal agencies.

As most practitioners will know, the FMCS is the premier provider of free and low-cost labor mediation and training in private and state/local government sectors, as well as for the federal government. As the National Academy of Arbitrators (NAA) pointed out in response to the EO,

The FMCS punches well above its weight. With a tiny \$55 million budget – less than 0.014% of the federal budget – it “delivers extraordinary outsized economic benefits,” minimizing labor strife and encouraging industrial peace at a value that exceeds \$500 million a year.

See [Safeguarding Workplace Peace and the Future of the FMCS – Arbitration Info](#)

Because of its importance within the labor relations community, its health and functioning are often of deep concern to NM public bargaining professionals. The PELRB received numerous calls in 2025 inquiring about the status of FMCS. Ultimately, the Director provided a [Declaration](#) upon request from the NM AG’s office, in support of the R.I. FMCS lawsuit. It appears from the Court’s decisions that the Declaration was helpful and persuasive to the Court in rendering first its [Temporary Injunction](#) in May 20205, and then the [Permanent Injunction](#) in November 2025.

However, the PELRB notes that the FMCS’s long-term and even medium-term status still remains uncertain. PELRB Staff are informed that FMCS Staff and services have not been fully restored in general, or for NM public employers and employees. Additionally, such services may be further impaired when the FMCS’s FY26 budget is finally approved.

As of December 31, 2025 (or today), the FMCS had not yet received Congressional approval for its FY26 budget, over which the Administration and the Senate sharply

disagreed. The FMCS under the present Administration recommended [\\$7.4 million, to close down the FMCS](#); but the Senate recommended in its \$184.5 billion Labor, Health and Human Services, Education, and Related Agencies budget that the FMCS be maintained at its FY25 budget of [\\$53.7 million](#). See Senate Bill at page 181 for FMCS's portion; see also [House Appropriations Press Release](#) noting the House Appropriation Committee's approval of the overall Labor, Health and Human Services, Education, and Related Agencies budget.

The PELRB will attempt to keep its constituents apprised of FMCS operations and updates here: <https://www.pelrb.nm.gov/operations/status-of-fmcs-as-of-12-11-2025/>, and everyone is reminded to contact their federal representatives to relay any concerns they have about the FMCS's long-term health, funding, and functioning.

### **C. Staff and Board Education and Training**

In June, the PELRB was able to send two Board members, their assigned Assistant AG, and the Executive Director to the Labor and Employment Relations Association's [\(LERA\) 77<sup>th</sup> Annual Conference](#), in Seattle, Washington. The theme was "Promoting Authentic Dialogue in Polarized Times" and, not surprisingly, the status of FMCS was on everyone's mind on the heels of the R.I. Preliminary Injunction. The Director received many kind thanks for her Declaration and assistance with the R.I. FMCS lawsuit, especially from the recently displaced FMCS Mediators.

In November, the Director was invited to moderate a panel for the American Bar Association ([ABA Labor and Employment Law \(LEL\) Section's 19<sup>th</sup> Annual Conference](#) in Denver, Colorado: "Public Sector Labor Law Primer", part of the LEL's "Fundamentals Track". Panelists included N.M.'s own, Dina Holcomb, Esq. of Holcomb Law Offices in Albuquerque, and also Rolanda Sudduth, Esq., of the Illinois Fraternal Order of Police Labor Council, Carol Stream, IL; and Joseph Slater, Esq., Distinguished University Professor and Eugene N. Balk Professor of Law and Values at the University of Toledo College of Law, Toledo OH.

As a government lawyer presenter or moderator, the ABA LEL reimbursed the Director's travel expenses so the Director's attendance and participation was cost-free for the PELRB. An additional benefit of both conferences was the Director being able to maintain and renew

connections she has made over the past 20 years with various state and federal labor Agency personnel, Arbitrators and Advocates, who are excellent sources of information in labor trends.

Nonetheless, the PELRB's most exciting training/education investment in the Director's view has been the training up our 7+ year, legally trained (and formerly law-licensed) Legal Assistant, **Matt Huchmala**, through the *National Judicial College (NJC)*, so he can serve as Alternate Hearing Examiner.

Coming back to the PELRB in 2025, it quickly became clear to the new Director that the current case load and necessary executive functions cannot all be handled well by a single person, the Director. However, we are only approved for two FTEs, do not expect that to change any time in in the near future if ever, and lack budget to contract for outside hearing examiner services. That's where [the NJC](#) comes in! It offers [extensive training](#) for ALJs/Hearing Examiners throughout the nation, and it also offers many scholarships. The present Director, and former-Director Montoya were both alumni of the NJC, having completed their Judicial Skills Certification Programs for Administrative Law and Dispute Resolution.<sup>9</sup>

In August 2025, Hearing Examiner Huchmala concluded the two-week in-person [Fair Hearing](#) course, at the Reno, NV campus; and in October 2025, he concluded the 6-week on-line [Evidence Course for ALJs](#). He obtained scholarships for both that amounted to about half of the registration and course fees. (He will also continue his NJC training into 2026, with mediation and decision-making courses, also scholarship-funded in part.)

#### **D. Facilities and Infrastructure Improvements**

We engaged in several big endeavors related to our facilities and infrastructure in 2025.

First, we completed the technology upgrades needed to conduct effective video and hybrid hearings and Board Meetings from our conference room. Going forward, the general PELRB preference will be to use Zoom to conduct monthly meetings and hearings involving out-of-town travel, as a cost-saving and environmental measure.

Next, we updated and modernized our website to make it more accessible and useful to constituent users. At the same time, we did a tremendous amount of background work needed to create and roll out a PELRB chat-bot in early 2026; and to obtain and implement a proposal for

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<sup>9</sup> The PELRB was much better funded in its early days. *See* Sec. VI, *infra*.

automated case-filing/management and calendaring software, by the end of FY26, that would require no additional operating costs than what the chat-bot itself requires.

The chat-bot is anticipated to be a huge benefit to Staff and users alike, in researching the voluminous body of PELRB Orders and PEBA related law available on our website. Sadly, no proposal for a case-filing/management/calendaring system could be offered to the PELRB at this time, based on our budgetary limitations. A sufficiently useful system would only have cost about \$5,000/year to run but it would have required approximately \$40,000 to build.

At present, almost the entirety of our budget is fully devoted to the very modest salaries obtained for FY27. *See* Sec. VI, *infra*. However, for FY28 and future years we will next seek additional budget for some sort of off-the-shelf law-firm docket management/calendaring software, as well as for increased salaries/staffing. *Id.*

On the plus side, the PELRB chat-bot is trialing very well; and we will be able to redirect the funds intended for further workflow-related IT development to additional NJC training for Alternate Hearing Examiner Huchmala in FY26.

Lastly, we made some modest improvements in our office furniture and art, the former from our small but well managed budget and the latter through loans from the Brown and Vaile-Brown collections of southwestern and New Mexican art. Here are a few more samples:



Oils on canvas, David Welch



Gauche on matt board, Douglas Johnson



Oil on canvas, Helmuth Naumer

## VI. PERFORMANCE MEASURES MET BUT PELRB FACES CHALLENGES

As signaled at the outset, the PELRB does well all things considered, but it faces some significant challenges moving into the future.

Our present performance measures are (a) to have no more than 1% of its decisions overturned on appeal; and (b) to timely process 100% of PPCs, Representation Petitions, and Local Board matters within the relevant statutory and regulatory timeframes. In 2025, the PELRB was not reversed in any appeal, so it exceeded that performance measure. As to timely processing, all regulatory deadlines were timely and properly extended pursuant to NMAC 11.21.1.31, and no statutory deadlines were implicated, so that the PELRB met 100% of its statutory and regulatory timeframes.

Additionally, as many practitioners know, the PELRB has maintained its traditional practice of aiming to resolve matters within “180 days” or six (6) calendar months of filing. As shown in Appendix B, Tables 3-4, 81% of cases were closed within six (6) calendar months; and most of the cases that exceeded six-months involved motion practice and/or an evidentiary hearing. *See* Sec. III, and Appx. B, Table.

There are cracks, however. For instance, we have never been able to meet our strategic goals or prior broad vision statement<sup>10</sup>, despite dutifully pasting them each year into our budget requests and annual reports. The FY27 and prior goals and strategies are summarized as follows:

- Program Goal 1: Scheduling hearings; providing timely notice processing the business of the Board”, through continued use of a centralized calendar system, tickler systems, routinized calendaring processes; and continuing “to hold hearings as needed upon request of the Board for the purposes of information gathering and inquiry, [and] adopting rules...”
- Program Goal 2: “[I]mprove the Board’s website”, through weekly updates of the PELRB calendar; regular posting of Board Meeting Notices, Agendas, Minutes and Board Orders; making posted forms interactive; and posting of judicial decisions reviewing Board Orders, when the Courts or Parties provide the PELRB with that information.”
- Program Goal 3: “[M]onitor developing trends as expressed in decisions by local labor boards, the National Labor Relations Board and the Federal Labor Relations Authority”, as well as “ensuring local board compliance with PEBA requirements”, through National Judicial College course attendance by the Director and one or more members of the Board; Agency membership in the two premier and relevant professional associations, the Association of Labor Relations Agencies (ALRA) and the Labor and Employment Relations Association (LERA); and maintaining Agency subscription to The New Mexico Labor Letter and any ALRA and LERA newsletters, and its sharing of relevant information therein with members of the Board by email.
- Program Goal 4: “Conduct interagency training on application of the Public Employee Bargaining Act as needed and as time and budget permits...”, through updating a basic PowerPoint presentation outlining PEBA’s provisions, and presenting to constituents on that and on PELRB case statistics at periodic seminars arranged by the PELRB, or upon speaking invitations from others.
- Program Goal 5: “Improve Staff and Board training”, through training for the Administrative Assistant to develop competence in various relevant office software; and, time and budget permitting, Director and Board attendance at National Judicial College courses related to administrative law judiciary skills and ADR skills training.

See 2020-2023 Annual Reports, Appendices.

Program Goals 1 through 2 are highly relevant and constitute the bulk of our daily operations. However, there is simply inadequate staffing or budget to meet the other three (3) strategic goals regularly or consistently, if at all. This will be particularly true moving forward, as the vast majority of our budget is redirected to remedying non-competitive salaries. As such, those

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<sup>10</sup> The PELRB’s previous Vision statement read as follows: “The Agency will become the leading collective expert on public employee bargaining in New Mexico, the preferred source for the resolution of labor/management disputes, and the recognized clearinghouse for information on pending issues and developing trends in labor law in order to promote ‘harmonious and cooperative relationships between the public employers and public employees.’” Cf. Vision Statement, *supra*, pp. 1-2.

Strategic Goals will be disregarded for FY27, and discontinued in future budget requests and Annual Reports.

From 2004 through the end of 2009, the PELRB had three (3) FTEs. Although the Deputy Director position was excised as no longer warranted based on our declining case load, Staff posits that this was short-sighted in the long run. Having been the Deputy Director at the time, the present Executive Director can attest that the third FTE position enabled the PELRB to develop a Keyword Index, a PELRB Practice Manual, and statistical templates and data, documents in 2009, which the PELRB continues to use and build upon today. Now that the PELRB has only two FTEs, however, the PELRB's Keyword Index and Practice Manual remain several years out of date, and other outreach and training remains undone. We were also unable to initiate rulemaking in 2025, despite the incoming Director's early high hopes. We also had several requests for training, but we are regrettably unable to provide training at this time due to staffing limitations and our case load.<sup>11</sup> Additionally, we risk improper *ex parte* contacts due to limited staffing, because both FTEs must answer the phones and emails; and our records retention burden is heightened because all or most communications are to or from the Director, who is an Agency Head.

We face other obstacles, besides staffing, namely: salaries and budget. As noted above, our case load increased by 30%. At the same time, Staff have long been paid below mid-point<sup>12</sup>. The Director made it a point to obtain Staff raises in FY27. However, this was a flat budget year, so it came from existing budget. As a result, the raise will still leave Staff paid below mid-point, and it will come at a steep cost. Specifically, the FY27 raise will leave the PELRB with only approximately \$2,600.00 for all "discretionary" or unencumbered spending for FY27, including pens, paper, toner, postage, Board and Staff travel and per diem, etc.

The low pay and cramped budget, moreover, have been a problem for many years. Beginning in about 2010, as former-Director Montoya reports, the PELRB's budget was cut several times across the board, in addition to the defunding the third FTE position. Since then, while the Agency has had some budget increases greater than the cost of living or CPI, it has also had flat-budget years. On balance, the Agency's budget has not kept up with inflation or its

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<sup>11</sup> As the Director has informed inquirers, we can and are happy to speak at labor law engagements upon invitation. We just lack the staffing, budget and other resources to organize and host such training, and put together substantive materials, in addition to our day-to-day work.

<sup>12</sup> The average of the salary range for comparably engaged State employees.

increasing case load. One result is that Mr. Huchmala is required to wear many hats, including Alternate Hearing Examiner, to keep operations going. *See* Note 3. Another is that the Director is required to perform up to approximately 8 hours of uncompensated overtime a week, although she took a significant decrease in pay to accept the position.<sup>13</sup> Facts and circumstances such as these create serious hiring and retention issues for any agency or employer.

Because of these facts and circumstances, the PELRB's strategic goals, beyond processing cases and handling ordinary executive/administrative functions, must focus on increasing our salaries and budget, and obtaining more staffing and technologies that can assist us in our workflow. Our Strategic Goals will, accordingly, be re-written for the FY28 budget request.

In the 2024 Report, the Director expressed the belief that we were still appropriately staffed and funded, although just barely. After managing the Agency for a year, the Director reverses and corrects herself. Upon further study, it is clear that the PELRB needs to, at a minimum and in this order of priority: (1) significantly increase the pay of its existing FTEs to well-above the average of pay typical for their work, given the high level legal work involved; (2) receive funding for a new full- or part-time administrative Assistant; and (3) obtain funding for the creation and maintenance of automated phone<sup>14</sup> and case-management/calendaring systems.

However, because our budget is so small compared to the overall State budget, we will more likely than not only ever be on the "consent agenda" for legislative committee hearings, and our DFA and LFC analysts will therefore determine what our budget shall be. This means that we will likely never have an opportunity to advocate for our needs, outside of these Annual Reports. Instead, we must rely on our lobbying-minded constituents to speak up for our work and in support of our budget requests, if they desire a well-funded, well-trained labor board that is able and ready to promptly hear and resolve all disputes as they arise. Consider this our ask, for that assistance.

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<sup>13</sup> The position generated few responses and had to be re-advertised. The Director's acceptance reflected her unique and personal situation. She was ready to move back to New Mexico from Yuma, Colorado after the passing of family there, and she desired to slow down her arbitration practice which was so successful in large part because of the excellent skills and training acquired while employed as the Deputy Director and Hearing Examiner, when the PELRB's budget was much flusher. Thus, she is motivated in part by a debt of gratitude, and it cannot be presumed that the salary is competitive just because accepted.

<sup>14</sup> Staff estimates that approximately 50-60% of our telephone callers are seeking a different state agency related to employment issues, and the majority of those are private sector employees with wage and hour claims.

**APPENDIX A**  
**ALL CASES FILED 2004-2025** <sup>15</sup>

<b>YEAR</b>	<b>Type of Cases</b>				<b>TOTAL</b>
	<b>PPCs</b>	<b>Petitions for Representation<sup>16</sup></b>	<b>Decertification or Disclaimer of Interest</b>	<b>Local Board Matters</b>	
<b>2004</b>	39	60	0	31	<b>130</b>
<b>2005</b>	55	16	5	9	<b>85</b>
<b>2006</b>	68	23	2	3	<b>96</b>
<b>2007</b>	71	16	0	6	<b>93</b>
<b>2008</b>	48	23	0	5	<b>76</b>
<b>2009</b>	47	16	1	6	<b>70</b>
<b>2010</b>	28	15	1	3	<b>47</b>
<b>2011</b>	55	13	2	0	<b>70</b>
<b>2012</b>	24	13	1	0	<b>38</b>
<b>2013</b>	14	18	1	3	<b>36</b>
<b>2014</b>	33	8	1	4	<b>46</b>
<b>2015</b>	29	9	1	0	<b>39</b>
<b>2016</b>	23	10	1	1	<b>35</b>
<b>2017</b>	25	9	1	0	<b>35</b>
<b>2018</b>	17	10	1	0	<b>28</b>
<b>2019</b>	7	5	1	3	<b>16</b>
<b>2020</b>	23	7	0	20	<b>50</b>
<b>2021</b>	33	16	1	3	<b>53</b>
<b>2022</b>	25	26	2	0	<b>53</b>
<b>2023</b>	25	42	3	0	<b>70</b>
<b>2024</b>	35	25	0	0	<b>60</b>
<b>2025</b>	43	33	2	0	<b>78</b>
<b>TOTAL</b>	<b>768</b>	<b>412</b>	<b>27</b>	<b>96</b>	<b>1303</b>
<b>AVG</b>	<b>34.9</b>	<b>18.7</b>	<b>1.2</b>	<b>4.4</b>	<b>59.2</b>

<sup>15</sup> This data reflects a breakdown by date the case was filed, it and also reflects several verifications or audits over the years, including in or about 2003, 2010, and 2025.

<sup>16</sup> This category includes Petitions for Clarification, Accretion, Severance and Intervention.

**APPENDIX B**  
**2025 CASE STATISTICS<sup>17</sup>**

**Table 1**  
**ALL CASES FILED IN 2025 BY CATEGORY OF WORKPLACE OR RESPONDENT**

Type of Workplace or Respondent	Types of Cases				TOTAL
	PPCs	Certification, Accretion, Amendment, Clarification etc. Petitions	Decertification Petitions or Disclaimers <sup>18</sup>	Related to Approval of Local Board	
State <sup>19</sup>	6	8	0		14
County	13	4	1	0	18
Municipality	6	8 <sup>20</sup>	1	0	15
Public School	9	5	0	0	14
Higher Education	3	1	0	0	4
Medical Facility <sup>21</sup>	3	3	0	0	6
Other <sup>22</sup>	1	4	0	0	5
Union	2				2
<b>TOTAL</b>	<b>43</b>	<b>33</b>	<b>2</b>	<b>0</b>	<b>78</b>

<sup>17</sup> As noted in the [2024 Report](#), Staff are discontinuing certain tables and data collection as done in prior years. These changes will be ongoing as we balance utility and statistical insight against undue burdens and/or redundancy that we cannot maintain with our limited staffing and case volume. Explanatory notes for the changes are provided herein.

<sup>18</sup> There were no Decertification Petitions filed in 2025, but two (2) disclaimers of interest were filed resulting in the dissolution of the bargaining unit. See PELRB 302-25 and 329-25. Disclaimers, like Decertification Petitions, represent a loss of bargaining units and employees represented by a certified exclusive representative (e.g., a Union) for collective bargaining purposes. Presently, more than 60,000 employees are represented in a collective bargaining unit. See [NM Public Bargaining - Public Employee Labor Relations Board](#), located at <https://www.pelrb.nm.gov/nm-public-bargaining/>.

<sup>19</sup> This category includes cases filed against individual State Agencies, as well as against the State or State Personnel Office (SPO), but in practice the vast majority are filed against an individual Agency as the most relevant public employer.

<sup>20</sup> This included a Petition for Severance, in which the Police and Fire unit was broken up, with NMCP SO remaining the representative of the Police Officers and IAFF demonstrating majority support to represent the Fire Fighters. See 310-25, Alamogordo.

<sup>21</sup> This category includes medical facilities run by institutions of higher education, such as New Mexico Hospital, a.k.a. UNM Health Sciences Center.

<sup>22</sup> This category includes other political subdivisions or entities such as water, irrigation, or sanitation districts.

**APPENDIX B, Contd.**

**Table 2**

**2025 CASE STATUS, ACTIVITY, AND/OR RESOLUTIONS<sup>23</sup>**

Status and/or Case Management Activity		PPCs		Petitions		Total	
Actively pending before the Board as of 12-31-25 <sup>24</sup>		13		4		17	
	From 2025		13		4		17
	From 2024 or earlier		0		0		0
Settlement and/or Voluntary Dismissal		23		4		27	
Deferral or Stay <sup>25</sup>		6		4		10	
Dismissal without Motion Practice or Hearing (WMPH)		3		4		7	
PPC Default Judgement or Petition Approval WMPH		0		26		26	
Dispositive Motions <sup>26</sup>		6		1		7	
	Granted in whole or Part		4		0		4
	Denied in full		1		0		1
	Decision pending as of 12-31-25		1		1		2
Evidentiary Hearings		8		1		9	
	Sustained or approved in whole or part		4		0		4
	Denied in full		0		0		0
	Decision pending as of 12-31-25 <sup>27</sup>		4		1		5
	Hearing Days <sup>28</sup>	10		2		12	
Requests for Board Review <sup>29</sup>		2		0		2	
	Hearing Examiner affirmed in whole or part		2		0		2
	Hearing Examiner reversed in full		0		0		0
On Appeal at District Court		8		0		8	
	Board affirmed in whole or part <sup>30</sup>		6		1		7
	Board reversed in full		0		0		0
	Pending as of 12-31-25		1		0		1
On Appeal at the Court of Appeals (pending)		0		1		1	

<sup>23</sup> Tables 3-4 include all matters processed in 2025, including those PPCs and Representation Petitions filed in prior years. These totals typically exceed the total number of cases processed because some cases involve multiple types of case management activity.

<sup>24</sup> This entry encompasses those cases that were not stayed or deferred, or up on judicial appeal.

<sup>25</sup> Matters can be deferred to other agency proceedings, or to arbitration, during which time the PELRB proceedings are stayed. *See* NMAC 11.21.3.21 and 11.21.3.22. Additionally, many cases get stayed pending settlement discussions.

<sup>26</sup> These are motions that dispose of a case or issue therein. Each motion filed in a case is counted separately unless they are “cross-filed” and/or only require one written decision.

<sup>27</sup> One of these involves a matter that was stayed after the first day and will not resume until May of 2026, so the hearing and record remain open. *See* Case 113-25.

<sup>28</sup> Simply tracking the number of hearings, like failing to account for motion practice before the Board, fails to accurately reflect the work the PELRB does because it is not uncommon for hearings to require multiple days. For instance, of the eight (8) hearings held in 2025, one of those was three (3) days long and one was two (2) days long. *See* PELRB Cases 128-24 and 321-25, respectively.

<sup>29</sup> All final H.E. determinations or recommendations on PPCs and Petitions are reviewed and adopted pro forma unless modified by the Board, so generate a Board Order. *See* NMAC 11.21.2.22(C) and 11.21.3.19(D). This entry, however, counts only those matters for which a request for Board review was filed.

<sup>30</sup> This included one stipulated dismissal with prejudice.

**APPENDIX B, Contd.**

**Table 3**

**2025 SUMMARY OF PROCESSING TIME FRAMES, MOTION PRACTICE, & HEARINGS<sup>31</sup>**

<b>Case Series</b>	<b>Number of Cases Processed in 2025</b>	<b>Cases Processed Within 6 Months<sup>32</sup></b>	<b>Cases w/Motion Practice or Objection</b>	<b>Cases with Hearings<sup>33</sup></b>
PPCs	60	43 cases 71.7%	6 cases 10%	8 cases 13.3%
Representation Petitions <sup>34</sup>	41	39 cases 95%	1 case 2.5%	1 case 2.5%
<b>Total/Average</b>	<b>101</b>	<b>81 cases 81%</b>	<b>7 cases 7%</b>	<b>9 cases 9%</b>

**Table 4**

**2025 PROCESSING TIME FRAMES – DETAILED**

<i><b>Number and Percentage of PPCs Processed in 2025</b></i>	<i><b>TIME IN CALENDAR MONTHS</b></i>	<i><b>Number and Percentage of PETITIONS Processed in 2025</b></i>
17 cases, 28%	<b>1 month or less</b>	8 cases, 20%
6 cases, 10%	<b>&gt; 1 to 2</b>	17 cases, 40%
7 cases, 11.7%	<b>&gt; 2 to 3</b>	9 cases, 22.5%
4 cases, 6.7 %	<b>&gt; 3 to 4</b>	2 cases, 5%
6 cases, 10%	<b>&gt; 4 to 5</b>	1 case, 2.5%
3 cases, 5%	<b>&gt; 5 to 6</b>	2 cases, 5%
3 cases, 5%	<b>&gt; 6 to 9</b>	0
3 cases, 5%	<b>&gt; 9 to 12</b>	1 case, 2.5%
5 cases, 8.4%	<b>&gt; 12 to 18</b>	0
3 cases, 5%	<b>&gt; 18 to 24</b>	0
3 cases, 5%	<b>&gt; 24 months</b>	1 case, 2.5%

<sup>31</sup> This Table and the next include all matters processed to a final resolution in 2025, including those PPCs and Representation Petitions filed in prior years. As observed at the outset, in addition to the 43 PPCs and 35 Petitions filed in 2025, Staff also continued to process and monitor the 17 holdover PPCs and 5 holdover Petitions from prior years. Thus, Staff processed 100 cases in total for 2025, including 60 PPCs and 40 Petitions.

<sup>32</sup> Note also that PPCs invariably require more time because more likely to require motion practice and/or evidentiary hearings. See, e.g., Appx. B, Table 2. Additionally, some cases just involve delay, such as due to personal or facilities issues. See, e.g., Case 113-25 and note 25.

<sup>33</sup> Hearings refer to evidentiary hearings, which may or may not be on the merits, but it does not include the standard, mandatory Status and Scheduling Conference discussed above. Note that sometimes the same case will involve both motion practice and a hearing on the merits, or multiple motions or hearings. See also Appx. B, Table 2.

<sup>34</sup> The same Representation case involved both the motion practice and the hearing. See PELRB 321-25.

## APPENDIX C

### A BRIEF HISTORY OF THE PELRB, WITH ADDITIONAL MATERIALS<sup>35</sup>

As many New Mexico public sector labor practitioners know, various local governments within the State enjoyed collective bargaining rights and relationships for several decades before the State passed its first collective bargaining statute in 1992, with the enactment of NMSA §§ 10-7D-1 *et seq.* (PEBA I). Some notable examples include the City of Albuquerque and Albuquerque Public Schools, which continue to maintain their own local Labor Boards.

The first NM-PELRB Executive Director under PEBA I was Walter Daugherty, a well-reputed arbitrator hailing from California. Walter returned to Los Angeles after setting up the office and was replaced by local New Mexico labor professional and arbitrator Patrick Halter on July 12, 1993. Director Halter served faithfully until June 30, 1999.

Members at the time of Director Halter’s appointment were Bill Giron, Chair; Jim Ellis, Labor; and Jim Keaton, Management. Allen Ferguson, Assistant Attorney General, served as the Board’s legal advisor. PELRB Members serve by appointment of the Governor and their service is entirely voluntary and uncompensated, other than payment of modest per diem fees (currently \$45-95) and mileage. Nonetheless, the PELRB has had a tradition since its inception of being filled by highly competent and well-credentialed individuals. This tradition began with the very first and well-assembled Board under PEBA I – as former-Director Halter writes,

Allen and I previously worked together at the Office of the General Counsel, Federal Labor Relations Authority, Washington, D.C. I had crossed paths with Jim Keaton over the years when he was an executive at General Motors in Detroit. I did not know Jim Ellis, retired to New Mexico from Boston, or Bill Giron. As I quickly learned, appreciated and leaned on, Bill Giron was a respected presence in any administration regardless of the incumbent party.<sup>36</sup>

During this time, Director Halter oversaw the certification of many bargaining units for the first time. He also processed about 55 applications for approval of Local Boards in the first years alone, and each case involved a separate Prohibited Practice Complaint (PPC). He observes that all the applications and PPCs were “practically identical”. During his time, he sought to combat “misinformation about the state law” and the PELRB’s role thereunder. His observation was that

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<sup>35</sup> This is excerpted from the [2024 Report](#) with modest updates or revisions. It and the chronological list of Board members are provided again for those who missed them last year, and we have also included the full text of the 2025 statements from former PELRB Directors Montoya and Halter, which are referenced in the brief history.

<sup>36</sup> Belarmino “Bill” Giron “had a distinguished career as a public servant” before his PELRB service. He served in the US Army during the Korean Conflict from 1948-52 and attained the rank of sergeant. Thereafter, he served as Consultant to the US Department of State, as Administrative Aid to Governor King, and as Assistant to the State of NM Commissioner of Public Lands. He also held various positions in the Department of Finance and Administration. He passed away in 2015. See <https://www.legacy.com/us/obituaries/abqjournal/name/belarmino-giron-obituary?id=17808881> (last accessed 3/21/25.)

decisions and Orders of the Agency were resented by some; and that Local Boards, for many, “represented a mechanism to blunt PEBA I until it expired in June 30, 1999” due to an internal sunset clause.<sup>37</sup>

The New Mexico Legislature attempted to reauthorize PEBA I before its sunset, but that legislation was vetoed by then-Governor Johnson and the State legislature could not override the veto. Accordingly, “at 5:03 p.m. [then-Director Halter] turned off the lights at the office and returned the office keys to the onsite property manager.”

In 2003, the Legislature enacted a second and very similar act, NMSA §§ 10-7E-1 *et seq.* (PEBA II). In the interim years between the two Acts, a number of public employers continued to permit collective bargaining under their own ordinances or resolutions, some of which predated PEBA I and some of which were created and approved under PEBA I. Accordingly, PEBA II included a number of provisions designed to protect pre-existing bargaining units, bargaining representatives and collective bargaining agreements (CBAs). Additionally, PEBA II initially authorized the creation of new Local Boards, many of which were created in the reconstituted PELRB’s first several years.

The very first Board under PEBA II was comprised of Edmund “Joe” Lang, Esq., Chair and management nominee; Linda Vanzi, Esq., Vice Chair and labor nominee; and Lew Harris, Esq., formerly of the NLRB, as the neutral nominee. Vice-Chair Vanzi withdrew from the Board early in her term and was appointed as a District Court Judge<sup>38</sup>; she was succeeded by Pilar Vaile, Esq. (subsequently the Deputy Director and now the Exec. Director). Shortly thereafter, Member Harris was succeeded by Duff Westbrook, Esq., who would go on to be the longest serving Board Member (2005-2019), and the longest serving Chair (2010-2019). In 2005, Chair Lang passed away<sup>39</sup> and his position was filled by Martin Dominguez, Labor/Employment Relations Director of Los Alamos National Laboratory, and a former Member under PEBA I. That same year, Ms. Vaile was replaced by John Boyd, Esq., after she took the position of PELRB Deputy Director.

As of March 2026, the present Board is comprised of Chair Nan Nash (Hon.-Ret.), Vice-Chair Peggy Nelson (Hon.-Ret.), and Member Mark Myers. This is the longest serving Board to date and continues the PELRB tradition of being well-constituted by dedicated and competent Members: Chair Myers is a long-standing public servant coming from the public safety and corrections sectors and Members Nash and Nelson are retired State District Court Judges. A list of all past and present PEBA II Board Members, with years of service, is provided below. *See*

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<sup>37</sup> Quotes are from the new Director’s interviews with the former Directors, seeking reflections about their time with the PELRB; their full statements are provided below. *See infra*.

<sup>38</sup> Vice-Chair Vanzi later advanced to the Court of Appeals and served as Chief Judge there before her eventual retirement in 2020.

<sup>39</sup> Chair Lang served in the Senate in the 1970s, and on the Bernalillo County Commission in the 1990s. He was a fixture in New Mexico politics, a successful lobbyist, and devoted to many good public causes including the PELRB. “An estimated 1,200 mourners, including a who’s who list of New Mexico politicians, turned out” for his funeral services and he is still missed by many all these years later. *See* [https://www.hhsalbuqclass64s50th.com/class\\_profile.cfm?member\\_id=6177961](https://www.hhsalbuqclass64s50th.com/class_profile.cfm?member_id=6177961) (last accessed 3/25/25).

also <https://www.pelrb.nm.gov/meet-the-board/board-members/>, for current Board membership and criteria.

Juan Montoya, Esq. was hired as the first Executive Director under PEBA II in October of 2003, and he served faithfully until his retirement on July 1, 2010.<sup>40</sup> He was aided at the time by the first Deputy Director, Judy DeAtley; and also by Bernadette Carian, who would serve as the Administrative Assistant to the PELRB until about 2012. Deeply appreciated by all Staff and Parties for her entire tenure, Bernadette was especially critical to the Agency during its early formation, and during the 2010-2012 period between Directors Montoya and Griego.

As former Director Montoya observed, in those early days, “[t]he Board didn’t have office space, a communication system or a filing system; it’s only connection to the world, including the state government, was a cell phone.” After leasing office space, acquiring telecommunication equipment, and ordering furniture from NM Prison Industries in Los Lunas, “[t]he Board was operational and began hearing” cases. During the early years, a large number of employees of the State or its political subdivisions were successfully organized or reorganized, and their exclusive bargaining representatives certified. For instance, one 2003 AFSCME certification involved bargaining units at 15 different State agencies and covered nearly 7,000 State employees. *See* State/AFSCME Certification dated 8/7/03. Also, early PPCs frequently raised jurisdictional issues such as whether New Mexico Judicial Branch employees were covered (they are not, as determined by the Judge Kase for the Second Judicial District in 2006)<sup>41</sup>, or whether the Employer under a grandfathered labor board could unilaterally select an interim neutral Board Member, in addition to selecting the Management Member (they cannot).<sup>42</sup>

Director Montoya observed about his years at the PELRB that some groups representing Public Employers harbored suspicion of the PELRB after its sunset and revival. For instance, one Employer-side organization passed a resolution early in the life of the Board under PEBA II that negatively described the PELRB as being “pro-Union”. Director Montoya countered this at the time and still does today by observing that “[i]n fact, the Board was always pro-collective bargaining, which is the reason for the PEBA’s and the PELRB’s creation in the first place.”<sup>43</sup>

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<sup>40</sup> Director Montoya has served on the Albuquerque and Albuquerque Public School Labor Boards since his retirement.

<sup>41</sup> *Chama-Ortega and Second Judicial Court*, D-202-CV-2004-07883, Order by Dist. Court Judge Edmund H. Kase, III of the Seventh Judicial District, dated 4/10/06.

<sup>42</sup> *City of Albuquerque v. Montoya*, 2010-NMCA-100, 148 N.M. 930, 242 P.3d 49, *rev’d* 2012-NMSC-007, 274 P.3d 108.

<sup>43</sup> Current Staff observes that this is a common issue. For instance, it was only in 2008 that ALRA was able to attain consensus to say, in its black letter statement on neutrality, that ALRA unequivocally supports statutory collective bargaining rights. *See* ALRA Neutrality Report (2008), located at <https://alra.org/wp-content/uploads/2019/03/NeutralityProject-FinalReport.pdf>.

In June of 2012, after another short-lived out-of-state Director<sup>44</sup>, Thomas Griego, Esq. was appointed as Executive Director, and he served faithfully until his retirement effective December 31, 2024. Like former-Director Montoya, former-Director Griego was aided by competent and long-serving assistants. Dir. Griego had multiple competent assistants who served ably for several years at a time, but one stands out for his longevity and the level of competence and knowledge that he brings: Legal Assistant II Matthew Huchmala. Mr. Huchmala is legally trained, has worked as a licensed lawyer for several years in California, and is trained and experienced in mediation. He has been with the PELRB since 2016 and has provided particularly essential services during the 2024/2025 transition in directorship. Since coming aboard in 2025, the current Executive Director has assigned him additional responsibilities as Alternate Hearing Examiner, and in Fiscal Year 2026, he began a course of study with the National Judicial College, through their Judicial Skills Development Certificate Programs in Administrative Law and ADR.<sup>45</sup>

During the tenures of Director Griego and Legal Asst. Huchmala, significant amendments were made to PEBA II that tended to further strengthen the rights of public employees to engage in collective bargaining effectively. Effective July 1, 2020, the New Mexico Legislature amended PEBA II in numerous respects.

Most notably for PELRB operations, the 2020 amendments imposed certain conditions on Local Boards, including the requirements that all Local Board positions remain filled, that the Local Board meet regularly, that the Local Board enact rules consistent with PEBA II and the PELRB's rules, and that the Local Board certifies its continuing conformity with the amended law in the odd-numbered years. The amendments also provide for automatic transfer of jurisdiction to the PELRB in the event a Local Board does cease to operation *See* § 10-7E-9(H) (requirement that Local Boards inform the PELRB of any rule changes; § 10-7E-10 (prohibiting approval of future Local Boards and imposing conditions on their continued operation, including a biennial reporting requirement affirming their compliance with PEBA II as amended); § 10-7E-13(D) (ensuring that “[j]obs included within a bargaining unit pursuant to a local ordinance in effect on January 1, 2020 shall remain in that bargaining unit”); and § 10-7E-13(I) (ensuring that “[w]henver a local board ceases to exist, all matters pending before such local board shall be transferred to the board for resolution”).

Within the first biennial reporting year of the amendment (2021), many Local Boards were disbanded. In 2021 the number of Local Boards fell from 37 to only 15, as many Local Boards opted not to continue operations; and the number of Local Boards has continued to decline since then. In 2023, that number fell to eight (8). Currently, only two (2) Local Boards continue to exist, and no new Local Boards may now be created under PEBA II. *See* NMAC 11.21.1.10(J). Current Local Boards include those for the City of Albuquerque and Albuquerque Public School (APS), which have historically had the heaviest caseloads among other local boards. As noted in

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<sup>44</sup> Pam Gentry, if memory serves, was a labor relations professional from California, and she served for one year more or less.

<sup>45</sup> So far in Fiscal Year 2026, Matt has attended their foundational two-week, in-person “Administrative Law: Fair Hearing” course; and a six-week, online “Evidence for ALJs” course. In FY26, he will also be attending a 40-hour, online “Civil Mediation” course; and an week-long, in-person course on “Decision Making”.

the past several Annual Reports, the attrition of Local Boards has not resulted in a significant or obvious increase in PELRB filings to date. That could change, however, if either of these were to cease operations, particularly the City’s Board, which processes approximately 30 cases a year. See 2024 Report, Sec. III.A, Local Boards.

A second 2020 amendment that had a significant impact on PELRB operations, was the change made to § 10-7E-14(C), providing for certification of majority support by “card check”. Previously, certification by card check was only available as an alternative procedure if there were no employer objection. Now, as a practical matter, all Representation Petitions are based on a “card check” by PELRB Staff, rather than by secret ballot election unless another labor organization intervenes. *Id.*; *see also* Sec. III.C, Representation Petitions.

Other amendments made by the New Mexico Legislature in 2020 had less impact on PELRB operations but likely a big impact on non-Federal public sector collective bargaining in New Mexico:

1. removing the definition of “fair share” and its option as a permissive subject of bargaining, *see* § 10-7E-4 (Definitions) and § 10-7E-9(G) (Board; powers and duties)<sup>46</sup>;
2. providing public employees “the right to engage in concerted activities for mutual aid or benefit”, other than strike activity as prohibited under Section 21 therein, *see* § 10-7E-5(B)<sup>47</sup>;
3. clarifying the administrative remedies available under PEBA II, *see* § 10-7E-9(F)<sup>48</sup>;
4. adding an express requirement that the public employer provide certain critical identity and contact information to the petitioning labor organization within 10 business days of the PERLB’s acceptance of a valid representation petition, *see* § 10-7E-14(A)<sup>49</sup>;

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<sup>46</sup> This simply codified the US Supreme Court’s decision in *Janus v. AFSCME Council 13*, 138 S. Ct. 2448, 585 U.S. \_\_\_ (2018), holding that requiring public sector employees to pay “fair share” or “agency” fees to unions violates their First Amendment rights.

<sup>47</sup> When the present Exec. Dir. and then-Deputy Director left the PELRB at the end of 2009, there was a lively debate within the NM public sector labor relations community whether PEBA already included this right, based upon precedent arising from the National Labor Relations Act, on which PEBA was generally modeled. *See Las Cruces and Las Cruces Firefighters*, 1997-NMCA-031, 123 N.M. 239, 938 P.2d 1384 (“[a]bsent cogent reasons to the contrary, [Courts] should interpret language of the PEBA in the same manner that the language of the NLRA has been interpreted, particularly when that interpretation was a well-settled, long-standing interpretation of the NLRA at the time the PEBA was enacted”).

<sup>48</sup> Subsection F of § 10-7E-9 previously only referenced “appropriate administrative remedies”, and now provides that “[t]he board or a local board each has the power to enforce provisions of the Public Employee Bargaining Act through the imposition of appropriate administrative remedies, actual damages related to dues, back pay including benefits, reinstatement with the same seniority status that the employee would have had but for the violation, declaratory or injunctive relief or provisional remedies, including temporary restraining orders or preliminary injunctions. No punitive damages or attorney fees may be awarded by the board or local board.” *Id.*

<sup>49</sup> Specifically, § 10-7E-14(A) provides that “the board or local board shall require the public employer to provide the labor organization within ten business days the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in the proposed bargaining unit. This information shall be kept confidential by the labor organization and its employees or officers.”

5. adding that “[a] claim by a public employee that the exclusive representative has violated this duty of fair representation shall be forever barred if not brought within six months” of reasonable discovery, *see* § 10-7E-15(A);<sup>50</sup>
6. adding that “[a] public employer shall provide an exclusive representative of an appropriate bargaining unit reasonable access to employees in the bargaining unit”, including certain specific access rights depending on whether it concerns newly hired employees or not, *see* § 10-7E-15(C)<sup>51</sup>;
7. applying the 12-month certification bar in cases of “an election sought by a competing labor organization”, in addition to decertification petitions, *see* § 10-7E-16(D);
8. specifying that any waiver of bargaining over terms and conditions of employment during the life of a CBA must be “clear[] and unmistakable[e]”, *see* § 10-7E-17(A);
9. allowing that “a public employer in a written collective bargaining agreement may agree to assume any portion of a public employee’s contribution obligation to retirement programs provided pursuant to the Public Employee Retirement Act or the Educational Retirement Act”, *see* § 10-7E-17(B);
10. providing the terms by which a bargaining unit employee can revoke a prior payroll authorization for the payment of union dues, within an annual 10-day window, *see* § 10-7E-17(D);
11. providing a “safe harbor” for fair share provisions and deductions that were permitted at the time under the law of New Mexico and paid before 6/27/2018, *see* § 10-7E-17(E);
12. adding that “[t]he scope of bargaining for the exclusive representative and the state shall include enhancements of employee rights and benefits existing pursuant to the personnel Act [Chapter 10, Article 9 NMSA 1978]”, *see* § 10-7E-17(F);

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<sup>50</sup> Note, however, that the PELRB does not have jurisdiction or authority to hear duty of fair representation or “DFR” claims, which must be asserted in a civil suit in State District Court. *See Callahan v. New Mexico Federation of Teachers-TVI*, 2006-NMSC-010, 139 N.M. 201, 131 P.3d 51 (that because the PELRB lacks authority under § 9(F) to remedy DFR violations through money damages or reinstatement, such claims must be filed in District Court).

<sup>51</sup> Specifically, NMSA § 10-7E-15(C) provides as follows:

- (1) for purposes of newly hired employees in the bargaining unit, reasonable access includes:
  - (a) the right to meet with new employees, without loss of employee compensation or leave benefits; and
  - (b) the right to meet with new employees within thirty days from the date of hire for a period of at least thirty minutes but not more than one hundred twenty minutes, during new employee orientation or, if the public employer does not conduct new employee orientations, at individual or group meetings; and
- (2) for purposes of employees in the bargaining unit who are not new employees, reasonable access includes:
  - (a) the right to meet with employees during the employees’ regular work hours at the employees’ regular work location to investigate and discuss grievances, workplace-related complaints and other matters relating to employment relations; and
  - (b) the right to conduct meetings at the employees’ regular work location before or after the employees’ regular work hours.

13. removed certain deadlines for resolving bargaining impasses, *see* § 10-7E-18(F); and
14. made it a prohibited practice for a public employer to use public funds to influence an election regarding representations, *see* § 10-7E-19(B).

Another major trend during Director Griego’s tenure was the 2023 clarification of the various State bargaining units that were first certified in 2003 and 2004, often on a “wall-to-wall” basis; and the general trend away from “wall-to-wall” or vague unit descriptions moving forward.

All in all, Director Griego oversaw the PELRB during times of great change, while also solidifying and standardizing its internal and external practices. He was unable to provide a personal reflection for this Report due to other time commitments, but his presentations and communications reflect tremendous and well-deserved pride in the Agency; in Staff efforts to systematize internal case handling procedures; in PELRB’s strong record of timely processing matters with minimal reversals on appeal; and in making service on the Board sufficiently organized and desirable that it has retained longstanding, well-credentialed and highly experienced Board Members. His tenure is also notable for adding judicial decisions, Board Orders, Hearing Examiner Decisions, and Annual Reports on the website, to ensure timely publication of and access to PELRB related law and compliance with NMAC 11.21.1.30. He will also long be remembered fondly.

#### **PEBA II Board Members By Appointment Dates**

Edmund “Joe” Lang, 2003-2005 (Chair)

Linda Vanzi, 2003 (now the Hon. (Ret.) Vanzi)

Lew Harris, 2004

Pilar Vaile, 2004-2005

Duff Westbrook, 2005-2019 (Chair 2010-2019)

Martin Dominguez, 2005-2009 (Chair)<sup>52</sup>

John Boyd, 2005-2010

Wayne Bingham, 2010-2013

Roger E. “Bart” Bartosiewicz, 2011-2019

James Shaffer, pre-2013-2016

Jay Bledsoe, 2016-2019

Maryanne Bowers, 2020-2023

The Hon. (Ret.) Nan Nash, 2020-PRESENT – CURRENT CHAIR<sup>53</sup>

The Hon. (Ret.) Peggy Nelson, 2023-PRESENT – CURRENT VICE-CHAIR

Mark Myers, 2020-PRESENT – CURRENT MEMBER

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<sup>52</sup> Chair Dominguez was also notable for serving on the Board under PEBA I, 1995-1996.

<sup>53</sup> Pursuant to NMAC 11.21.1.33 (Am. 2/11/20), the Chair and Vice-Chair functions now rotate annually among the three Members.

## Statement of Former Director Patrick Halter (PEBA I)<sup>54</sup>

July 12, 1993 - June 30, 1999

The Members of the PELRB appointed me as the Board's second Director on July 12, 1993. I followed the first Director, Walter Daugherty; Walter returned to Los Angeles after setting up the office. Members at the time of my appointment were Bill Giron, Chair; Jim Ellis, Labor; and Jim Keaton, Management. Allen Ferguson, Assistant Attorney General, served as the Board's legal advisor. Allen and I previously worked together at the Office of the General Counsel, Federal Labor Relations Authority, Washington, D.C. I had crossed paths with Jim Keaton over the years when he was an executive at General Motors in Detroit. I did not know Jim Ellis, retired to New Mexico from Boston, or Bill Giron. As I quickly learned, appreciated and leaned on, Bill Giron was a respected presence in any administration regardless of the incumbent party.

PEBA, Act I, focused on connecting with the state's infrastructure - - mainly Department of Finance Administration. My experience with DFA is readily summed up in this manner. The Board's budget passed by the legislature during my first year was \$263,000 and pennies. When I discussed it with DFA, I was informed only \$247,000 would be allowed by them for the Board's operations. I mentioned this to Chair Giron and he wryly responded welcome to the world of DFA and move on. I followed his advice.

The Board emphasized processing the fifty-five applications for local boards; each application was accompanied by the filing of an prohibited practice complaint. The applications and complaints, despite the numbers, were practically identical. Although local boards were approved by the Board, they did not exist in reality. They were the product of a cottage industry of consultants spreading misinformation about the state law and radical dictates from the Board with me as the principal focus of local officials angst and vitriol. I recall a city attorney contacting me, exasperated over the local board and why I was initiating it. I explained my office had nothing to do initiating a local board application and talk to the city's consultant. Local boards represented a mechanism to blunt PEBA I until it expired on June 30, 1999. Governor Johnson obliged and vetoed the re-authorization legislation and the legislature did not override the veto. During the last budget cycle for the Board, the Governor prepared me for the sunset. I waws called to his office and handed a copy of the Board's budget marked zero in every line item.

On June 30, 1999, at 5:03 p.m. I turned off the lights at the office and returned the office keys to the onsite property manager. At that moment I believed I was functus officio but, surprise, I received a call from the Governor's office in August 1999 inquiring why our telephone had been disconnected. By that time I had followed Chair Giron's advice from 1993 and moved on.

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<sup>54</sup> Former Directors Halter and Montoya provided these statements upon request of the new Director, which were quoted or cited here and in the [2024 Report](#).

## **Statement of Former Director Juan Montoya, Esq. (PEBA II)**

### **October 2003 through June 2010**

The Public Employee Bargaining Act II was created by the Legislature and signed into law by Governor Bill Richardson in 2003. The Act created the Public Employee Labor Relations Board. Staff was hired in October 2003.

Staff consisted of a director, Juan Montoya, a deputy director, Judy DeAtley and as administrative assistant, Bernedette Carian. The Board didn't have office space, a communication system or a filing system; it's only connection to the world, including the State government, was a cell phone.

Office space was obtained, a communication system went into place and furniture was purchased from the New Mexico Prison Industries in Los Lunas. The Board was operational and began hearing Prohibited Practice Complaints, Local Labor Board Approvals and Petitions for Representation.

At one point an organization of public employers passed a resolution stating that the state board was pro-union. In fact the board was always pro-collective bargaining, which is the reason for the PEBA's and the PELRB's creation in the first place.

The Board heard 100's of prohibited practice complaints, dozens of local labor board approvals and dozens of petitions for representation. These cases involved state agencies, counties, cities and other public authorities.

The only change in staff from October of 2003 through July of 2010 was that Judy DeAtley left the agency and Pilar Vaile was hired as the deputy director. The executive director, Juan Montoya, retired on July 1, 2010.