

34-PELRB-2024

STATE OF NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEW MEXICO STATE UNIVERSITY-NEA,

Petitioner,

and

PELRB No. 310-24

NEW MEXICO STATE UNIVERSITY,

Respondent

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on August 6, 2024 for review of the Bargaining Order issued in this case on July 25, 2024. The Board, having reviewed the file, heard argument from the parties and being otherwise sufficiently advised, voted 3-0 to affirm the Hearing Officer’s Bargaining Order.

WHEREFORE, the parties are ordered to follow the Bargaining Order as the Board’s own Order. Staff are directed to issue an appropriate Certification of the bargaining unit consistent with the Bargaining Order.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed by:

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MARK MYERS, CHAIR BY DESIGNATION

8/9/2024

DATE

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

In re:

NEW MEXICO STATE UNIVERSITY-NEA,

Petitioner,

and

PELRB No. 310-24

NEW MEXICO STATE UNIVERSITY,

Respondent

BARGAINING ORDER

THIS MATTER comes before the Hearing Officer, *sua sponte*, following the issuance of a Hearing Officer's Report and Recommended Decision on June 28, 2024. I take Notice of the following:

1. The Petition in this case was filed on March 8, 2024.
2. On March 11, 2024, pursuant to NMAC 11.21.2.12(B), I requested a list of employees in the petitioned-for unit be provided by the Respondent within ten days.
3. On March 11, 2024, I extended the deadline to respond to April 15, 2024.
4. On April 15, 2024, Respondent submitted a list of employees that omitted some employees in positions listed in the Petition (Department Heads) and contained some employees in positions not listed in the Petition (Cooperative Extension Service).
5. A Unit Composition Hearing was held on June 21, 2024.
6. A Hearing Officer's Report and Recommended Decision was issued on June 28, 2024, wherein the Respondent was ordered to "immediately provide a list of the employees in the petitioned - for unit. Failure to do so by July 5, 2024 may result in my issuing a bargaining order."
7. Counsel for Respondent submitted a list on June 28, 2023 which had the un-petitioned-for employees removed, but did not contain Department Heads, a position contained in the Petition-for unit.
8. No subsequent list has been submitted.

9. No request for Board review of the Hearing Officer's Report and Recommended Decision has been filed by either party.
10. Comparing the showing of interest submitted with the Petition to the list submitted June 28, 2024, indicates the Petitioner has majority support to be the exclusive bargaining representative of the employees in the petitioned-for unit.

WHEREFORE, Respondent is hereby ordered, upon request, to bargain with the Petitioner as the exclusive representative of the employees in the following appropriate bargaining unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

Full-Time College-Track Faculty at all four campuses (Grants, DACC, Alamogordo, Main), Full-Time Tenured at all four campuses (Grants, DACC, Alamogordo, Main), Full-Time Tenure-Track at all four campuses (Grants, DACC, Alamogordo, Main), Department Heads, at all four campuses (Grants, DACC, Alamogordo, Main) with less than sixty percent (60%) administrative responsibilities as specified in the annual allocation of effort.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD



Thomas J. Griego
Executive Director

Date: July 25, 2024