

16-PELRB-2026

STATE OF NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

MICHAEL RANCE HALL,

Complainant,

and

PELRB No. 111-26

NEA LOS LUNAS,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on February 17, 2026, upon the dismissal of the Petition in the above-captioned case by the hearing officer. Upon review of the submissions and no one appearing in opposition to the dismissal, the Board, by unanimous vote, hereby affirms the Dismissal issued by the Hearing Examiner on May 11, 2026 including the findings therein.

DocuSigned by:

Nan Nash

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Date: 6/9/2026

Nan Nash, Board Chair



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

PILAR VAILE
Executive Director

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Nan Nash, Chair
Peggy J. Nelson, Vice-Chair
Mark Myers, Member

May 11, 2026

Via Email and USPS on request

Michael Rance Hall
19639 Highway 314
Belen, NM 87002
mhall@llschools.net

cc: NEA-Los Lunas
c/o Mary Ann Chavez, President
machavez@llschools.net

Re: *PELRB 111-26, Hall v. NEA-Los Lunas*

Dear Mr. Hall:

I have reviewed and fully considered your Amended Prohibited Practice Complaint (PPC) filed May 8, 2026, pursuant to my previous notice of facial inadequacy and opportunity to cure your initial PPC, filed on April 30, 2026. *See* NMAC 11.21.3.12(A) (“Upon receipt of a complaint, the director shall screen the complaint for facial adequacy. If the complaint is facially deficient, the director shall advise the complainant of the deficiency and give the complainant an opportunity to amend the complaint within five days. Absent an amendment curing a facially deficient complaint, the director shall dismiss the complaint, stating the reasons in writing and serving the dismissal on the parties.); *see also* Vaile email Notice of Facial Inadequacy dated 5-1-26).

Review/Analysis

Review shows that you have removed explicit references to, and explicitly deny the intent to allege, violation of the duty of fair representation. *See* NMAC 11.21.3.12(A), and *Callahan v. New Mexico Federation of Teachers-TVI*, 2006-NMSC-010, 139 N.M. 201, 131 P.3d 51 (that the PELRB lacks jurisdiction to hear or remedy such claims, which must instead be pursued by civil lawsuit in State district court).

The Amended PPC now relies on Sections 15(B), Section 20(B), and Section 20(B) of the PEBA:

- Section 15(B): that the existence of an exclusive representative “does not prevent a public employee, acting individually, from presenting a grievance without the intervention of the

exclusive representative. At a hearing on a grievance brought by a public employee individually, the exclusive representative shall be afforded the opportunity to be present and make its views known. An adjustment made shall not be inconsistent with or in violation of the collective bargaining agreement then in effect between the public employer and the exclusive representative.”

- Section 20(B): to “interfere with, restrain or coerce any public employee in the exercise of a right guaranteed pursuant to the provisions of the [PEBA]”; and
- Section 20(E): to “refuse or fail to comply with a provision of the Public Employee Bargaining Act”.

You assert that these provisions are violated by (1) the Union’s failure to advise you of your rights under Section 15(B) of the PEBA to file an individual grievance, and (2) its negotiation and maintenance of CBA Art. 5(G)(1)(a), which you allege requires all grievances be signed by a member of Union leadership and/or otherwise “render[s]” Section 15(B) “a nullity”. (Am. PPC at 6-9.)

The CBA has not been provided. Nonetheless, upon full review and consideration, it is clear that nearly all of the Amended PPC’s allegations and/or remedy requests still turn upon and/or “sound in” duty of fair representation (DFR) type claims.

For example, your new allegations and/averments include the following:

- “NEA-LL offered no separate analysis of individual filing rights.”
- “NEA-LL did not distinguish between union-filed and individually-filed grievances, and at no time did NEA-LL inform Complainant that he retained the right under PEBA § 10-7E-15(B) to present a grievance individually even if the union disagreed with the merits.”
- “The CBA contains no alternative procedure for individual filing and is entirely silent on the subject. As a result, ...[a] public employee reading the CBA and the Appendix A form would have no basis to conclude that a grievance could be filed without NEA-LL’s involvement and signature.”
- “NEA-LL, as the union that negotiated and administers the CBA and its grievance procedure, knew or should have known that this structural barrier existed and that it was in direct tension with the individual filing right guaranteed by PEBA § 10-7E-15(B).”
- “This omission, in the context of a grievance procedure that structurally requires NEA-LL’s signature and provides no individual-filing alternative, effectively rendered Complainant’s § 10-7E-15(B) right a nullity.”

(Am. PPC at 3-4, 6-9.)

You have also retained some of the original allegations, such as that” President Chavez met privately with the site administrator...”; that “President Chavez inform Complainant that NEA-LL would not allow him to file a grievance”; and that “President Chavez has failed and refused to provide” the notes from the informal grievance meeting, upon Complainant’s request(s). (*Compare, e.g. Id.* at 4, PPC at 3.)

You have also modified and reorganized some of the facts and language of the initial PPC, reframing them as follows in the Amended PPC:

- “On April 14, 2026, Complainant sent an email to NEA-LL specifically inquiring whether he had the right to file a grievance individually on his own behalf, without the union’s involvement. NEA-LL never responded to this inquiry. The CBA grievance deadlines expired without Complainant receiving any guidance on the exercise of his § 10-7E-15(B) rights.”
- “NEA-LL’s failure to respond to Complainant’s April 14, 2026, direct inquiry regarding individual filing rights — in the context of prior communications that implied no grievance avenue existed and a CBA that provides no individual-filing procedure — constitutes a continuing failure to comply with § 10-7E-15(B) within the meaning of § 10-7E-20(E).
- “As a direct result of NEA-LL’s prohibited practices, the CBA grievance deadlines expired before Complainant could exercise his § 10-7E-15(B) right to present a grievance individually. Complainant was never informed that this right existed. The loss of these contractual remedies is a concrete and irreversible injury caused by NEA-LL’s conduct.”
- “Additionally, Complainant held a New Mexico PreK–12 Specialty Area Teaching License with endorsements, including a Math Endorsement, which he had maintained with the specific intent of pursuing a career as an online secondary mathematics teacher upon retirement, anticipated in approximately four years. NEA-LL’s prohibited practices set in motion a foreseeable chain of consequences that has materially impaired Complainant’s professional licensure standing and post-retirement earning capacity.”

(Am. PPC at 5, 9.)

However, these are still almost all claims that go directly to the fairness and adequacy of the representation that NEA-Los Lunas and/or its agent(s) provided to you, whether or not “duty of fair representation” is specifically referenced. As advised on May 1, 2026, “the New Mexico Supreme Court has determined that the PELRB lacks jurisdiction to hear or remedy such claims, which it says must instead be pursued by civil lawsuit in State district court. *See Callahan*, and Vaile 5-1-26 email Notice of Inadequacy.

A non-DFR claim over which the PELRB would have jurisdiction could be stated by the charge that a CBA provision is in direct conflict with the PEBA, were you only seeking PEBA and CBA interpretation, and simple administrative remedies such as a declaratory judgment, and tolling of the period in which to file an individual grievance.¹ Here, however, you seek the following additional remedies, which the PELRB lacks authority to award as an administrative matter:

1. ...
2. Award Complainant make-whole relief for the harm caused by NEA-LL’s prohibited practices, including: ... (b) ensure reinstatement of Complainant to his PE teaching position by Los Lunas Schools on April 28, 2026, is in effect at

¹ This assumes but does not determine that, based upon the harm alleged (expiration of the time to file an individual grievance), you have alleged sufficient facts to establish standing for a declaratory judgment that could be remedied by the PELRB through such requested administrative remedies as tolling or a posting of notice.

the beginning of the 2026-2027 school year; and

(c) compensation for future financial losses proximately caused by NEA-LL's prohibited practices, including impairment of Complainant's post-retirement earning capacity as an online secondary mathematics teacher;

3. Order NEA-Los Lunas to immediately produce to Complainant all notes, records, memoranda, and communications relating to the March 30, 2026, informal grievance meeting, including any notes taken by President Chavez and any records of the private pre-meeting conference with site administrator Jennifer Gaerlan...

(Am. PPC at 9-10.)

For an emergency adjudication "ensuring" your reinstatement by the 2026-2026 school year, you would need to proceed via emergency judicial action – assuming, *arguendo*, that a Court could or would provide as rapid relief as desired. The compensation for "post-retirement earning capacity" is a civil type of damage that the PELRB is not authorized to award. *See, e.g., Callahan*. Lastly, the request to compel NEA-Los Lunas to produce notes related to the DFR or DFR-type claims would not be relevant in a PELRB proceeding, since we cannot adjudicate those claims.

Moreover, because the PELRB could hear and remedy only a small fraction of your interrelated complaints and remedy requests against NEA-Los Lunas, there would be no "administrative" or "judicial efficiency" gained by having the PELRB hear only the PEBA/CBA interpretation claims.

Conclusion

Accordingly, for the foregoing reasons, the Amended PPC is facially inadequate and fails to cure the deficiencies of the first PPC; and PELRB Case 111-26 is hereby DISMISSED.

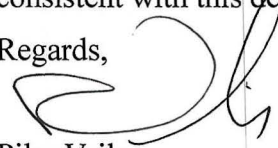
This is a final order of dismissal, and you may appeal the dismissal to the Public Employee Labor Relations Board pursuant to NMAC 11.21.3.13:

11.21.3.13 APPEAL TO BOARD OF DIRECTOR'S DISMISSAL:

- A. The director's decision to dismiss a complaint shall be subject to board review by the complainant filing with the board and serving upon the other parties a notice of appeal within 10 days following service of the dismissal decision...
- B. Within 10 days after service of a notice of appeal, any other party may file and serve a response to the appeal.
- C. The board may consider the case on the papers filed with it or, in its discretion, may also hear oral argument...

(You may also file a completely new PPC that limits the claims and remedy requests consistent with this decision, although the PELRB rules do not expressly state that.)

Regards,


Pilar Vaile
Executive Director