

NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Employee Labor Relations Board (“PELRB”) hereby gives notice that it will conduct a public hearing via video conference on June 4, 2020, from 1:30 p.m. to 4:00 p.m. The purpose of the public hearing will be to obtain input on the proposed amendment of PELRB administrative rules as described below. Copies of the proposed rules may be accessed on the PELRB website (<http://www.pelrb.state.nm.us>) or at the PELRB offices. Concerned parties may provide comments at the public hearing or submit written comments prior to the hearing. Written comments may be submitted to the PELRB via US Mail c/o Matthew Huchmala, Administrative Assistant; New Mexico Public Employee Labor Relations Board; 2929 Coors Blvd. NW, Suite 303; Albuquerque, NM 87102; or by electronic mail to matt.huchmala@state.nm.us. The submission of written comments as soon as possible is encouraged. Written comments must be received no later than 5:00 p.m. on December 1, 2019.

To participate in the videoconference, please visit our website, pelrb.state.nm.us, or contact the administrative assistant at matt.huchmala@state.nm.us for instructions on how to participate. This information can be provided in a variety of accessible formats. If you are an individual who requires an alternative format or any other form of auxiliary aid to attend or participate in the rulemaking process, please contact the administrative assistant at 505-831-5422 or matt.huchmala@state.nm.us as soon as possible to arrange the appropriate accommodations.

Statutory Authority

Authority for this rulemaking is the Public Employee Bargaining Act, NMSA 1978 §§ 10-7E-1 through 10-7E-26 (2003, amended 2005).

Summary of Proposed Changes

This list provides a concise statement of the various ways the proposed rules change or codify current practice, and the general reasoning in support of the changes. It is not an elaborate analysis of the rules or of the detailed considerations upon which they are based; rather, it is designed to enable the public to obtain a general idea of the purpose of, and a statement of the basic justification for, the rules. As this list shows, the amendments provide targeted solutions to discrete, specifically identified problems. If the proposed change removes language, that is indicated by text with strikethrough (e.g. ~~removed language~~); if the proposed change adds language, that is indicated by text with underlining (e.g. added language).

11.21.1.7 DEFINITIONS: Changes to this section remove duplicitous definition also found in the PEBA, renumbers sections affected by the deletion, and removes gender-specific language.

11.21.1.11 REPRESENTATION OF A PARTY: Changes to this section remove gender-specific language

11.21.2.8 COMMENCEMENT OF CASE: Changes to this section remove gender-specific language

11.21.2.25 PRE-ELECTION CONFERENCE: These changes add language that allows for conducting an election using electronic ballots

11.21.2.27 BALLOTS AND VOTING: This change adds language referring to electronically conducted elections in light of the changes to 11.21.2.25 allowing electronic balloting.

11.21.2.36 CERTIFICATION OF INCUMBENT BARGAINING STATUS: Changes to this section clarify the title and reconcile the rule to amendments to Section 10 of the PEBA.

11.21.2.36 UNIT CLARIFICATION: Changes to this section remove gender-specific language

11.21.2.40 PETITION WITHDRAWAL: Changes to this section remove gender-specific language

11.21.3.16 PROHIBITED PRACTICES HEARINGS: Changes to this section remove gender-specific language, and adds language clarifying who may call witnesses.

11.21.3.18 HEARING EXAMINER REPORTS: Changes to this section remove gender-specific language, and adds language clarifying the type of document the hearing examiner will produce

11.21.3.22 ARBITRATION DEFERRAL: Changes to this section remove gender-specific language, and adds language clarifying the type of relief available

11.21.5.6 OBJECTIVE: Changes in this section reflect changes to the process by which local boards may continue to operate in light of amendments to Section 10 of the PEBA

11.21.5.8 APPLICATION: Changes in this section change the contents of an application local boards must submit to continue to operate and the procedure for approval of such applications in light of amendments to Section 10 of the PEBA

11.21.5.11 ABATEMENT: These changes strike the old rule because it is no longer necessary in light of the amendments to the PEBA and replaces it with a rule regarding the submissions required by the amendments to Section 10 of the PEBA.

11.21.5.12 REVIEW OF LOCAL BOARD APPLICATIONS BY THE BOARD: These changes alter the procedure for approval of local boards in light of the amendments to Sections 9 and 10 of the PEBA.

11.21.5.13 POST APPROVAL REPORTING REQUIREMENTS: This change adds a local board's procedural rules to the post-approval reporting requirements of local boards in light of the amendments to Section 10 of the PEBA.

11.21.6 CONCURRENT PENDING RELATED CASES: This change strikes the entirety of Part 6 due to the amendments to Section 10 of the PEBA which make the situation it contemplates logically impossible.

The PELRB invites members of the public to comment on draft proposed regulations. Members of the public may comment during PELRB's meeting of June 5, 2020, scheduled for that purpose or by submitting written comments prior to that meeting.

Written comments must be submitted no later than 5:00 p.m. on June 4, 2019.

Please send comments to the PELRB care of Matthew Huchmala, Executive Administrative Assistant to the Board, either by email to matt.huchmala@state.nm.us, or have a hard copy delivered to Mr. Huchmala's attention at the PELRB's Albuquerque office. There is no need to provide comments via both email and hard copy.