

45-PELRB-2024

STATE OF NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

ALLISON MONTANEZ,

Petitioner,

and

PELRB No. 321-24

UNITED HEALTH PROFESSIONALS
OF NEW MEXICO, AFT,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on November 12, 2024, having been informed of the Hearing Officer's Summary Dismissal of the Petition filed in the above-named case. After reviewing the file, and being otherwise sufficiently informed, and no one appearing in opposition to the Dismissal, the Board voted 3-0 to affirm the Hearing Officer's Dismissal of the Petition.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed by:

Mark Myers

4F5D66D6CB87C42D...

11/19/2024

MARK MYERS, CHAIR

DATE



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

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

2929 Coors Blvd. N.W. Suite 303
Albuquerque, NM 87120
(505) 831-5422
(505) 831-8820 (Fax)

THOMAS J. GRIEGO
Executive Director

October 3, 2024

Allison Montanez
1864 Doral Park Rd SE
Rio Rancho, New Mexico 87124

Re: *Allison Montanez & UHPNM/AFT; PELRB No. 321-24*

Dear Ms. Montanez:


On September 26, 2024 I wrote to inform you that my preliminary review of your Decertification Petition filed on September 25, 2024 found it to be insufficient in that the Petition did not include the necessary signed Certificate of Service indicating service on the employer. I received the missing signed certification the next day. However, it is signed, not by you as the person affecting service, but by the recipient, Coreen Bales. That prompted a closer look at the certification of service upon the Union, AFT, when I noticed that it too, was signed by the recipient, not by the server.

Accordingly, the Petition's service deficiencies have not been corrected. Beyond that, I also note that in *UHPNM, AFT v. UNM SRMC*; PELRB Case No. 110-23, I tolled the 12 months period in NMSA 1978 § 10-7E-16(D) within which this Board may accept a request for a decertification election or an election sought by a competing labor organization until such time as the Employer begins to bargain collectively with the Union on a first contract. According to evidence submitted in two other cases, *UHPNM, AFT v. UNM Board of Regents*, PELRB Case No. 114-24 and *UHPNM, AFT v. UNM Regents*, PELRB 121-23, it appears that the parties initiated such negotiations on February 1 and 2, 2024. Accordingly, this Board cannot accept a Decertification Petition until February of 2025 at the earliest.

Therefore, I am dismissing this Petition without prejudice. This Dismissal will be reviewed by the Board at its November meeting.

Sincerely,

PUBLIC EMPLOYEE LABOR RELATIONS BOARD


Thomas J. Griego
Executive Director