

## 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 July 12, 2022, as part of its monthly meeting which will commence at 9:00 a.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](mailto: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 July 7, 2022.

To participate in the videoconference, please visit our website, [pelrb.state.nm.us](http://pelrb.state.nm.us), or contact the administrative assistant at [matt.huchmala@state.nm.us](mailto: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](mailto: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).

“Act” has been capitalized throughout the rules where it refers to the Public Employee Bargaining Act.

**11.21.1.7 DEFINITIONS:** Changes to this section add a definition for “challenged card”.

**11.21.2.8 COMMENCEMENT OF CASE:** Changes to this section adjust for the availability of a card check in lieu of election after the 2020 amendments to the PEBA.

**11.21.2.11 SHOWING OF INTEREST:** These changes clarify the requirements for electronic signatures; codify the Board’s existing practice on the timeliness of interest cards; and specifies the requirements for rebutting the presumption of validity of a showing of interest.

**11.21.2.12 INFORMATION REQUESTED OF PARTIES:** This change requires an employer to provide a new list of employees in a proposed unit if the description of the unit changes after the filing of the petition and removes a reference to voting to accommodate the 2020 amendments to the PEBA.

**11.21.2.13 INITIAL INVESTIGATION OF PETITION:** These changes re-order the subsections, and add a reference to 11.21.2.11.

**11.21.2.33 CERTIFICATION:** These changes add language to accommodate the card check allowed by the

2020 amendments to the PEBA and separate the section into subsections.

**11.21.2.34 OBJECTIONS:** These changes add language to allow for objections to a card count as well as an election.

**11.21.2.42 DISCLAIMER OF INTEREST:** Language had been added calling for the dismissal of a petition for decertification if the exclusive representative disclaims their representative interest in a bargaining unit.

**11.21.5** The title of this part will be changed to reflect the fact that no new labor boards can be created after the 2020 amendments to the PEBA.

**11.21.5.6 OBJECTIVE:** These changes align the rule with the fact that no new labor boards can be created.

**11.21.5.8 APPLICATION FOR APPROVAL OF A LOCAL BOARD ORDINANCE, RESOLUTION OR CHARTER:** These changes align the rule with the fact that no new labor boards can be created, but existing boards must submit biennial affirmations pursuant to the 2020 amendments to the PEBA.

**11.21.5.9 CONTENTS OF APPLICATION:** The contents of this section will be deleted and subsequent sections renumbered.

**11.21.5.10 CONTENTS OF APPLICATION FOR VARIANCE FROM BOARD APPROVED TEMPLATES:** These changes align the rule with the fact that no new labor boards can be created, but existing boards must apply for approval of any changes to their enabling ordinance or procedural rules.

**11.21.5.11 SUBMISSION OF RULES:** These changes align the rule with the fact that no new labor boards can be created, but existing boards must apply for approval of any changes to their enabling ordinance or procedural rules.

**11.21.5.12 REVIEW OF LOCAL BOARD APPLICATIONS BY THE BOARD:** These changes align the rule with the fact that no new labor boards can be created, but existing boards must apply for approval of any changes to their enabling ordinance or procedural rules.

**11.21.5.13 POST APPROVAL REPORTING REQUIREMENTS:** These changes separate the rule into subsections and add language reflecting the reporting requirements contained in the PEBA.

The PELRB invites members of the public to comment on draft proposed regulations. Members of the public may comment during the rulemaking hearing in the PELRB's meeting of July 12, 2022, or by submitting written comments prior to that meeting.

Written comments must be submitted no later than 5:00 p.m. on July 7, 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](mailto: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.