

10-7E-13. Appropriate bargaining units.

A. The board or local board shall, upon receipt of a petition for a representation election filed by a labor organization, designate the appropriate bargaining units for collective bargaining. Appropriate bargaining units shall be established on the basis of occupational groups or clear and identifiable communities of interest in employment terms and conditions and related personnel matters among the public employees involved. Occupational groups shall generally be identified as blue-collar, secretarial clerical, technical, professional, paraprofessional, police, fire and corrections. The parties, by mutual agreement, may further consolidate occupational groups. Essential factors in determining appropriate bargaining units shall include the principles of efficient administration of government, the history of collective bargaining and the assurance to public employees of the fullest freedom in exercising the rights guaranteed by the Public Employee Bargaining Act.

B. Within thirty days of a disagreement arising between a public employer and a labor organization concerning the composition of an appropriate bargaining unit, the board or local board shall hold a hearing concerning the composition of the bargaining unit before designating an appropriate bargaining unit.

C. The board or local board shall not include in an appropriate bargaining unit supervisors, managers or confidential employees.

D. Jobs included within a bargaining unit pursuant to a local ordinance in effect on January 1, 2020 shall remain in that bargaining unit.

History: [Laws 2003, ch. 4, § 13](#); [2003, ch. 5, § 13](#); [2020, ch. 48, § 6](#).

ANNOTATIONS

The 2020 amendment, effective July 1, 2020, provided that jobs included within a bargaining unit pursuant to a local ordinance in effect on January 1, 2020 shall remain in that bargaining unit; and added Subsection D.

Community interest. — Where the labor management board decided that the appropriate bargaining unit of the college would include full time faculty and instructional professionals with 100% instructional duties and excluded instructional professionals with less than 100% instructional duties who worked part-time performing administrative duties; faculty and instructional professionals worked under different contracts that covered different time periods, operated under different employee handbooks, had different ways of presenting grievances, received different benefits, and were subject to different lines of supervision; and instructional professionals with less than 100% instructional duties received more compensation because to their administrative duties, notwithstanding the differences between faculty and instructional professionals, faculty and instructional professionals whose exclusive job was teaching had the community of interest required to establish a proper bargaining unit and the board's decision was supported by substantial evidence. *San Juan Coll. v. San Juan Coll. Labor Mgmt. Bd.*, [2011-NMCA-117](#), [267 P.3d 101](#).