

PELRB CASES ON APPEAL

1. **D-202-CV-2012-02239 - American Federation of State, County and Municipal Employees, Local 1888 v. City of Albuquerque**

Location: Bernalillo County
Date Filed: 03/02/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 103-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. This case includes consolidated case No.’s D-202-2012-01850; D-202-2012-01857; D-202-2012-01862; D-202-2012-02240; D-202-2012-2242; D-202-2012-02246; D-202-2012-02247 and D-202-2012-2254
Assigned to Judge: Theodore C. Baca
Counsel of record: Shane Youtz shane@youtzvaldez.com
Rebecca E. Wardlaw rwardlaw@cabq.gov
Andrea Buzzard abuzzard@nmag.gov
Frederick M. Mowrer fmowrer@smdlegal.com
X-reference: PELRB 103-11

2. **D-202-CV-2012-02240 - American Federation of State, County and Municipal Employees, Local 1888 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).**

Location: Bernalillo County
Date Filed: 03/19/2012
Assigned to Judge: Valerie Huling
Case Description: Board declined jurisdiction and remanded to local board. City appealed on issue whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case no. 104-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint.
Counsel of record: Rebecca Wardaw rwardlaw@cabq.gov
Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
X-reference: PELRB 104-11, 103-11 and 105-11

3. D-202-CV-2012-02242 - American Federation of State, County and Municipal Employees, Local 1888 v. City Of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/19/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 105-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction.
Assigned to Judge: Nan Nash
Counsel of record: Rebecca Wardaw rwardlaw@cabq.gov
Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
X-reference: PELRB 105-11

4. D-202-CV-2012-01862 - International Association of Firefighters Local 244 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/20/2012
Assigned to Judge: Beatrice J. Brickhouse
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 128-10 A, C and D and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction.
Counsel of record: Rebecca Wardaw rwardlaw@cabq.gov
Frederick M. Mowrer fmowrer@smdlegal.com
Andrea Buzzard abuzzard@nmag.gov
X-reference: PELRB 128-10 A, C and D.

5. D-202-CV-2012-01856 - Albuquerque Police Officers' Association v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/23/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 133-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.
Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Rebecca E. Wardlaw rwardlaw@cabq.gov
X-reference: PELRB 133-11

6. D-202-CV-2012-01857 - American Federation of State, County and Municipal Employees Local 3022 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/23/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 121-10 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.
Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Rebecca E. Wardlaw rwardlaw@cabq.gov
X-reference: PELRB 121-10

7. D-202-CV-2012-02254 - American Federation of State, County and Municipal Employees, Local 1888 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/29/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 108-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.
Assigned to Judge: Theodore C. Baca
Counsel of record: Shane Youtz shane@youtzvaldez.com
Rebecca E. Wardlaw rwardlaw@cabq.gov
Andrea Buzzard abuzzard@nmag.gov
Frederick M. Mowrer fmowrer@smdlegal.com
X-reference: PELRB No. 108-11

8. D-202-CV-2012-01862 - International Association of Firefighters Local 244 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County
Date Filed: 03/29/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 128-12 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.
Assigned to Judge: Beatrice J. Brickhouse
Counsel of record: Andrea Buzzard abuzzard@nmag.gov
Stephen Curtice stephen@youtzvaldez.com

X-reference: PELRB 101-12

9. D-202-CV-2012-02246 - American Federation of State, County and Municipal Employees, Local 1888 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County

Date Filed: 03/29/2012

Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 106-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.

Assigned to Judge: Alan Malott

Counsel of record: Shane Youtz shane@youtzvaldez.com
Rebecca E. Wardlaw rwardlaw@cabq.gov
Andrea Buzzard abuzzard@nmag.gov

X-reference: PELRB No. 106-11

10. D-202-CV-2012-02247 - American Federation of State, County and Municipal Employees, Local 1888 v. City of Albuquerque (Consolidated into D-202-CV-2012-02239).

Location: Bernalillo County

Date Filed: 03/29/2012

Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 107-11 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction. This case is consolidated into Case No. D-202-CV-2012-02239.

Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Rebecca E. Wardlaw rwardlaw@cabq.gov
X-reference: PELRB No. 106-11

11. D-202-CV-2012-01856 - Albuquerque Police Officers' Association v. City of Albuquerque

Location: Bernalillo County
Date Filed: 04/14/2012
Case Description: Whether, because of its status as a “grandfathered” entity under PEBA Section 26(A), the City Labor Board has primary and exclusive jurisdiction over the issue submitted to PELRB in case No. 133-10 and upon a finding that the City had a fully functioning local labor board the PELRB had no jurisdiction to remand the Complaint to the local Board. Its only option was to dismiss the complaint. Stated conversely, was the Board remand of the case to the City of Albuquerque’s local board appropriate under either a theory of concurrent jurisdiction or under the City’s theory that the local board had exclusive jurisdiction.

Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
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X-reference: PELRB No. 133-10

12. D-101-CV-2012-02176 - American Federation of State, County and Municipal Employees, Council 18, AFL-CIO v. State of New Mexico Human Services Department

Location: Santa Fe County
Date Filed: 09/11/2012
Case Description: HSD appeals a decision finding that it violated PEBA §17 (A) and (F) and §19(G) and (H) when it removed security officers from several offices without bargaining. Order affirming the PELRB enter 6-14-12. Board is awaiting deadline for any further appeal.

Assigned to Judge: Raymond Z. Ortiz
Counsel of record: Shane Youtz shane@youtzvaldez.com
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Robert Lennon Robert.Lennon@state.nm.us

X-reference: LaurieAnn Trujillo LaurieAnn.Trujillo@state.nm.us
PELRB 151-11

13. D-202-CV-2012-11595 - CWA Local 7076 v. NM Public Education Department

Location: Bernalillo County
Date Filed: 02/08/2013
Case Description: Union appeals Board Finding that although the State had a duty to bargain the effects of a Reduction in Force it failed to make a timely demand for bargaining and therefore waived its right to bargain before implementation.
Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Dina Holcomb dholcomb@mgt-assoc.com
X-reference: PELRB 134-11

14. D-202-CV-2013-01920 - American Federation of State, County and Municipal Employees, Council 18 v. New Mexico Corrections Department

Location: Bernalillo County
Date Filed: 02/22/2013
Case Description: Department appeals Board Decision that Lieutenants are not "supervisors" as that term is defined in PEBA §4(U). Supplemental RP file 5/14/13.
Assigned to Judge: Alan Malott
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Elizondo, Carlos carlos.elizondo@state.nm.us
X-reference: PELRB 311-11

15. D-202-CV-201305070 - American Federation Of State County And Municipal Employees v. Children Youth And Families Department

Location: Bernalillo County
Date Filed: 06/14/2013
Case Description: CYFD appeals from a 2-1 PELRB decision that representation rights comparable to "Weingarten Rights" exist under PEBA.
Assigned to Judge: Nan Nash
Counsel of record: Shane Youtz shane@youtzvaldez.com
Andrea Buzzard abuzzard@nmag.gov
Dina Holcomb dholcomb@mgt-assoc.com
X-reference: PELRB 122-12