

PELRB CASES ON APPEAL

- D-202-CV-2017-06276**
and
D-202-CV-2018-05580
consolidated **Bd. of Ed. for Deming Public Schools v. National Education Ass'n.-Deming and State of New Mexico Public Employee Labor Relations Board**

Location: Bernalillo County
Date Filed: 08/30/17
Assigned to Judge: Benjamin Chavez
Case Description: The PELRB consolidated NEA-Deming & Deming Public Schools; PELRB No. 304-17 and 305-17 and its Decision and Order 9-PELRB-2017 (August 15, 2017) upheld the Hearing Officer's granting the Union's Petition to Amend Certification to affect a name change and his decision to confer incumbency status on the Union representing an existing wall-to-wall unit. An appeal of that Order was taken by the Deming Public Schools on August 30, 2017 and the case has remained on appeal throughout the reporting period.

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X-reference: PELRB No's. 304-17; 305-17; 09-PELRB-2017; 12-PELRB-2017;
- D-202-CV-2015-03814**
Communications Workers of America, AFL-CIO v. State of New Mexico and New Mexico Public Employee Labor Relations Board

Location Bernalillo County
Date Filed 05/06/2015
Assigned to Judge: Carl J. Butkus
Case Description: In May of 2015 the State appealed from a decision of the PELRB finding that the State created a past practice of paying union representatives for time spent on grievances. CWA cross-appealed the Board's dismissal of its claim that the State acted in bad faith. The District Court (J. Butkus) upheld the Board on March 15, 2017. The State sought and was granted a Writ of Certiorari in September of 2017 and the case has remained before the Court of Appeals during the reporting period as Case No. A-1-CA-36331.

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X-reference: PELRB 122-14; 1-PELRB-2015; Ct. App. # A-1-CA-36331

3. **D-202-CV-2017-08953**

AFSCME, Council 18 v. State of New Mexico, Dep't of Health and New Mexico Public Employees Labor Relations Board

Location: Bernalillo County

Date Filed: 12/18/2017

Assigned to Judge: Carl J. Butkus

Case Description: AFSCME, Council 18 filed a Petition seeking accretion of Home Health Aide Supervisors and Psychiatric Tech. Supervisors employed by the Department of Health, Los Lunas Community Program on March 8, 2016. Its Petition was denied by the PELRB on September 22, 2017. The Board subsequently denied interlocutory appeal of the Director's denial of the Union's Motion for Reconsideration on November 16, 2017. The union appealed those decisions to the District Court on December 18, 2017. This case has remained on appeal during the reporting period and oral argument is scheduled to be heard on January 29, 2019.

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X-reference: PELRB No's. 305-16; 309-15; 2-PELRB-2017; 13-PELRB-2017