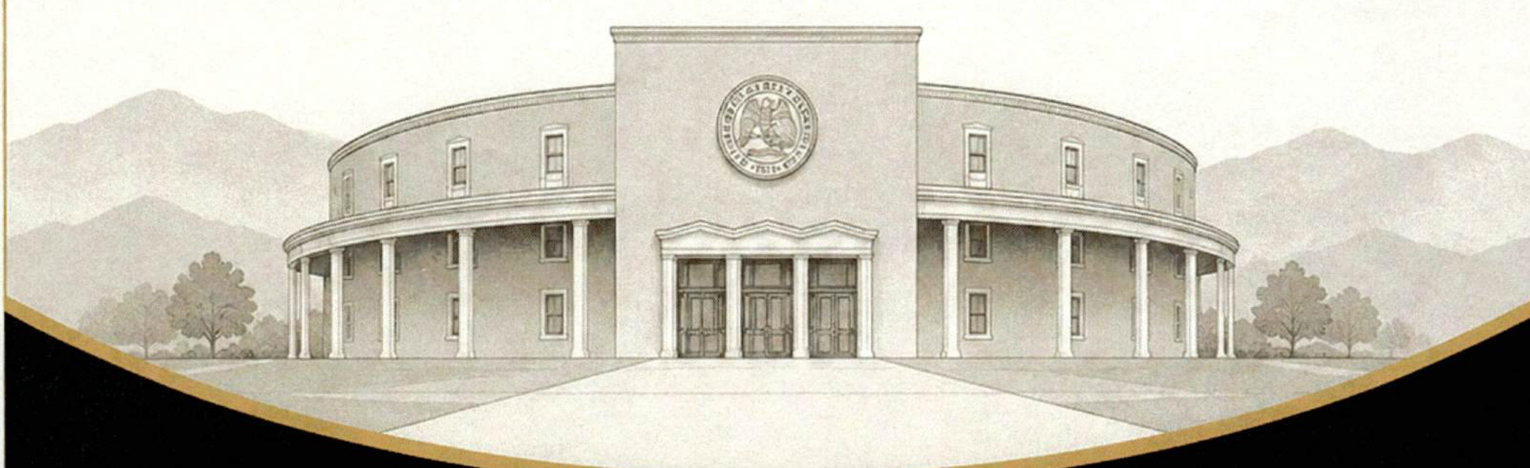
State of New Mexico

Public Employee Labor Relations Board

FISCAL YEAR 2028 APPROPRIATION REQUEST



FY28 Appropriation Request Checklist

Agency Name: *Public Employee Labor Relations Board* Business Unit: *37900*

Reports to Include in PDF Submission

	Form #	Title	
X	**Cvr Ltr**	Cover Letter	***Agency Level***
X	**S-1**	Certification	***Agency Level***
X	**S-2**	Organizational Chart	***Agency/Program Level***
X	**S-8**	Financial Summary (BFM)	***Agency/Program Level***
X	**GF**	General Fund Budget Change Log	***Agency/Program Level***
X	**S-9**	Account Code Revenue / Expenditure Report	***Agency/Program Level***
N/A	**S-10**	Fund Balance Projection	***Fund Level***
X	**S-13**	Detail of Rate Line Items (see instructions)	***Agency Level***
X	**P-1**	Program Narrative	***Program Level***
N/A	**R-2**	Transfer Report	***Agency Level***
X	**REV/EXP**	Revenue-Expenditure Comparison Report	***Agency/Program Level***
N/A	**FFRW**	Detail of Federal Funds Revenue Worksheet	***Agency/Program Level***
N/A	**EB-1**	Expansion Justfications	***Program Level***
N/A	**EB-2**	Expansion Fiscal Summary	***Program Level***
N/A	**EB-3**	Expansion Line Item Detail	***Program Level***
N/A	**LFR**	Legislating for Results Expansion Tool	***Program Level***
X	**E4**	Pcode Detail	***Program Level***
X	**E5**	Contract by Pcode	***Program Level***
N/A	**SAR**	Special Appropriation Request Report	***Agency Level***
X	**APR**	Annual Performance Report	***Program Level***
X	**Table 2**	Table 2 Performance Measure Summary	***Program Level***
X	**SP**	Strategic Plan	***Agency Level***
N/A	**ITP**	Information Technology Plan	***Agency Level***
N/A	**C-1**	Base Operating Budget	***Agency Level***
N/A	**C-2**	IT Request Plan	***Agency Level***
N/A	**Perf Audit**	Update to LFC Performance Audits (within last 2 years)	***Agency Level***

		Documents to Attach in BFM (PDF Optional)	***Where to Attach***
X	**Board Cert**	Board or Commission Budget Certification	***Form 9900***
N/A	**E-6B**	Leased Passenger-Related Vehicles	***Form 3300/4300***

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MICHELLE LUJAN GRISHAM
Governor

PILAR VAILE
Executive Director

2929 Coors Blvd. N.W. Suite 303
Albuquerque, NM 87120
(505) 831-5422
(505) 831-8820 (Fax)

Nan Nash, Chair
Peggy J. Nelson, Vice-Chair
Mark Myers, Member

August 14, 2026

The Public Employee Labor Relations Board (PELRB) respectfully requests consideration of a 10.65% increase to its FY28 operating budget.

We understand that the Governor's budget guidance provides for a 3% increase for executive agencies. For PELRB, the 3% increase is approximately $9,800. However, the full 3% will be needed to cover increased FY28 rates and operating costs, and to replenish an operating cushion. Of this amount, approximately $6,700 has been allocated to the Other Categories (400s) and $3,100 to Contractual Services (300's).

PELRB is requesting an additional 7.65% increase specifically for personnel costs. The additional funding would allow the agency to bring its two positions to the mid-point of the FY27 GovEx salary ranges (pay bands 18 and 32).

The proposed salaries are:

Legal Asst. II/Alt. Hearing Examiner: $31.04 per hour / $64,812 annually (currently at $28.27/hr.)
Executive Director: $58.98 per hour / $123,150 annually (currently at $54.00/hour)

PELRB is a two-person adjudicatory agency, and both positions are critical to the agency's daily operations, and its ability to fulfill its primary statutory/regulatory responsibilities of timely and competently processing and adjudicating an average of nearly 60 Prohibited Practice Complaints and Representation Petitions a year; keeping litigants promptly informed of case-specific information and the issuance of relevant decisional law; and meeting it many operational functions and tasks.

The bulk of the Agency's work entails acute legal knowledge and judgment, as it routinely involves nuanced legal questions of first impression, and complex briefing and/or evidentiary hearings that meet the minimum due process requirements under the State and US Constitutions. Notably, however, Staff salaries are presently funded well below mid-point, and even mid-point will not be fully adequate considering the volume, complexity and gravity of the work PELRB Staff are required to perform. According to comparables discussed in the accompanying FY28 Budget Narrative and Attachments, to be fully and adequately compensated, the Director should be paid $64.98/hour to $83.80/hour; and the Assistant should be paid $38.00/hour to $48.74/hour. *See* Attachments 1-3: PELRB FY26 Budget Narrative, FY27 GovEx Salary Schedule, and FY26 CSSD Salary Schedule.

Absent getting Staff to mid-point in FY28 (and thereafter, in FY29, getting them aligned equally between mid-point and the maximum), the Agency forecasts a hiring a retention cliff when the current Director leaves/retires within the next two years.

With such a small staff, each position carries significant responsibilities. Bringing both positions to mid-point would provide more appropriate compensation for the level of responsibility required; support the agency's ability to hire and retain experienced staff; adequately maintain daily operations; and avoid the staffing disruptions that would accompany the forecasted hiring and retention cliff. Such hiring and retention failures could have very drastic and negative consequences for the approximately 60,9657 New Mexico public employees represented by a labor organization in a collective bargaining relationship with 92 different public employers. *See* Represented-Employees-Feb-2026-1.pdf.

The requested 10.65% overall increase, therefore, consists of the authorized 3% that is needed to address increased FY28 operating costs, and an additional 7.65% dedicated to bringing the agency's two positions to bare mid-point.

In consideration of the current 3% authorization, we are not seeking a budget increase sufficient to fully and adequately compensate our Staff at this time, but only what is needed to get to mid-point of GovEx bands 18 and 32, for FY28. However, we will be back this time next year seeking as large or a larger budget increase for FY29, to fund fully adequate compensation before the current Director leaves/retires within the next two years, and thereby minimize resultant hiring and retention issues at that time. *See* Attachments 1-3.

In the meantime, we respectfully request your consideration and approval of this increase as part of PELRB's FY28 budget request.

Thank you for your consideration.

Pilar Vaile

Pilar Vaile
Executive Director

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APPROPRIATION REQUEST

CERTIFICATION
FORM S-1

Agency Name: Public Employee Labor Relations Board   Business Unit: 37900

I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.

Signed by:
Pilar Vaile
A27DE7F6C2384E0...
8/14/2026

Pilar Vaile, Executive

DocuSigned by:
Nan Nash
DEE4A440B2614C5...
8/14/2026

Nan Nash, Board Chair

Signed by:
Crystal Funes-Velasquez
42B27AF415A34A1...
8/14/2026

Crystal Velasquez, Chief Financial Officer

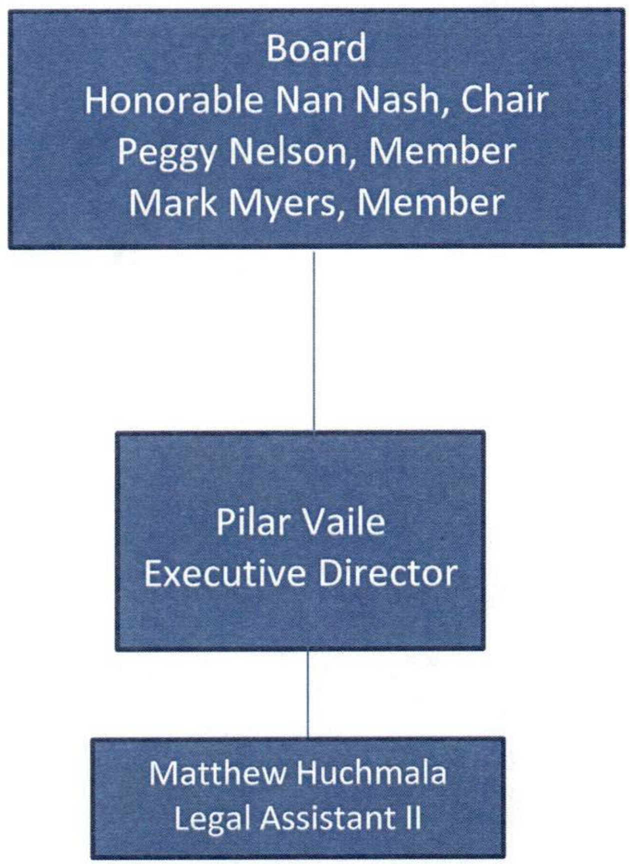
2929 Coors Blvd. Suite 303 Albuquerque, NM 87120	505.228.8481	cfunes@da.state.nm.us

Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.

Agency Name: Public Employee Labor Relations Board
Program Name: General Fund

Business Unit: 37900
Program Code: P738

APPROPRIATION REQUEST
ORGANIZATION CHART
FORM S-2



☐ Check Box if this form is a revision   Revision no: Revision Date: Page

Public Employees Labor Relations Board

BU	PCode	Department
37900	P738	000000

State of New Mexico

S-8 Financial Summary

(Dollars in Thousands)

	2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	-------- FY 2028 Agency Request -------- Base	Expansion	Total
REVENUE							
111 General Fund Transfers	324.0	316.0	326.9	0.0	361.7	0.0	361.7
112 Other Transfers	0.0	12.0	0.0	0.0	0.0	0.0	0.0
REVENUE, TRANSFERS	**324.0**	**328.0**	**326.9**	**0.0**	**361.7**	**0.0**	**361.7**
REVENUE	**324.0**	**328.0**	**326.9**	**0.0**	**361.7**	**0.0**	**361.7**
EXPENSE							
200 Personal services and employee benefits	226.7	227.5	250.0	239.0	275.0	0.0	275.0
300 Contractual services	31.5	33.3	27.5	0.0	30.6	0.0	30.6
400 Other	65.8	63.9	49.4	0.0	56.1	0.0	56.1
EXPENDITURES	**324.0**	**324.7**	**326.9**	**239**	**361.7**	**0.0**	**361.7**
EXPENSE	**324.0**	**324.7**	**326.9**	**239**	**361.7**	**0.0**	**361.7**
FTE POSITIONS							
810 Permanent	2.00	2.00	2.00	2.00	2.00	0.00	2.00
FTEs	**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**
FTE POSITIONS	**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**

PUBLIC EMPLOYEES LABOR RELATIONS BOARD (37900)
FY28 RECURRING GENERAL FUND: AGENCY APPROPRIATION REQUEST
CHANGES BY PROGRAM AND CATEGORY

Public Employees Labor Relations Board (P738)	Salaries and Benefits (200's)	Contractual Services (300's)	Other (400's)	Other Financing Uses (500's)	TOTAL
FY27 Operating Budget: General Fund	**$250.0**	**$27.5**	**$49.4**	**$0.0**	**$326.9**
Increases (Decreases)					
Bring the agency's 2 FTE to the payband midpoint	$25.0				**$25.0**
Fixed rates and other operating cost growth		$3.1	$6.7		**$9.8**
					$0.0
					$0.0
					$0.0
FY28 Request: General Fund	**$275.0**	**$30.6**	**$56.1**	**$0.0**	**$361.7**
$ increase over FY27	$25.0	$3.1	$6.7	$0.0	**$34.8**
% increase over FY27	10.0%	11.3%	13.6%	#DIV/0!	**10.6%**

BU	PCode	Department
37900	0000	0000000000

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	-------- FY 2028 Agency Request -------- Base	Expansion	Total
499105	General Fd. Appropriation	324.0	316.0	326.9	0.0	361.7	0.0	361.7
111	**General Fund Transfers**	**324.0**	**316.0**	**326.9**	**0.0**	**361.7**	**0.0**	**361.7**
499905	Other Financing Sources	0.0	12.0	0.0	0.0	0.0	0.0	0.0
112	**Other Transfers**	**0.0**	**12.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
TOTAL REVENUE		**324.0**	**328.0**	**326.9**	**0**	**361.7**	**0.0**	**361.7**
520100	Exempt Perm Positions P/T&F/T	166.2	154.2	174.1	164.4	188.7	0.0	188.7
520700	Overtime & Other Premium Pay	0.0	0.7	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	12.0	24.7	24.8	29.6	29.7	0.0	29.7
521200	Retirement Contributions	31.4	31.4	33.1	31.5	36.2	0.0	36.2
521300	F I C A	12.5	12.0	13.2	10.2	14.5	0.0	14.5
521400	Workers' Comp Assessment Fee	0.1	0.0	0.0	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0.0	0.2	0.0	0.2
521600	Employee Liability Ins Premium	1.0	1.0	1.2	0.0	1.4	0.0	1.4
521700	RHC Act Contributions	3.3	3.3	3.4	3.3	4.3	0.0	4.3
200	**Personal services and employee benef**	**226.7**	**227.5**	**250.0**	**239.0**	**275.0**	**0.0**	**275.0**
535209	Professional Svcs - Interagenc	10.0	0.0	5.4	0.0	0.0	0.0	0.0
535300	Other Services	8.9	10.5	11.1	0.0	10.5	0.0	10.5
535400	Audit Services	9.6	9.3	11.0	0.0	9.9	0.0	9.9
535500	Attorney Services	3.0	0.0	0.0	0.0	0.0	0.0	0.0
535600	IT Services	0.0	13.5	0.0	0.0	10.2	0.0	10.2
300	**Contractual services**	**31.5**	**33.3**	**27.5**	**0.0**	**30.6**	**0.0**	**30.6**
542100	Employee I/S Mileage & Fares	2.5	0.6	0.3	0.0	0.7	0.0	0.7
542200	Employee I/S Meals & Lodging	3.7	0.6	0.5	0.0	0.6	0.0	0.6
542300	Brd & Comm Mbr Meals & Lodging	3.5	0.2	0.4	0.0	0.3	0.0	0.3
542310	Brd & Comm Mbr Mileage & Fares	2.5	0.9	0.0	0.0	0.0	0.0	0.0
544000	Supply Inventory IT	7.0	0.0	0.0	0.0	0.0	0.0	0.0
544100	Supplies-Office Supplies	1.2	2.3	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	1.5	0.0	0.4	0.0	0.0	0.0	0.0
545700	ISD Services	7.0	8.3	7.3	0.0	9.9	0.0	9.9
545710	DOIT HCM Assessment Fees	0.7	0.7	0.7	0.0	0.7	0.0	0.7
545900	Printing & Photo Services	1.0	0.1	1.0	0.0	0.0	0.0	0.0
546100	Postage & Mail Services	0.5	0.0	0.1	0.0	0.1	0.0	0.1
546400	Rent Of Land & Buildings	18.3	25.8	26.0	0.0	28.0	0.0	28.0

Public Employee Labor Relations Board

BU	PCode	Department
37900	0000	0000000000

State of New Mexico

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	-------- FY 2028 Agency Request -------- Base	Expansion	Total
546610	DOIT Telecommunications	9.7	10.6	11.4	0.0	10.9	0.0	10.9
546700	Subscriptions/Dues/License Fee	1.9	0.9	0.1	0.0	0.9	0.0	0.9
546800	Employee Training & Education	1.5	7.6	0.1	0.0	3.0	0.0	3.0
546900	Advertising	0.6	0.0	0.1	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	1.2	1.8	0.0	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	1.5	3.5	0.0	0.0	0.0	0.0	0.0
400	**Other**	**65.8**	**63.9**	**49.4**	**0.0**	**56.1**	**0.0**	**56.1**
TOTAL EXPENSE		**324.0**	**324.7**	**326.9**	**239**	**361.7**	**0.0**	**361.7**
810	Permanent	2.00	2.00	2.00	2.00	2.00	0.00	2.00
810	**Permanent**	**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**
TOTAL FTE POSITIONS		**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**

Public Employee Labor Relations Board

State of New Mexico

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

BU	PCode	Department
37900	0000	0000000000

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	-------- FY 2028 Agency Request -------- Base	Expansion	Total
499105	General Fd. Appropriation	324.0	316.0	326.9	0.0	361.7	0.0	361.7
111	**General Fund Transfers**	**324.0**	**316.0**	**326.9**	**0.0**	**361.7**	**0.0**	**361.7**
499905	Other Financing Sources	0.0	12.0	0.0	0.0	0.0	0.0	0.0
112	**Other Transfers**	**0.0**	**12.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
TOTAL REVENUE		**324.0**	**328.0**	**326.9**	**0**	**361.7**	**0.0**	**361.7**
520100	Exempt Perm Positions P/T&F/T	166.2	154.2	174.1	164.4	188.7	0.0	188.7
520700	Overtime & Other Premium Pay	0.0	0.7	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	12.0	24.7	24.8	29.6	29.7	0.0	29.7
521200	Retirement Contributions	31.4	31.4	33.1	31.5	36.2	0.0	36.2
521300	F I C A	12.5	12.0	13.2	10.2	14.5	0.0	14.5
521400	Workers' Comp Assessment Fee	0.1	0.0	0.0	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0.0	0.2	0.0	0.2
521600	Employee Liability Ins Premium	1.0	1.0	1.2	0.0	1.4	0.0	1.4
521700	RHC Act Contributions	3.3	3.3	3.4	3.3	4.3	0.0	4.3
200	**Personal services and employee benef**	**226.7**	**227.5**	**250.0**	**239.0**	**275.0**	**0.0**	**275.0**
535209	Professional Svcs - Interagenc	10.0	0.0	5.4	0.0	0.0	0.0	0.0
535300	Other Services	8.9	10.5	11.1	0.0	10.5	0.0	10.5
535400	Audit Services	9.6	9.3	11.0	0.0	9.9	0.0	9.9
535500	Attorney Services	3.0	0.0	0.0	0.0	0.0	0.0	0.0
535600	IT Services	0.0	13.5	0.0	0.0	10.2	0.0	10.2
300	**Contractual services**	**31.5**	**33.3**	**27.5**	**0.0**	**30.6**	**0.0**	**30.6**
542100	Employee I/S Mileage & Fares	2.5	0.6	0.3	0.0	0.7	0.0	0.7
542200	Employee I/S Meals & Lodging	3.7	0.6	0.5	0.0	0.6	0.0	0.6
542300	Brd & Comm Mbr Meals & Lodging	3.5	0.2	0.4	0.0	0.3	0.0	0.3
542310	Brd & Comm Mbr Mileage & Fares	2.5	0.9	0.0	0.0	0.0	0.0	0.0
544000	Supply Inventory IT	7.0	0.0	0.0	0.0	0.0	0.0	0.0
544100	Supplies-Office Supplies	1.2	2.3	1.0	0.0	1.0	0.0	1.0
544900	Supplies-Inventory Exempt	1.5	0.0	0.4	0.0	0.0	0.0	0.0
545700	ISD Services	7.0	8.3	7.3	0.0	9.9	0.0	9.9
545710	DOIT HCM Assessment Fees	0.7	0.7	0.7	0.0	0.7	0.0	0.7
545900	Printing & Photo Services	1.0	0.1	1.0	0.0	0.0	0.0	0.0
546100	Postage & Mail Services	0.5	0.0	0.1	0.0	0.1	0.0	0.1
546400	Rent Of Land & Buildings	18.3	25.8	26.0	0.0	28.0	0.0	28.0

S-9 Account Code Revenue/Expenditure Summary
(Dollars in Thousands)

BU	PCode	Department
37900	0000	0000000000

		2025-26 Opbud	2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	-------- FY 2028 Agency Request -------- Base	Expansion	Total
546610	DOIT Telecommunications	9.7	10.6	11.4	0.0	10.9	0.0	10.9
546700	Subscriptions/Dues/License Fee	1.9	0.9	0.1	0.0	0.9	0.0	0.9
546800	Employee Training & Education	1.5	7.6	0.1	0.0	3.0	0.0	3.0
546900	Advertising	0.6	0.0	0.1	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	1.2	1.8	0.0	0.0	0.0	0.0	0.0
549700	Employee O/S Meals & Lodging	1.5	3.5	0.0	0.0	0.0	0.0	0.0
400	**Other**	**65.8**	**63.9**	**49.4**	**0.0**	**56.1**	**0.0**	**56.1**
TOTAL EXPENSE		**324.0**	**324.7**	**326.9**	**239**	**361.7**	**0.0**	**361.7**
810	Permanent	2.00	2.00	2.00	2.00	2.00	0.00	2.00
810	**Permanent**	**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**
TOTAL FTE POSITIONS		**2.00**	**2.00**	**2.00**	**2.00**	**2.00**	**0.00**	**2.00**

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

BusUnit			Line Item		2025-26 Actuals	2026-27 Opbud	Request Base	Request Expansion	Recommendation Base	Recommendation Expansion	Opbud
37900	**P738-R**	**Public Employees Labor Relatio**	521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0	0	0	0.0
			521600	Employee Liability Ins Premium	1	1.2	1.4	0	0	0	0.0
			535400	Audit Services	9.32	11	9.9	0	0	0	0.0
			545700	ISD Services	8.25	7.3	9.9	0	0	0	0.0
			545710	DOIT HCM Assessment Fees	0.7	0.7	0.7	0	0	0	0.0
			546610	DOIT Telecommunications	10.56	11.4	10.9	0	0	0	0.0
Subtotal for:	**37900**	**P738-R**	**Public Employees Labor Relatio**		**30.03**	**31.8**	**33**	**0**	**0**	**0**	**0.0**
37900					**30.03**	**31.8**	**33**	**0**	**0**	**0**	**0.0**

Totals by Line Item

BusUnit	Line Item		2025-26 Actuals	2026-27 Opbud	Request Base	Request Expansion	Recommendation Base	Recommendation Expansion	Opbud
37900	521410	GSD Work Comp Insur Premium	0.2	0.2	0.2	0	0	0	0.0
	521600	Employee Liability Ins Premium	1	1.2	1.4	0	0	0	0.0
	535400	Audit Services	9.32	11	9.9	0	0	0	0.0
	545700	ISD Services	8.25	7.3	9.9	0	0	0	0.0
	545710	DOIT HCM Assessment Fees	0.7	0.7	0.7	0	0	0	0.0
	546610	DOIT Telecommunications	10.56	11.4	10.9	0	0	0	0.0
		Grand Total	**30.03**	**31.8**	**33**	**0**	**0**	**0**	**0.0**

Program Description:

The New Mexico Public Employee Labor Relations Board (PELRB) exists to implement the Public Employee Bargaining Act (PEBA), NMSA 10-7E-1 et seq., which guarantees the right of eligible public employees as defined under PEBA to form, join, or assist a labor organization (e.g., a "union") for the purposes of engaging in collective bargaining over wages, hours and other terms and conditions of employment. In doing so, the PELRB is further mandated under PEBA to "to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions." See § 10-7E-2, Purpose.

As such, the PELRB is a neutral and quasi-judicial body that serves New Mexico public employees and public employers equally. As of February 2026, approximately 60,9657 New Mexico public employees are represented by a labor organization in a collective bargaining relationship with 92 different public employers, many of whose employees are represented across multiple workgroups or "bargaining units". The State, for instance, has at least 17 different Agencies represented by AFSCME and at least 12 Agencies represented by the Communications Workers of America (CWA); Bernalillo County has seven (7) different bargaining units; the City of Albuquerque, Santa Fe County, and the University of New Mexico have six (6) bargaining units each; and Doña Ana County, Los Alamos County, and Albuquerque Public Schools have five (5) each. See Represented-Employees-Feb-2026-1.pdf. Thus, the PELRB's jurisdiction and responsibilities are far-reaching and far-impacting throughout New Mexico.

The PELRB's primary activities are the timely and competent processing of nearly 60 quasi-judicial cases a year on average (58.3 total on average, including 34.9 Prohibited Practice Complaints (PPCs) and 19.9 Representation Petitions (Petitions))1. See 2025 Annual Report, Appendix A, All Cases Filed 2004-2025, located at https://www.pelrb.nm.gov/wp-content/uploads/2026/06/2025-Annual-Report-Rev.pdf. It must also manage the Agency's necessary statutory and regulatory administrative functions associated with posting, summarizing, indexing, and digesting the vast body of PELRB and PEBA-related judicial decisions (see NMAC 11.21.1.30); and operating a tax-funded Agency, such as managing the budget cycle, audit, annual report, and HR functions. Budget and staffing permitting, the PELRB also engages in customer outreach; and Staff, Board, and constituent training. See 2025 Annual Report, supra; and FY26 and FY27 Strategic Plans.

At the same time, as detailed in the 2024 and 2025 Annual Reports, the PELRB is the State's smallest or second smallest agency, depending on whether you are looking at the number of

1 The variance from 100% is due to applications for Local Boards, which dwindled to three (3) in number and ceased to be counted after the 2020 amendments. See Local Labor Boards - Public Employee Labor Relations Board.

2 | P a g e

staff (the second smallest, with two (2) FTEs, both GovEx) or annual budget (smallest then, presently at $238,058). Despite its small staff and budget, the PELRB routinely deals with novel and nuanced legal questions requiring complex briefing and/or evidentiary hearings that meet the minimum due process requirements under the State and US Constitutions, and its decisions are thereafter subject to judicial review. The PELRB also consistently seeks to improve its services within the budget and staffing constraints.

The upshot of all this is that the PELRB does a lot with a little through the diligence and commitment of its two remaining FTEs, the 26+ year experienced Executive Director ("Director"); and a legally trained and formerly law licensed "Legal Assistant II" ("Assistant"), with the Agency for the past seven plus (7+) years, who wears many hats including that of Alternate Hearing Examiner. Being legally trained with law practice experience, he was underutilized as a mere Legal Assistant. At the same time, when the current Director came on board she found a rather moribund Agency in need of executive level review, assessment, and redirection, and the current Director was unable to this while also meeting all case processing/adjudicating and day-to-day executive operational needs. As such, it was a natural choice to train the Assistant as an Alternate H.E., which we did throughout FY26 and part of FY27, through the National Judicial College (NJC), where the Directors and former Deputy Director were trained.

However, as forecasted in the 2027 budget request, we are now reaching a hiring and retention cliff due to the grossly substandard pay (i.e., below "mid-point") of both FTEs, and shifting investment interests. On one hand, the Director took a significant pay cut, as a successful private Arbitrator and member of the National Academy of Arbitrators. On the other hand, the Assistant, after having obtained exceptional and useful training through the NJC as a hearing examiner, will be an attractive hire for other, better funded agencies dealing with similar administrative law and hearing work. Additionally, these effects of substandard pay are only exacerbated by the Assistant having to serve many roles and functions; and the Director consistently working almost eight hours a week overtime on average as tracked since December 2025. The Agency's substandard pay and impending hiring and retention cliff are discussed in more detail below.

Major Issues and Accomplishments:

The major issues confronting the Agency are perennial: (a) juggling our budget each year to fund needed and wise investments in our services and capacities, for continued Agency functioning and improvement; and (b) the fact that its two (2) GovEx FTE positions have long been paid well below the mid-point, which adversely impacts hiring, retention, morale and pay equity. Nonetheless, the Agency continues to perform well in timely and competently processing PPCs and Representation Petions, while steadily improving its overall services and outreach.
First, as seen in the accompanying report on FY26 performance measures, the Agency was reversed in only one of nine judicial cases decided or otherwise resolved in FY26, and even there it was sustained in part. See Communication Workers of America (CWA) v. Worker's
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Compensation Administration (WCA), Second Judic. Dist. Case No.
D-202-CV-2025-09870 (May 15, 2026). Additionally, it is estimated to have timely resolved its cases within sixth months of filing 99% of the time in FY26, while delays such as the two that year are rare and attributable to workload and staffing constraints. Second, in FY26 to present, in addition to its usual litigation and administrative work loads, the PELRB has continued to update and expanded our list of New Mexico public sector labor contacts; continued to collect and publish information on the number and description of certified bargaining units and public employees represented in a collective bargaining relationship (60,957 as of February 2026!); summarized and indexed all PELRB Orders and judicial decisions related to the PEBA from 2012 to present; and contracted for and oversaw the design and implementation of a PELRB ChatBot to assist litigants in navigating the voluminous amount of law, regulation, and decisional case law on our website and governing our work here at the PERLB. Additionally, in FY27, we are working on digesting all of this "lost" decisional law from 2012-present, in the PEBA Decisional Law Digest ("Digest"), and updating the PELRB Practice Manual to reflect the new digesting and cross-indexing efforts, as well as essential rules or points of law derived therefrom. Besides being mandated under our rules (see NMAC 11.21.1.30), this is important work because it impacts litigants' ability (and Staff's, for that matter) to meaningfully and more quickly access binding PELRB and PEBA-related case law; and it is work that largely did not and therefore presumably could not get done with only two FTEs, until some case work was handed off by the current Director to the Alternate Hearing Examiner.2
In FY26, as alluded, we also implemented a targeted plan to improve the administrative law adjudication training of the Assistant and Alternate Hearing Examiner, through NJC courses, and this plan continued into early FY27. To date, the Alternate H.E. has taken the following essential classes: the two-week Fair Hearings course; a six-week online Evidence Course for ALJs; a 40-hour online Civil Mediation course; a four-day Decision Making course; and a six-week online Ethics and Judging course.
2 Before the third FTE position of Deputy Director was excised, the current Director as the then-Deputy had digested all PELRB and judicial decisions issued under PEBA I and PEBA II up to about 2010, and had created the Digest and Practice Manual, although decisions were not yet posted on the website in those days. Thereafter, due to staffing and workload limitations, the PELRB did not get all cases digitized and posted until about 2024, it had only summarized, indexed, and digested several handfuls of PELRB Orders from 2012 to present, and it had not reliably summarized, indexed and/or digested new judicial decisions since about 2019. Additionally, the annual or biennial updates to both the Digest and the Practice Manual deteriorated in utility and quality, and the content became out of date, disorganized and/or inaccurate. New revisions/updates of both documents are now in the works and will be published on our website in September 2027, subject to workload and staffing limitations.This project has been massive and substantially reduced the backlog of needed high- or executive-level work requiring overtime (additional work remains in tidying up the Agency before the current Director leaves, through updating PELRB rules and our internal procedures manual). However, all such work must be maintained going forward, and Agency history teaches us that is challenging with current staffing and budget.

Overview of Request:

The PELRB seeks to increase our total budget by 10.65%, including the 3% budget increase already authorized by the Governor's FY27 budget guidance, which is the amount needed to bring our two FTE Staff up to the bare mid-point. See Att.1, FY27 GovEx Schedule. This would fund increasing the Director's salary from $54.00/hour to $58.98/hour; and increasing the Assistant's salary from $28.27/hour to $31.04/hour. As the Legislature may remember, in FY27 we transferred funds from the 300 and 400 categories to the 200 category for the purpose of bringing PELRB's GovEx Staff to almost near the mid-point, while maintaining a flat budget. As such, (a) we still need to get to actual mid-point, which is still less than comparable work is typically paid by the State of New Mexico; and (b) we cannot use the 3% authorized increase for that because (i) it is needed to cover increased costs and replenish the operating funds redirected to the long-overdue but still inadequate pay raise of FY26; and (ii) it is insufficient to get us to actual mid-point, in any event.

Programmatic Changes:

There are no programmatic changes at this time, as our primary functions of processing quasi-judicial matters and meeting day-to-day operational requirements remain the same.

Each year, however, we undertake to refine and improve our primary, secondary and tertiary services, which affects program implementation. After having served a little over a year-and-a-half on the position of Director, it is now abundantly clear to her that the primary change needed to effectuate our statutory and programmatic mission is to continue to press urgently each year for significant pay raises, until PELRB pay is (at the least) aligned equally between the mid-point and the maximum salary paid for comparable work under the GovEx Salary Schedule (pay ranges 18 and 32).

If PELRB Staff cannot be paid adequately for the level and amount of duties required, the Legislature through the LFC and the Governor through the DFA (along with any relevant bargaining partners or representatives) may wish to explore "ODR" or online dispute resolution, wherein the majority of cases are resolved using only internet-based tools, and perhaps even with AI assisted clerks or decision-makers, as that technology advances. See, e.g., Ethan Katsh and Colin Rule, "What We Know and Need to Know about Online Dispute Resolution", Vol. 67, Issue 2, SC Law Rev. (2016), located at https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=4166&context=sclr&hl=en-US; and "Role of Artificial Intelligence in Online Dispute Resolution (ODR): a New Era of Mediation", Vol. 11, Issue 11, EPRA Journal of International Law (2025), located at 202511-01-024736 (both last accessed 8/12/26)

Base Budget Justification: This FY28 200 series budget increase request is not made lightly. However, PELRB Staff pay has languished for years or even a decade at well below the mid-point, while they are routinely asked to provide ever higher levels and volume of work to maintain cooperative
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public labor relations and ensure the orderly and efficient operation of the collectively organized New Mexico public workplace.
For instance, case numbers and complexity have been rising steadily over the past several years and are now at the levels seen when the PELRB had three (3) FTEs. See 2025 and 2024 Annual Reports, supra. Additionally, both Staff are required to wear multiple hats to meet all the required duties today. The Director must balance non-delegable organizational, customer outreach, legal digesting and indexing, and various statutory compliance and funding duties with the timely processing of PPCs and Petitions. Similarly, the Assistant serves also as the Records Custodian, Alternate Hearing Examiner, Chief Procurement Officer, and Loss Prevention and Control Coordinator, in addition to intaking all pleadings and fielding daily requests for information and/or record items from litigants and individuals with general labor or unrelated employment law questions.
As noted above, the Director is presently paid at $54.00/hour and the Assistant is presently paid at $28.71, both of which rates are below mid-point and market rates and do not fully compensate for the level and amount of work required of them.
By way of comparison, the PELRB Director's compensation at her previous employment as private arbitrator was $250.00/hour, and her three-year average salary was approximately $180,000. In fact, she has not made this low an hourly rate ($54 or $58.98) since she first began her neutral/ADR private practice in 2010, through to about 2012. By way of further comparison, the Assistant's numerous additional duties would also put that role at a significantly higher level and therefore salary and/or salary range. Based upon information provided by its Director, similar roles at the New Mexico Administrative Hearing Office in FY26 were compensated at $38.00/hour for Senior Paralegal, $44.99 for the Senior Business Manager of Operations, and $46.00 as Compliance Manager. Similarly, other comparable GovEx positions in FY26 were compensated at $33.98 (Director of Operations) or $38.18 (Chief Clerk, Compliance Director and Director of Operations). By way of still further comparison, attorneys of comparable credentialling and experience at Child Support Services Division (CSSD) would make, respectively, $64.98/hour or $135,158/year for a Juris Doctorate (JD) degree and 22+ years of experience in the relevant area of law; and the Assistant should be paid 90% of $54.15/hour3 or $101,368.80/year for a JD and 7-9 years relevant experience.4
See Attachment 3 to Cover Letter, CSSD FY26 Salary Schedule Matrix; see also GovEx and SPO Salary Schedules.
3 Under the CSSD salary schedule matrix Law Clerks are paid at 90% of mid-point of the year 7-9 grade, which may be an appropriate comparable for a legally trained but no longer law licensed Hearing Examiner.
4 The CSSD Salary Schedule references years of "practice of law" but neutrals do not engage in the practice of law. That is a term of art for the provision of legal advice to clients. Nonetheless, a neutral's legal work is of comparable nature and character.
6 | P a g e
All of this puts the PELRB at serious risk of a critical hiring and retention failure. Should either or both of the PELRB's two (2) FTE positions become unexpectedly vacant and unfillable due to the low rate of compensation, it will be devastating to Agency operations, and the public employees and public employers it serves. As noted, the PELRB originally had three (3) Staff members: the Director, a Deputy Director, and an Administrative Assistant. When the Deputy Director position was cut effective December 31, 2009, there was suddenly insufficient staff to conduct needed outreach, training, education, and research/compiling functions that having a high-level third FTE enabled. Then, during the 2010-2012 transfers between Directors Juan Montoya, Pam Gentry, and Tom Griego, chaos reigned at the Agency and there was a tremendous backlog of cases not timely resolved. That was followed by difficulties as Director Griego cycled through several unsatisfying Assistants, before the current Assistant was hired. More recently, the position of Director had to be published two times, and the only other applicant to appear for an interview had only a handful or fewer years' experience in general municipal law. Experience, therefore, illustrates both that the positions are grossly underpaid and that the adverse impact of losing any additional Staff will be incalculable given the bare-bones nature of present PELRB staffing.5
Accordingly, the PELRB makes this unusual but not-lightly-taken step of seeking a larger budget increase th

REV EXP COMPARISON

(Dollars in Thousands)

37900 - Public Employee Labor Relations Board

P738 - Public Employees Labor Relations Board

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
SOURCES Totals	**361.7**	**0.0**	**0.0**	**0.0**	**361.7**
Personal services and employee benefits	275.0	0.0	0.0	0.0	275
Contractual services	30.6	0.0	0.0	0.0	30.6
Other	56.1	0.0	0.0	0.0	56.1
USES Total:	**361.7**	**0.0**	**0.0**	**0.0**	**361.7**
Net:	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Public Employees Labor Relations Board

BU 37900 PCode P738

State of New Mexico

F4 PCode Detail

(Dollars in Thousands)

Fund	Account		2025-26 Actuals	2026-27 Opbud	2027-28 PCF Proj	FY 2028 Agency Request GF	OSF	ISF/IAT	FF	Total	Justification
84800	520100	Exempt Perm Positions P/T&F/T	154.2	174.1	164.43	188.7	0.0	0.0	0.0	188.7	Brining both positions to mid-point
84800	520700	Overtime & Other Premium Pay	0.7	0.0	0	0.0	0.0	0.0	0.0	0.0	
84800	521100	Group Insurance Premium	24.7	24.8	29.63	29.7	0.0	0.0	0.0	29.7	
84800	521200	Retirement Contributions	31.4	33.1	31.52	36.2	0.0	0.0	0.0	36.2	
84800	521300	F I C A	12.0	13.2	10.16	14.5	0.0	0.0	0.0	14.5	
84800	521400	Workers' Comp Assessment Fee	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
84800	521410	GSD Work Comp Insur Premium	0.2	0.2	0	0.2	0.0	0.0	0.0	0.2	FY28 Rates
84800	521600	Employee Liability Ins Premium	1.0	1.2	0	1.4	0.0	0.0	0.0	1.4	FY28 Rates
84800	521700	RHC Act Contributions	3.3	3.4	3.28	4.3	0.0	0.0	0.0	4.3	
	200	**Personal services and employee benef**	**227.5**	**250.0**	**239**	**275.0**	**0.0**	**0.0**	**0.0**	**275.0**	
84800	542100	Employee I/S Mileage & Fares	0.6	0.3	0	0.7	0.0	0.0	0.0	0.7	
84800	542200	Employee I/S Meals & Lodging	0.6	0.5	0	0.6	0.0	0.0	0.0	0.6	
84800	542300	Brd & Comm Mbr Meals & Lodging	0.2	0.4	0	0.3	0.0	0.0	0.0	0.3	
84800	542310	Brd & Comm Mbr Mileage & Fares	0.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
84800	544100	Supplies-Office Supplies	2.3	1.0	0	1.0	0.0	0.0	0.0	1.0	
84800	544900	Supplies-Inventory Exempt	0.0	0.4	0	0.0	0.0	0.0	0.0	0.0	
84800	545700	ISD Services	8.3	7.3	0	9.9	0.0	0.0	0.0	9.9	FY28 Rates
84800	545710	DOIT HCM Assessment Fees	0.7	0.7	0	0.7	0.0	0.0	0.0	0.7	FY28 Rates
84800	545900	Printing & Photo Services	0.1	1.0	0	0.0	0.0	0.0	0.0	0.0	
84800	546100	Postage & Mail Services	0.0	0.1	0	0.1	0.0	0.0	0.0	0.1	
84800	546400	Rent Of Land & Buildings	25.8	26.0	0	28.0	0.0	0.0	0.0	28.0	
84800	546610	DOIT Telecommunications	10.6	11.4	0	10.9	0.0	0.0	0.0	10.9	FY28 Rates
84800	546700	Subscriptions/Dues/License Fee	0.9	0.1	0	0.9	0.0	0.0	0.0	0.9	P Vaile License Fees
84800	546800	Employee Training & Education	7.6	0.1	0	3.0	0.0	0.0	0.0	3.0	
84800	546900	Advertising	0.0	0.1	0	0.0	0.0	0.0	0.0	0.0	
84800	549600	Employee O/S Mileage & Fares	1.8	0.0	0	0.0	0.0	0.0	0.0	0.0	
84800	549700	Employee O/S Meals & Lodging	3.5	0.0	0	0.0	0.0	0.0	0.0	0.0	
	400	**Other**	**63.9**	**49.4**	**0**	**56.1**	**0.0**	**0.0**	**0.0**	**56.1**	
TOTAL EXPENSE			**291.4**	**299.4**		**331.1**	**0.0**	**0.0**	**0.0**	**331.1**	

Public Employees Labor Relations Board

BU 37900
PCode P738

State of New Mexico
Contract by PCode Detail
(Dollars in Thousands)

Fund	Account		#	Contract Purpose	Actuals	FY 2028 Agency Request GF	OSF	ISF/IAT	FF	Total	Justification
84800	535300	Other Services	1000		10.5	10.5	0.0	0.0	0.0	10.5	CFO Contractual Services
84800	535400	Audit Services	1000		9.3	9.9	0.0	0.0	0.0	9.9	FY28 Audit Rate
84800	535600	IT Services	1000		13.5	10.2	0.0	0.0	0.0	10.2	IT Services
	TOTAL EXPENSE				**33.3**	**30.6**	**0.0**	**0.0**	**0.0**	**30.6**	

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

2025 ANNUAL REPORT

Albuquerque, New Mexico
March 16, 2026
(Rev. 4-13-26, 5-18-26)

Hon. Nan Nash (Ret.), Board Chair
Hon. Peggy Nelson (Ret.), Board Vice-Chair
Mark Myers, Board Member

Board Offices:
2929 Coors Blvd. N.W. Suite 303
Albuquerque, New Mexico 87120
Telephone: (505) 831-5422
http://www.pelrb.state.nm.us

Board Staff:
Pilar Vaile, Executive Director
Matthew Huchmala, Legal Assistant
Doug Wilber, Legal Counsel

This report was prepared by the Staff of the New Mexico Public Employee Labor Relations Board under its authority to "conduct studies on problems pertaining to employee-employer relations" found in NMSA §10-7E-9(2), and its obligation under NMAC 11.21.1.30 to keep the Board members and public informed regarding case dispositions and Agency operations.

Table of Contents

EXECUTIVE SUMMARY

The New Mexico Public Employee Labor Relations Board (PELRB) implements the Public Employee Bargaining Act (PEBA). PEBA,

> guarantee[s] public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions.

See NMSA § 10-7E-2, Public Employee Bargaining Act (PEBA) (Purpose of act).

The PELRB's primary functions involve processing Prohibited Practice Complaints (PPCs) and Petitions for Representation (Petitions or Representation Petitions). In 2025, the PELRB had ***78 new filings, including 43 PPCs and 35 Petitions for representation***, which represents a ***30% increase in case filings from 2024*** (60 case, including 35 PPCs and 25 Petitions). Additionally, the Agency continued to process and/or monitor the 17 holdover PPCs and six (6) holdover Petitions from prior years. ***Combined, the PELRB handled 60 PPCs and 41 Petitions, for a total of 101 cases.***

The PERLB also began the process of reviewing and changing internal and external processes and expectations under new the new Director, who came on board effective January 17, 2025. The Agency was not able to meet the promise made in the 2024 Annual Report and 20+ Year Review of Our Mission and Operations (hereinafter "2024 Report"), to conduct-rule making, or its hope for constituent training. Nonetheless, in addition to timely processing PPCs and Petitions, the Agency:

- provided significant training to Staff and Board Members;
- upgraded our technology and website;
- gathered and published extensive data on New Mexico public bargaining actors, bargaining units, collective bargaining agreements (CBAs) and covered employees;
- and participated and assisted in State and national efforts to preserve the Federal Mediation and Conciliation Service (FMCS), for the benefit of N.M. public employees and public employers.

VISION

To implement PEBA by timely[1] and competently processing Prohibited Practice Complaints (PPCs or Complaints) and Representation Petitions (Petitions) consistent with due

[1] *See* Appendix D to the 2024 Report at pp. 61-65, "Regulatory Case Processing Timelines".

process and fair hearing requirements; and taking other timely Agency action as needed in the interests of New Mexico public collective bargaining, including but not limited to data gathering, public outreach, education, and rulemaking.[2]

I. INTRODUCTION

The 2025 Annual Report marks the first year of operations of the PELRB under the Executive Director Pilar Vaile, who came to the PELRB after previously serving as a Board Member and Vice Chair (2004), the PELRB Deputy Director and primary Hearing Examiner under Director Juan Montoya (2005-2009), and a private neutral and labor arbitrator (2010-present; Member of the National Academy of Arbitrators, NAA Board of Governors, and Vice-Chair then Chair of the NAA SW Region).

As a matter of housekeeping, note that the 2025 Annual Report marks a significant change in format going forward, as we have (a) deleted the extensive boilerplate language regarding PEBA duties and functions, and (b) drastically reduced the procedural detail that the last few years' Reports reflected. If constituents observe other ways we can improve how we report information, please do not hesitate to reach out to us by email or telephone.

The PELRB is pleased to report the work that Staff has been engaged in the past year, including the following.

1. Continuing to timely process Prohibited Practice Complaints and Representation Petitions, including
   - ***78 new cases filed (43 PPCs and 35 Petitions)***
   - ***22 holdover cases also processed (17 PPCs and 5 Petitions)***
   - ***A total of 100 cases process or monitored***
   - ***81% of cases resolved within 6 months*** *(95% for Petitions, 72% for PPCs)*
   - ***7 dispositive motions resolved***
   - ***9 hearings held***
   - ***16 reasoned decisions issued***
   - ***PELRB was sustained in all 4 appeals decided in 2025***

[2] This represents a reorientation and "slimming-down" from the Vision as stated in the recent FY26 Strategic Plan, the new Director's first. As with the 2024 Report, which was also the new Director's first, she simply copied forward the template that had been used with little or no change for the past several years. Future Strategic Plans will reflect attainable goals given staffing and budget. *See* Sec. VI, and Note 10, *infra*.

2. Presenting at the American Bar Association (ABA) Labor and Employment Law (LEL) Section Annual Conference in Denver, Colorado.

3. Identifying and publishing all known local bargaining representatives and their emails and phone numbers (over 350).

4. Identifying and publishing the scope of our jurisdiction (90 State and local employers across approximately 120 workplaces or agencies, and more than 60,000 public employees).

5. Sending two Board members, the Agency's assigned Asst. AG, and the Executive Director to the Labor and Employment Relations Association (LERA) 77th Annual Conference.

6. Sending the Agency's 7+ year Legal Assistant, and now acting Alternate Hearing Examiner[3], to the Fair Hearing and Evidence courses at the National Judicial College (NJC).

7. Completing our technology upgrades needed to conduct effective video and hybrid hearings and Board Meetings from our conference room.

8. Further updating and modernizing our website to make it more accessible and useful to constituent users, and doing the advance work needed to create and roll out a PELRB Chat Bot in early 2026, and to obtain a proposal for automated case-filing/management/calendaring software by the end of FY26.

9. The Director, serving as an ad hoc member of the Albuquerque Labor Management Relations Board upon recusal of the Chair, the Hon. Ted Baca (ret.), in LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.*

10. Providing assistance to the N.M. Attorney General (AG) in joining with approximately 18 other states to enjoin a March 2025 federal Executive Order that harmed New Mexico public employees by disbanding the Federal Mediation and Conciliation Service (FMCS).

11. Upgrading our somewhat aged or dilapidated furniture and adding some decorative touches.

[3] The Director has initiated the process with the GovEx Liaison to formally change his titled to reflect the new responsibilities that, very sadly, cannot yet be accompanied by a commensurate salary increase, due to budgetary constraints. (We are currently discussing "Deputy Chief Hearing Examiner".)


Oils on canvas, Gloria Blinn and Noell Custer


Oil on canvas, Krysteen Waszack

The foregoing list of accomplishments/improvements is particularly notable when considered in context. With only two full-time employees or FTEs (the Executive Director and a Legal Assistant II/Alt. H.E.) and a budget now of approximately $325,000[4], we are the smallest or second smallest State Agency depending on whether you are looking at the number of personnel or budget. See 2024 Report at 1 and Note 2 therein.[5]

Although small, the PELRB is a vital State agency that plays an important role in the smooth functioning of State and local New Mexico workplaces. The PEBA vests the PELRB with authority over all general collective bargaining matters among public employers, labor organizations and individual public. To fulfill its various duties, it is charged with ensuring prompt and fair processing of complex and disputed legal matters, to help the State and its political subdivisions maintain harmonious labor relations and ensure efficient government operations.

As of October 2025, PELRB data collection reveals that ***more than 60,000 public employees are represented*** by an exclusive collective bargaining agent or Union under the PEBA. *See* https://www.pelrb.nm.gov/wp-content/uploads/2026/03/Represented-Employees-Feb-2026-1.pdf. Moreover, their bargaining units span approximately ***90 State and local employers across approximately 120 workplaces or agencies***. *See* https://www.pelrb.nm.gov/wp-content/uploads/2026/03/All-Known-State-and-Local-Public-Bargaining-Units-Feb-2026.pdf. Many of their collective bargaining agreements (CBAs) can be accessed through our website, also. *See* https://www.pelrb.nm.gov/nm-public-bargaining/collective-bargaining-agreements/.

[4] Our FY24 budget was $285,300; our FY25 budget was $304,800; our FY26 was $324,800; and our FY27 request, recently approved in February 2025, is for $324,810.

[5] The respective contenders are the N.M. MLK Commission (with one employee) and the Office of Military Base Planning and Support (with an FY25 budget of 309,400).

The PELRB also has jurisdiction to ensure that the two (2) remaining local labor-management relations ordinances, charters or resolutions (hereinafter "Local Board(s)"), comport with the requirements of PEBA. *See* https://www.pelrb.nm.gov/operations/local-labor-boards/.

Since it received its first filing upon PEBA's re-enactment in 2004,[6] the PELRB has processed 1,303 total cases, including 768 Prohibited Practice Complaints (PPCs), 439 Representation Petitions, and 96 Local Board Applications or Affirmations. *See* Appendix A, All Cases Filed 2004-2025. The Brief History of the PELRB that was first provided in the 2024 Report is reattached here at Appendix C, along with the full statements from former Directors.

The year 2025 saw the filing of 78 total cases, including 43 Prohibited Practice Complaints (PPCs) and 35 Representation Petitions. Additionally, the PELRB continued to process 17 holdover PPCs and 5 holdover Petitions, for a ***total of 100 cases processed in 2025 (or monitored, in the case of cases up on appeal).*** The PELRB also again expanded its jurisdiction with the 2025 biennial reporting deadline for Local Boards. By December 31, 2025 (the statutory deadline) ***only two (2) of the four (4) Local Boards remaining at that time affirmed*** their continuing and PEBA-compliant operations. As a result, only the ***Albuquerque and Albuquerque Public School (APS)*** Local Boards remain in operation. *See* Sec. III(C), *infra*.

The most significant thing to observe for 2025 is that case filings continued to march upwards, creating difficulties for only two FTE Staff to meet the increased caseload. In 2025 we processed 78 cases with two FTEs. This represents a ***30% increase in case filings from 2024*** (60 case, including 35 PPCs and 25 Petitions). By way of further comparison, ***from 2004 through 2012 we processed an average of 75 cases a year with three FTEs***; *from 2012 through 2019 we averaged 33.75 cases a year with two FTEs*; and from 2020 through 2025 we averaged 59.7 cases a year with two FTEs. *See* 2024 Report at 52; *see also* Appendix A herein, showing 20+ year average of 59.2 cases).

As a consequence, we are now "at capacity" in terms of what we can timely process and perform, in addition to the myriad other statutory administrative duties that are required of any

[6] The PELRB does not maintain files from either the PEBA I era or from Local Boards, other than the first Board's final decisions. PELRB files from PEBA I are available from the State archives, and Local Board records should be available through that Board or the relevant public employer if the Board has lapsed or otherwise ceased to exist.

State agency, with only two FTEs. On the "positive news" side, fewer new cases have been filed so far in 2026, so we may be entering a period of relative "labor peace."

II. SUMMARY OF PELRB's CORE FUNCTIONS & RESPONSIBILITIES

Aside from statutory administrative functions such as budget, audit and governmental compliance matters, the PELRB's ***primary or core enforcement activities*** fall within one of the following categories:

1. Holding hearings;
2. processing Representation PPCs or Petitions;
3. monitoring Local Labor Boards for compliance with PEBA; and
4. rulemaking activity as needed.

See NMSA §§ 10-7E-9, -10, -12, -14.

These primary functions relate directly to the ***basic rights and responsibilities*** under PEBA, including but not limited to the following:

1. The right of public employees to form, join or assist a union for the purpose of collective bargaining through representatives of their choice, or refrain from such activities without interference, restraint or coercion. *See* §§ 10-7E-2 and 5.
2. The right of public employees to engage in other concerted activities for mutual aid or benefit. *See* § 10-7E-5(B).
3. The duty of public employees and labor organizations to refrain from engaging in or encouraging strike activity, and the corresponding duty public employers to refrain from causing, instigating or engaging in a public employee lockouts. *See* § 10-7E-21(A).
4. The reciprocal duty of public employers and unions to negotiate in good faith over mandatory subjects of bargaining such as wages; hours and most terms and conditions of employment. *See* §§ 10-7E-17(A), (D) and (G); § 19(F); and § 20(C).
5. The reciprocal duty of public employers and unions to abide by the provisions of PEBA and any CBA. *See* § 10-7E-19(G), (H); and § 10-7E-20(D), (E).
6. The duty of public employers to provide an exclusive representative with the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in a proposed bargaining unit. *See* § 10-7E-15(F).

The vast majority of the cases filed with the PELRB are ultimately settled and/or resolved without a hearing on the merits. In 2025, 83% did and that is typical. However, most required some level of process, including at least a Status and Scheduling Conference. Additionally, 7%

required litigation through dispositive motions or "motion practice", and 9% required an evidentiary hearing. In 2025, 81% of the cases processed were closed within six months, which is also consistent with prior years. <u>See</u> Historical Data - Public Employee Labor Relations Board. In 2025, five new judicial appeals were filed, and four judicial decisions were rendered (including in two of the cases filed in 2025). All appellate decisions in 2025 affirmed the Board. *See* Sec. III, 2025 Case Loads and Operations Summary; Sec. IV, Judicial Review of PELRB Decisions; and Appendix B, Tables.

More details about our 2025 activities follow, beginning with the quotidian but all-important day-to-day processing of cases (PPCs and Petitions) filed under PEBA. Case descriptions/resolutions are described in pages 7-25 (Sec. III(A) and (B)); what little Local Board activity that remains is described at pages 25-26 (Sec. III(C)); and judicial appeal activity related to PELRB decisions is described at pages 26-29 (Sec. IV). Thereafter, other PELRB activities are discussed at pages 29-34 (Sec. V); and we report on our performance measures and overall "Agency health" at Sec. VI. Lastly, our usual Tables are in Appendices A-B; and, as noted, we have reattached the Brief History of the PELRB from the 2024 Report, at Appx. C along with some other items of historical interest.

Happy reading, and feel free to let us know how we are doing, by telephone or email, or through Public Comment at our Board Meetings. The PELRB holds its meetings on the ***first Tuesday of every month unless scheduled otherwise***, and our hearing calendar and our Agendas and Minutes are available on our website.

III. 2025 CASE ACTIVITY[7]

The bulk of the PELRB's work consists of timely and competently processing PPCs and Representation Petitions. Both may involve motion practice or evidentiary hearings, and judicial appeals; but PPCs are more likely to require one or the other, or both. Additionally, the PELRB monitors any appeals, and the now two (2) remaining Local Labor Boards; and it periodically engages in rulemaking as needed. The case processing data below is also presented in table format,

[7] Consistent with last year's practice, the 2025 Annual Report catches the reader up on all case activity, including into 2026 parenthetically, to avoid having to re-research many of these cases again for the next year's report.

in ***Appendix B, Tables 1-4***. Lastly, note that case processing information is provided up to time of publication, but the case processing data is limited to calendar year 2025.

A. Prohibited Practice Complaints (PPCs)

In 2025, the PELRB processed a total ***60 PPCs, which included 43 new PPCs and 17 holdover PPCs*** from prior years. By way of comparison, 35 were filed in 2024 and 25 in 2023. However, as the issuance of the 2025 Report, only 4 PPCs and 6 Petitions have been filed, so 2026's numbers may not be as high.

Of the 60 PPCs processed in 2025, ***6 PPCs involved the State or a State agency; 13 involved a county; 6 involved a municipality; 9 involved a public school; 3 involved an institution of higher education; 3 involved a medical facility; 1 involved another governmental authority, such as a waste or water authority; and 2 were filed against a union. Only 13 PPCs were still actively pending before the Board by the close of the year, and another 9 were up on appeal before the New Mexico Courts.*** *See* Appendix B, Tables.

Sixteen percent of the PPCs processed required some kind of motion practice or evidentiary hearing. Decisions were issued by year-end in 4 of the 8 PPCs that had an evidentiary hearing; in all 4 cases the PPC was sustained in whole or part and no PPCs were dismissed after a hearing on the merits. Nine (9) PPCs were summarily dismissed for facial inadequacy or upon motion to dismiss or deferral to arbitration; and 23 were withdrawn and settled voluntarily prior to a hearing on the merits. *Id.*

All PPCs were resolved within the statutory and/or regulatory time limits or extended for cause. NMAC 11.21.1.8 and 11.21.1.31 (time limits for Board or H.E. actions can be extended for 20 business days at a time). **Forty-three (43) or 72% of the PPCs** ***were resolved within six calendar months; and most of those that were not involved motion practice and/or a hearing on the merits.*** *Id.*

(1) General PPC Procedures

Upon receipt of a PPC, Staff review it for ***facial adequacy*** and will provide an opportunity to cure the PPC if it is not facially adequate. *See* NMAC 11.21.3.12. If it is determined to be facially adequate, the Answer will be due in 15 business days after the original service (*see* NMAC

11.21.3.10 and NMAC 11.21.1.8 (Computation of time)); and we will hold a Status and Scheduling Conference as soon as practicable after an Answer is due. *See* NMAC 11.21.1.16(A). There we encourage settlement discussions and schedule any dispositive motions, the exchange of witness and exhibits lists and exhibits, the issuance of any needed subpoenas, and the hearing on the merits. *See* NMAC 11.21.1.23 (Parties' right to file and respond to motions).

The resultant administrative hearings are subject to the requirements of ***due process or fair hearings process***. *See* NMSA § 10-7E-12 (B); *see also City of Albuquerque v. Joseph Chavez*, 1997-NMCA-0534, 123 NM 428, 941 P.2d 509 (although arms of the government do not possess due process rights, they have a right to a fair hearing pursuant to the relevant law or regulation, which includes a decision maker free from bias or objective appearance of such). The matter will be heard by a designated Hearing Examiner in the first instance, and thereafter subject to Board review, and then judicial appeal. *See* NMAC 11.21.1.28 (Director's delegation and hearing examiner appointment authority); § 10-7E-12(C); NMAC 11.21.3.19 (Appeal to Board of Hearing Examiner's recommendations within 10 business days); and § 10-7E-23(B) (Judicial enforcement; standard of review) (allowing appeal to District Court within 30 days of a Board decisions).

If a violation is found, the PELRB can enforce the provisions of PEBA through "***appropriate administrative remedies***", which include "actual damages related to dues, back pay including benefits, reinstatement with the same seniority status that the employee would have had but for the violation, declaratory or injunctive relief or provisional remedies, including temporary restraining orders or preliminary injunctions." However, "[n]o punitive damages or attorney fees may be awarded by the board or local board." *See* NMSA § 10-7E-9(F).

(2) New PPCs Filed in 2025

1. 101-25, IAFF 244 v. Bernalillo County
   - Alleged unilateral changes; failure to bargain
   - Filed 1-23-25, withdrawal and voluntary dismissal 6-18-25
2. 102-25, MCFUSE v. Gallup McKinley County Schools
   - Alleges retaliatory investigation and termination of the Local President
   - Filed 1-25-25; 2025 saw two (2) rounds of motion practice, first a ***Motion to Dismiss based on res judicata and/or issue preclusion related to a prior School Board hearing that sustained the President's termination under the just cause standard, or in the alternative to adopt that record; and a Motion for Summary***

Judgment based upon the prior School Board record adopted upon the earlier Motion (on 1-27-26 the H.E. dismissed the PPC finding lack of showing of pretext because there were multiple grounds of serious misconduct established and/or admitted; no request for Board review.)

3. 103-25 CWA v NM Dept. of Cultural Affairs (DCA)
    - Alleged discrimination, interference
    - Filed 2-4-25, withdrawal and vol. dismissal 3-20-25
4. 104-25, NEA Carlsbad v. Carlsbad Schools
    - Alleged discrimination, interference, retaliation
    - Filed 2-4-25, withdrawal 2-25-25, vol. dismissal 2-26-25
5. 105-25, APSOA v. Alamogordo
    - Alleged bad faith bargaining, refusal to provide information
    - Filed 2-11-25, withdrawal/vol. dismissal 4-3-25
6. 106-25, AFSCME v. Bernalillo County
    - Alleged retaliation, discrimination and violation of the CBA in issuing discipline
    - Filed 2-25-25, hearing on the merits held 8-6-25, H.E. Report issued 9-22-25, ***determining the employer retaliated against the Union President by making him the subject of a disciplinary investigation on a false and/or implausible pretext;*** no request for review was filed and the ***Board approved and adopted in 37-PELRB-25*** on 12-10-25
7. 107-25, Swan v. Moriarty-Edgewood Schools
    - Alleged a hostile work environment
    - Filed 3-17-25; notified of inadequacy 3-20-25; uncured so case closed 4-7-25
8. 108-25, Swan v. NEA
    - Alleged a DFR claim
    - Filed 3-17-25; dismissed for uncured facial inadequacy 4-7-25
9. 109-25, Franklin v. CNMEU
    - Alleged Union malfeasance
    - Filed 4-14-25; dismissed for uncured facial inadequacy 5-15-25
10. 110-25, UWUA Local 51 v. City of Roswell
    - Alleged bad faith bargaining/failure to provide information
    - Filed 4-22-Apr-25; withdrawn/vol. dismissal 6-4-25
11. 111-25, UWUA Local 51 v. City of Roswell
    - Alleged improper classification as probationary after transfer
    - Filed 4-22-25; withdrawn/vol. dismissal upon second notice of inadequacy 5-12-25
12. 112-25, AFSCME v. Doña Ana County
    - Alleged breach of CBA in disciplinary process
    - Filed 4-25-25; Motion to Dismiss for failure to state a claim denied 7-20-25; H.E. Report issued on 9-19-25 after Merits Hearing, ***determining the contract was***

violated but it was not harmful error and did not warrant mitigating or reversing discipline (30-day suspension) for proven sexual harassment (an unwanted kiss); Board affirmed, Order 34-PELRB-2025 upon a request for review; no further appeal followed

13. 113-25 US-UNM Union v. UNM
    - Alleged discrimination and retaliation
    - Filed 5-5-25; pending (Merits Hearing commenced 7/21/25, continued until May 2026 due to PELRB building and participant/witness availability issues)
14. 114-25, NEA-NM v. Española Schools
    - Allege unilateral changes
    - Filed 5-13-25; withdrawal/vol. dismissal 7-1-25
15. 115-25 CWA v. NM Workers Compensation Administration
    - Alleged refusal to provide information
    - Filed 5-16-25; on 7-25-25 the H.E. affirmed the PPC in part and denied it in part, on cross-filed motions for summary judgment, determining that "***Under the plain language of Articles 6 and 12 of the CBA, and SPB rule 1.7.1.12(C), the Agency was correct to limit Union access to the requested confidential information without employee permission. That said, the Agency was in violation of the CBA by not also making the Thompson summarization available on the same conditions established under the CBA. See CBA, Art. 12(2)"***; ***in 25-PELRB-2025, the Board affirmed that portion of the Report that found the Department had violated Section 19(F) of the PEBA by failing to offer an accommodation in the first instance, and it overruled the portion that found the report that was the nexus of the dispute was confidential under the CBA and SPO rules; CWA appealed on 11-4-25 in D-202-CV-2025-09870*** – it is at the briefing stage with pending request for hearing/setting
16. 116-25, AFSCME 3422 v. NMCD
    - Alleged breach of CBA/settlement, petitioned for TRO
    - Filed 6-3-25; TRO Hearing 6-12-25, TRO Granted; motion to dismiss SPO as improper party denied 6-30-25; withdrawal and vol. dismissal 8-28-25
17. 117-25 AFSCME v Bernalillo County
    - Alleged breach of CBA/settlement, petitioned for TRO
    - Filed 6-5-25; Prelim. Inj. 6-30-25; withdrawal and vol. dismissal 10-17-25
18. 118-25 UHPNM & UNM-SRMC
    - Alleged failure to collect/deliver dues
    - Filed 6-9-25; Merits Hearing 8-13-25; H.E. Report 10-16-25, sustained PPC, but declined to order the requested remedy of 15% interest, pursuant to NMSA § 56-8-3(A) (that "[t]he rate of interest, in the absence of a written contract fixing a different rate, shall be not more than fifteen percent annually in the following cases: A. on money due by contract…"), ***finding "[t]his is an unusual remedy request***

before the PELRB, even though authorized under other New Mexico law. Accordingly, a strong case is required to support the remedy request, such as particularly egregious, patterned, and/or intentional contract violations, or significant violations of other PEBA rights. The facts do not support an award of interest, however. Nor does the Union point to any prior case in which the PELRB or its hearing examiners, or a New Mexico Court, have ordered the payment of interest as a remedy for a technical breach of a CBA"; no request for review filed, and the Board affirmed in 37-PELRB-2025, 12-10-25

19. 119-25 UHPNM v. SRMC
    - Alleged breach of CBA and unilateral changes, in failing to provide uniforms and billboards, and implemented a new patient scheduling template that changed bargaining unit member workloads or assignments
    - Filed 6-23-25; Interim Order on Motion to Dismiss issued 9-15-25, granting motion in part, denying it part, and reaffirming original dismissal or rejection of Section 5(A) and 19(C) claims on facial validity grounds ***("The only difference between the PPC and the Amended PPC is that the Amended PPC added the following paragraphs: 31. The Hospital's actions continue to interfere with public employees' ability to engage with the Union for the purpose of collective bargaining..[; and] 32. The Hospital's actions impede the Union's ability to perform its duties as a labor organization… [N]either the Respondent nor the undersigned can be required to guess or speculate about what factual circumstances or harms are alleged…. Even assuming the facts as alleged in the Amended PPC and/or the Response to the Motion to Dismiss, the Union fails to show a nexus between the Section 5(A) and 19(C) legal claims and the factual averments of breach of contract and breach of duty to bargain in good faith…."; however, the H.E. rejected claim that PELRB lacked jurisdiction over CBA claims based on CBA's provision that it "sole shall be the sole and exclusive means of settling any dispute arising under this Agreement"…Absent binding or compelling authority to the contrary, the undersigned presumes express PEBA rights cannot be waived, much like minimum wage and overtime requirements cannot be waived. Compare New Mexico Dept. of Workforce Solutions FAQ, located at https://www.dws.state.nm.us/en-us/Businesses/Rules-and-Regulations/Labor-Relations-FAQs/category/wages-and-work-hours/pager/31343/page/2 …")***; on 9-17-25 deferred to arbitration (on 2-3-26, it was withdrawn in favor of arbitration)

20. 120-25, CIR-UNM v. UNMH
    - Alleged bad faith bargaining
    - Filed 7-28-25; withdrawal/vol. dismissal 8-25-25

21. 121-25 IAFF v. Bernalillo County
    - Alleged bad faith bargaining

- Filed 7-23-25; deferred to arbitration 9-9-25, new arbitrator selected in Feb. 2026, pending

22. 122-25 IAFF v. Bernalillo County
    - Alleged bad faith bargaining in willful refusal to provide information
    - Filed 7-23-25; Merits Hearing 9-22-25; pending as of 12-31-25 (thereafter H.E. Report issued 1-6-26 sustaining the PPC (***"...the overwhelming weight of the evidence is that the County knew the response to the RFI was stuck somewhere in the County's legal department or with outside counsel, and Mr. Roberson failed to take adequate steps to ensure no unlawful delay. Because the County fails to rebut the clear evidence of unwarranted delay under the totality of the circumstances, the Union establishes by a preponderance of the evidence that the County engaged in bad faith bargaining under Section 19(F) of the PEBA."***); no request for review and Board affirmed in 4-PELRB-2026, 2-19-26)
23. 123-25 AFSCME Local 477 v. CYFD
    - Alleged breach of the settlement agreement reached in PELRB Case 133-24
    - Filed 8-24-15; withdrawal/vol. dismissal 9-9-25
24. 124-25. MCFUSE v. Gallup McKinley County Schools
    - Alleged breach of CBA, failure to deduct dues
    - Filed 8-1-25; Merits Hearing 10-9-25; H.E. Report 12-8-25, ***sustaining PPC, and awarding damages payable "with interest at the rate prescribed in New Horizons for the Retarded, 283 NLRB 1173 (1987), compounded daily as prescribed in Kentucky River Medical Center, 356 NLRB 6 (2010), and without recouping the money owed for past dues from employees;*** no request for review filed (thereafter, Board affirmed determination of liability in 5-PERB-2026, 2-19-26)
25. 125-25 MCFUSE v. Gallup McKinley Schools
    - Alleged failure to provide information
    - Filed 8-11-25; withdrawal/vol. dismissal 10-28-25
26. 126-25, San Juan College Educ. Ass'n v. SJC
    - Alleged Discrimination/retaliation
    - Filed 9-8-25; deferred to arbitration 11-20-25
27. 127-25, IAFF 3602 v. Clovis
    - Alleged bad faith bargaining
    - Filed 9-22-2; withdrawal/vol. dismissal 11-12-25
28. 128-25, Hatch Police Officers Ass'n v. Hatch
    - Alleged unilateral changes (disallowance of take-home vehicle)
    - Filed 9-18-25; Merits Hearing 12-30-25 (H.E. Report issued 2-5-26, sustaining the PPC upon ***determination that the take-home vehicle allowance was a legally binding past practice that required notice and opportunity to bargain before its termination, and ordering reinstatement of the allowance and interest based***

upon the formula identified in Case 124-25; no request for review filed, although the ***Report advised that a report would be made, and was made, to the N.M. Disciplinary Board regarding false citations/lack of candor, related to potential AI mis-use – that complaint is pending***)

29. 129-25, Sunland Park Police Officers Ass'n v. Sunland Park
    - Alleged breach of CBA
    - Filed 10-7-25; settlement pending
30. 130-25, CWA v. NM Dept. of Cultural Affairs & SPO
    - Alleged refusal to acknowledge unit members/process dues
    - Filed 10-9-25 and dispositive motions filed in 2025 (in 2026, H.E. granted summary Judgement in part/denying it in part issued 1-5-26, determining that ***bona fide temporary employees are not regular employees under Section 4(Q) of PEBA but that genuine disputes of material fact existed as to whether employees that worked significantly longer than one (1) year were bona fide temporary employees***; thereafter, merits Hearing held on 1-16-25, H.E. decision issued on 3-11-26, ***reaffirming determination that bona fide temporary employees are excluded, but that these positions were not bona fide temporary or otherwise "irregular" under PEBA or Personnel Act/SPB Rules***)
31. 131-25, Cogar v. Dept. of Voc. Rehab. Breach of CBA
    - Alleged breach of CBA
    - Filed 10-15-25; pending (set for hearing in Apr. 2026)
32. 132-25, NEA-NM v. Las Vegas Schools
    - Alleged direct dealing, refusal to bargain, unilateral changes
    - Filed 10-20-25; stayed with 30-day status conferences, pending settlement
33. 133-25, Rivas v. NM Highlands Univ. & NEA-NM
    - Alleged Union disclosed confidential representation information to NMHU and that both Respondents interfered with his PEBA rights to Union representation
    - Filed 11-3-25 (Dispositive Motions filed in 2026, decision(s) pending)
34. 134-25, IAFF 244 v. Bernalillo County
    - Alleged failure to bargain
    - Filed 12-2-25; pending (Motion to Amend PPC granted 2-18-25, set for merits Hearing on 3-18-26)
35. 135-25, Teamsters 492 v. Estancia Valley SWA
    - Alleged retaliation and interference
    - Filed 12-22-25; pending (as of 12-31-25, was set for merits Hearing on 4-17-26)
36. 136-25, CWA 7911 v. Doña Ana County
    - Alleged violations related to placement of or access to bulletin board for Union postings

- Filed 12-22-25 (thereafter, withdrawn and dismissed at 1-29-26 Status & Scheduling Conference)

37. 137-25, CWA 7911 v. Doña Ana County
    - Alleged violations related to employment actions taken post-discipline and arbitration
    - Filed 12-22-25; pending (withdrawn at 3-13-26 Status Conf.)
38. 138-25, CWA 7911 v. Doña Ana County
    - Alleged violations related to change in promotion testing for Metro Narcotics
    - Filed 12-22-25; pending (on 1-29-26, deferred to arbitration; reaffirmed at 3-13-26 Status Conf.)
39. 139-25, CWA 7911 v. Doña Ana County
    - Alleged violations related to change in the assignment of felony narcotics investigative duties
    - Filed 12-22-25; pending (withdrawn at 3-13-26 Status Conf.)
40. 140-25, Wilson v. Las Lunas Schools
    - Alleged breach of CBA, and Weingarten violation
    - Filed 12-30-25; pending (Motions to Dismiss/for Summary Judgment cross-filed in Feb. 2026, H.E. dismissed the PPC 3-16-26)
41. 141-25, CWA 7911 v. Doña Ana County
    - Alleged interference based on actions of Supervisor
    - Filed 12-29-25; pending (on 1-29-26, deferred to arbitration; reaffirmed at 3-13-26 Status Conf.)
42. 142-25, MCFUSE v. Gallup McKinley Schools
    - Alleged Bad faith bargaining, breach of CBA
    - Filed 12-31-25; pending (on 1-23-25, set for dispositive motions, then a merits Hearing on 4-30-26)
43. 143-25, CWA 7911 v. Doña Ana County
    - Alleged Retaliation at training academy
    - Filed 12-31-25; pending (thereafter, on 1-29-26, deferred to EEOC proceedings and grievance arbitration; reaffirmed at 3-13-26 Status Conf.)

(3) Holdover PPCs Processed or Monitored in 2025

Seventeen (17) PPCs were pending at the end of 2024. Most of those have been resolved unless filed late in the year or if they are on appeal, and their present statuses are as follows:

1. 104-24, AFSCME Local 3422 v. NM Corrections Department
    - Alleged unilateral changes to the shift-bid process

- Filed 2-14-24 and heard in 2024; in 2025 matter was reviewed by the Board, which affirmed the H.E.'s finding that "***the last bargained for roster" referred to the last negotiated and agreed upon roster and that the Respondent breached the settlement agreement by implementing the last bargained roster rather than "the last bargained for roster"*** – *see* Board Order 5-PELRB-2025, 2-15-25; and thereafter the Dept. appealed in ***D-202-CV-2025-02137, filed 3-5-2025, stipulated dismissal 8-29-25***

2. 113-24, NMCPSO v. Otero County
   - Alleged numerous violations of the PEBA in relation to the transfer of a bargaining unit employee to a new position
   - Filed 6-10-2024; case withdrawn/settled and administratively closed pursuant to NMAC 11.21.1.29 effective February 3, 2025
3. 116-24, UHPNM v. UNMH-SRMC
   - Alleged various violations of the PEBA related to unilateral changes to the terms and conditions of the employment of bargaining unit members
   - Filed 6-24-2024 and heard in 2024; in 2025 matter was reviewed by the Board, which affirmed the H.E.'s recommendation of ***dismissal of the PPC upon determination that some of the alleged changes did not occur, and the Union failed to request bargaining on others*** – *see* Board Order 6-PEBRB-2025; thereafter, the Union appealed in ***D-202-CV-2025-02461, filed 3-15-25***
4. 119-24, IAFF Local 5441 v. Torrance County
   - Alleged unilateral changes to the terms and conditions of employment by transferring bargaining unit work to non-unit employees
   - Filed 8-9-2024; withdrawal/vol. dismissal 12-2-2024; reported to the Board on 1-7-25
5. 120-24, CWA v. NM Environment Dept
   - Alleged breach of the CBA by failure to comply with a settlement reached in a previous dispute
   - Filed 8-13-2024; after extended stay upon Party motion, withdrawal/vol. dismissal 9-30-25
6. 122-24, CWA v. NM Dept. of Health
   - Alleged bad faith bargaining by refusal to provide requested information
   - Filed 8-15-202; withdrawal/vol. dismissal 1-24-2025
7. 125-24, UHPNM v. UNMH-SRMC
   - Alleged retaliation and discrimination against an employee for her concerted activities
   - Filed 8-30-2024; stayed pending settlement and then withdrawal/vol. dismissal 9-17-25

8. 126-24, AFSCME, Council 18 v. Luna County
    - Alleged discrimination and retaliation for union affiliation
    - Filed 9-16-2024; withdrawal/vol. dismissal 12-4-24; reported to Board 1-7-25
9. 128-24, UHPNM v. UNMH-SRMC
    - Alleged interference/coercion regarding union activity
    - Filed 9-23-2024; evidentiary hearings held on 1-29-25, 2-19-25 and 11-6-25 (thereafter, the H.E. Report was issued on 1-8-26 dismissing the PPC, ***concluding the Union failed to meet its burden of proof, regarding allegations that the Hospital supported a decertification campaign against the Union, treated pro-Union bargaining team members and/or supporters different that the pro-decertification or anti-Union employees***; no request for review filed, Board affirmed/adopted in 3-PELRB-2026, 2-19-26)
10. 129-24, AFSCME 2475 v. Valencia County
    - PPC and Counterclaims alleged bad faith bargaining
    - Filed 9-30-2024; withdrawal/vol. dismissal 11-18-2024; reported to Board 1-7-25
11. 130-24, UHPNM v. UNMH-SRMC
    - Alleged retaliation and discrimination against an employee for her concerted activities under the same facts as 127-24
    - Filed 10-15-2024; stayed pending attempts to settle this and related cases; withdrawal/vol. Dismissal 10-23-25
12. 134-24, CWA v. NMDOH
    - Alleged failure to provide information relating to the discipline of a bargaining unit member
    - Filed 12-10-2024; deferred to arbitration 2-14-25, scheduled for late April 2026
13. 135-24, United Electrical Workers, Local 1466 v. UNM
    - Alleged failure to provide information relating to the employees in the petitioned-for unit in PELRB 324-24
    - Filed 12-10-2024; withdrawal/vol. dismissal 4-8-25
14. 107-23, UHPNM v. UNMH-SRMC
    - Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (D), (E), & (G) for retaliation, interference and discrimination relating to discipline
    - Filed 4-10-2023; during 2025, stayed first pending settlement efforts and later pending resolution of ***Ct. App. Case No. A-1CA-42271***, appealing decision that PRN nurses are not regular employees – <u>see</u> D-202-CV-2023-09660, related to Case 304-22 and Board Order 304-22 (as of 2-16-26, briefing is complete and matter has been submitted to a panel and is awaiting decision)
15. 109-23, UHPNM v. UNMH-SRMC
    - Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (C), (D), (F), & (G) for retaliation, interference and discrimination relating to discipline

- Filed 5-5-2023; in 2025, on appeal in ***D-202-CV-2024-01995***, filed by SRMC 3-8-24, related to 8-PELRB-2024, issued 2-8-24, adopting 12-8-23 H.E. Report finding and recommending that ***some of the charges be sustained and some dismissed; on 6-10-25, the Court aff'd the Board***

16. 111-23, UHPNM v. UNMH-SRMC
    - Alleged violations of Sections 5(A), 5(B), and 19(A), (B), (D), (E), and (G) for retaliation, interference and discrimination relating to the discipline of a bargaining unit member
    - Filed 6-3-23; in 10-PELRB-24 the Board affirmed the H.E.'s determination ***there was substantial, non-discriminatory reason for taking the disciplinary action at issue apart from her union activities and affiliation (allowing Union organizer into secured areas of the hospital in knowing violation of the Employer's "Access Control" policy);*** appeal filed 2-8-24, in ***D-202-CV-2024-01099; on 2-7-25, the Court aff'd*** Board's determination that Complainant did not prove pretext and no further appeal followed
17. 117-23, UHPNM v. UNMH-SRMC
    - Alleged violations of Sections 17(A)(1), and 19 (F), for failure to bargain in good faith and to provide, and direct dealing; and sought TRO
    - Filed 10-10-2023; in 2025, on appeal in ***D-202-CV-2024-07978*** (filed 10-10-2024) over 36-PELRB-2024, issued 9-3-2024, adopting H.E. recommendation to dismiss the PPC, reasoning, among other things, that ***no bargaining obligation, if any, exists between a successor employer and a predecessor union until the successor employer hires a "full complement of employees... since it will not be evident until then that the bargaining representative represents a majority of the employees in the unit."***; ***Court aff'd the Board 12-8-25***

A. Representation Petitions

In 2025, the PELRB processed ***41 Representation Petitions, which included 35 new Petitions and six (6) holdover Petitions*** from prior years. By way of comparison, 25 Petitions were filed in 2024 and 45 in 2023. As of the issuance of the 2025 Report, only 6 Petitions have been filed, so 2026's numbers may not be as high as 2025.

Of the 35 new Petitions filed in 2025, ***8 involved the State or a State agency; 5 involved a county; 9 involved a municipality; 5 involved a public school; 1 involved an institution of higher education; 3 involved a medical facility; and 4 involved another governmental authority, such as a waste or water authority.*** *See* Appendix B, Tables.

Only 4 Petitions were actively pending before the PELRB as of year-end, and 1 was pending on judicial appeal. Only 2 Petitions processed (5%) required some kind of motion practice or evidentiary hearing – 1 of each – and the 1 case requiring a hearing (which lasted 2 days) is pending Board review. Three (3) Petitions were summarily dismissed for facial inadequacy; 4 were deferred or stayed; and 4 were withdrawn and settled voluntarily prior to a hearing on the merits. *Id.*

All Petitions processed were resolved within the various statutory and/or regulatory time limits or those time limits were extended for cause. ***38 cases or 95% were resolved within six calendar months***. The 2 Petitions that took longer than six months to conclude involved motion practice and/or a hearing on the merits. *Id.*

(1) General Petition Procedures

Several different Representations Petitions can be filed with the PELRB, including Petitions for initial recognition, decertification, amendment or clarification of a unit or its representative. All such matters are generally referred to as a "representation proceeding", and ***today they are largely concluded by card check***. *See* NMAC 11.21.2.35; NMSA §10-7E-14(A) and (C).

Today, the PELRB generally only conducts a formal secret ballot election where there are more than two parties involved or if the Union submits cards for 30% but less than 50%+1 of the eligible bargaining unit members. In the latter cases, we often allow them to simply supplement their showing of support, as is permitted for showings of interest, as a matter of non-prejudicial administrative efficiency. (For the same reason, the PELRB will also allow a Petition to be "reformed" based on the pleadings and admissions, particularly when the exact type of Petition called for is unclear under the facts and circumstances.[8])

Nonetheless, a Representation hearing may still be required along the way, to resolve such issues as questions concerning representation (QCRs), the appropriate bargaining unit, eligible bargaining unit employees, whether there are any intervenors, and/or objections to the card check

[8] *See, e.g.*, PELRB 321-25, Clovis (a case involving a "grandfathered" union that had legally ceased to exist when PEBA became effective; Hearing Examiner Report noted that the same result, allowing certification upon demonstration of majority support, would obtain irrespective of the exact type of petition filed, or how the petition were styled).

or election processes. The pertinent standards and procedurals can be found in PEBA and PELRB Rules.

The most important procedures to be aware of are (a) the need to immediately ***maintain the status quo*** that existed prior to the filing; and (b) the need to file a timely response to the Petition. The response must be filed with the PELRB ***within 10 business days and include a list of the eligible employees within the petitioned-for bargaining unit, and raise any objections, issues, concerns or questions*** that the employer may see with the Petition. *See* NMAC 11.21.3. Other detailed information is also required to be provided directly to the Union. *See* NMSA §10-7E-14(A).

Once certified, a labor organization is the exclusive bargaining representative for the employees in the bargaining unit. As exclusive representative, the Union owes a duty to represent all employees in the recognized bargaining unit "without discrimination or regard to membership in the labor organization." *See* NMSA §10-7E-15(A); *but see also* Note 41, *infra* (the PELRB does not hear "DFR" claims).

(2) New Representation Petitions Filed in 2025

1. 301-25, IAFF 5399 and Valencia County
    - Petition to Accrete EMS Specialists
    - Filed 1-23-25; Card Check and Amended Certification 2-24-25; Order 7-PELRB-2025, 4-3-25
2. 302-25, UWUA and Bosque Farms
    - Disclaimer of Interest; posting certified and approved by Board
    - Filed 2-12-25, Notice posted, Board recognized disclaimer in 12-PELRB-2025 4-3-25
3. 303-25, CWA and NM Dept. of Health
    - Petition for Accretion of Security Guards
    - Filed 2-27-25; Card Check and Amended Certification 3-25-25; Order 8-PELRB-2025, 4-3-25
4. 304-25, CWA and NM Dept. of Cultural Affairs
    - Petition for Accretion of Cust. Svc. Reps, Security Officers and Set Designers
    - Filed 2-27-25, Card Check and Amended Certification 3-25-25; Order 9-PELRB-2025, 4-3-25
5. 305-25, CWA and NM Workers Compensation Administration
    - Petition for Accretion of Data Analysts

- Filed 2-27-25; Card Check and Amended Certification 3-25-25; Order 10-PELRB-2025, 4-3-25

6. 306-25, AFSCME and Bernalillo County
   - Joint Petition for Accretion of foremen
   - Filed 3-3-25; Card Check and Amended Certification 3-25-25; Order 11-PELRB-2025, 4-3-25
7. 307-25, AFSCME and Town of Taos
   - Petition for Certification of Police/Public Safety unit
   - Filed 3-20-25; Card Check and initial Certification 4-7-25; Order 14-PELRB-2025, 6-9-25
8. 308-25, FOP Lodge 9 and Hobbs
   - Petition for Accretion/Incumbent status
   - Filed 3-27-25; dismissed as inadequate 5-8-25
9. 309-25, CFUSE AFT Local 4859 and Carlsbad Schools
   - Petition for Accretion
   - Filed 4-10-25; Card Check and Amended Certification 6-6-25; Order 17-PELRB-2025, 8-8-25
10. 310-25, APSOA and IAFF and Alamogordo
    - Petition to sever fire fighters and police from the general Public Safety unit, into units with different exclusive representation
    - Filed 5-1-25; Card Check and Amended Certification 6-30-25; Order 18-PELRB-2025, 8-8-25
11. 311-25, WNMU-NEA and Western Univ. of N.M.
    - Petition for Certification
    - Filed 5-16-25; Card Check and initial Certification 8-8-25; Order 21-PELRB-2025 9-5-25
12. 312-25, IBEW Local 611 and Farmington
    - Petition to Accretion warehouse managers
    - Filed 5-16-25; Card Check and Amended Certification 5-27-25; Order 16-PELRB-2025 6-9-25
13. 313-25 UWUA 51 and Roswell
    - Petition for Accretion
    - Filed 6-6-25; Card Check and Amended Certification 10-23-25; Order 32-PELRB-2025 11-11-25
14. 314-25, CWA Local 7076 and Dept. of Health (DOH)
    - Petition for Accretion
    - Filed 6-9-25, Card Check and Amended Certification 7-23-25; Order 19-PELRB-2025, 8-8-25

15. 315-25, CWA Local 7076 and NMED
    - Petition for Accretion
    - Filed 6-9-25; Card Check and Amended Certification 6-20-25; Order 20-PELRB-2025, 8-8-25
16. 316-25, CWA Local 7076 and Dept. of Health (DOH)
    - Petition for Accretion
    - Filed 6-9-25, Consolidated with 314-25; Card Check and Amended Certification 7-23-25; Order 19-PELRB-2025, 8-8-25
17. 317-25, CWA Local 7076 and Workers Comp. Admin (WCA)
    - Petition for Accretion
    - Filed 6-9-25; withdrawal 6-23-26; vol. dismissal 6-26-25
18. 318-25, AFSCME 3022 and ABCWUA
    - Joint Petition for Accretion
    - Filed 6-9-25; closed for lack of adequate showing of interest; Board Order 30-PELRB-2025, 11-11-25
19. 319-25, US-UNM and UNM
    - Petition for Accretion of Early Childhood teachers at Children's Campus
    - Filed 6-16-25; Card Check and Amended Certification 8-27-25; Order 22-PELRB-2025, 9-5-25
20. 320-25, FEA NEA-NM and Farmington Schools
    - Petition for Certification
    - Filed 6-23-25; Card Check and Certification 8-27-25; Order 23-PELRB-2025, 9-5-25
21. 321-25, Clovis Fire Fighters Ass'n and Clovis
    - Petition for Certification for firefighters and EMTs
    - Filed 7-23-25; a motion to dismiss was filed based on the alleged grandfathering of the Union, and then unit composition hearings were held on 10-8-25 and 11-8-25 (thereafter H.E. Report issued 1-16-26, ***concluding that the grandfather clause does not apply to exclusive representatives that were not in legal existence when PEBA passed or became affective, and that Clovis Lieutenants and Fire Marshalls are appropriately included because they do not devote a majority of their work time to supervisory duties and are not primarily engaged in executive and management functions***; the City's request for Board review is pending)
22. 322-25, AFSCME 1413 and Santa Fe County
    - Joint Petition for accretion of Cert. Medication Aide and Clinic Nurse
    - Filed 7-28-25; Card Check and Amended Certification 9-19-25; Order 26-PELRB-2025, 10-10-25
23. 323-25, AFSCME 1413 and Sandoval County
    - Joint Petition to Accrete Detention Training Sergeant

- Filed 7-31-25; closed for lack of adequate showing of interest; Board Order 31-PELRB-2025, 11-11-25

24. 324-25, SSEA AFT-NM Local 3878 and Socorro Schools
    - Petition for Accretion
    - Filed 8-1-25; Card Check and Amended Certification 8-27-25; Board Order 24-PELRB-2025, 9-5-25
25. 325-25, CWA and UNMH
    - Petition for Accretion of Parking Attendant
    - Filed 8-18-25; Card Check and Amended Certification 9-17-25; Order 33-PELRB-2025 10-10-25
26. 326-25, Teamsters 492 and Estancia Valley Solid Waste
    - Petition for Accretion of Lead Transfer Station Attendant
    - Filed 8-20-25; Card Check and Amended Certification 9-17-25; Order 27-PELRB-2025 10-10-25
27. 327-25, PPFA and Valencia County
    - Petition for Accretion of Wildland Engine Boss
    - Filed 8-21-25; Card Check and Amended Certification 9-29-25; Order 28-PELRB-2025 10-10-25
28. 328-25, NEA-Carlsbad and Carlsbad Schools
    - Petition for Accretion
    - Filed 8-27-25; withdrawn 9-17-25
29. 329-25, NMCPSO and Cibola County Dispatch
    - Disclaimer of Interest
    - Filed 9-24-25; Notice posted 9-24-25 through 10-2-25, disclaimer recognized in 29-PELRB-2025
30. 330-25, NUHHCE and UNMH
    - Petition for Accretion of Cardiac Sonographer I & II into the Licensed & Technical (L&T) bargaining unit
    - Filed 10-6-25; Card Check and Amended Certification 11-25-25; Order 35-PELRB-2025, 12-10-25
31. 331-25, NUHHCE and UNMH
    - Petition for Accretion of Peer Recovery Specialists into the Support Staff bargaining unit
    - Filed 10-6-25; Card Check and Amended Certification 11-25-25; Order 36-PELRB-2025, 12-10-25
32. 332-25, CWA and NM Health Care Authority
    - Petition for Clarification/Accretion
    - Filed 10-24-25; pending as of 12-31-25 (Parties working on final bargaining unit stipulations)

33. 333-25, AFSCME and Bosque Farms
   - Petition for Certification (Police and Animal Control)
   - Filed 11-7-25; pending as of 12-31-25 (set for unit composition Hearings 2-3-26 and 2-4-26)
34. 334-25, Explore Academy Faculty Ass'n and Explore Academy
   - Petition to Certification
   - Filed 12-9-25; pending as of 12-31-25 (thereafter, Card Check and Amended Certification 1-22-27; Order 1-PELRB-2026, 2-19-26)
35. 335-25, AFSCME 1382 and Valencia County
   - Petition for Accretion of Animal Control Officers
   - Filed 12-19-25; pending as of 12-31-25 (Card Check and Amended Certification 1-22-27; Order 2-PELRB-2026, 2-19-26)

(3) Holdover Petitions Processed or Monitored in 2025

The following six (6) Representation cases were filed but not resolved in prior years. Four (4) were filed late in the year, in November, and two (2) remain open in 2026 due to pending appeals of the unit certification:

1. 325-24, FOP and City of Hobbs
   - Petition to Accrete Faculty Assistants working at UNM Law School into the existing unit of Graduate Student Employees.
   - Filed 12-16-24; closed for failure to cure deficiencies; Board affirmed dismissal in 4-PELRB-2025, 1-17-25
2. 324-24, United Electrical Workers, Local 1466 and UNM
   - Petition to Accrete Faculty Assistants working at UNM Law School into the existing unit of Graduate Student Employees.
   - Filed 11-26-24; withdrawal/vol. dismissal 12-23-24, closed 1-7-25 after report to the Board
3. 323-24, NMHU Faculty & Staff Ass'n and NMHU
   - Petition to Accrete position of Program Coordinator
   - Filed 11-13-24; Card Check and Certification 12-30-2024; Board affirmed 3-PELRB-2025, 1-7-25
4. 322-24, United Steelworkers, Local and South Central Solid Waste Authority
   - Petition for initial Certification
   - Filed 11-7-24; Card Check and Certification 12-16-24; Board affirmed 2-PERLB-2025, 1-7-25
5. 303-24, IAFF Local 4384 and City of Hobbs
   - Petition to accrete EMP Specialists and Fire Captain
   - Filed 1-30-24; hearing held, H.E. decision 7-10-24; Board Order 32-PELRB-2024 affirmed determination ***that the Clovis Fire Captains are excluded as managers***

under PEBA; Amended Certification issued 8-16-24; matter appealed 3-25-25 in in ***D-506-CV-2025-00320; Fifth Judic. Dist. affirmed the PELRB on 1-28-26; on 2-27-26, the Union filed a Petition for Writ of Certiorari to Court of Appeals (Rule 12-505(H)***

6. 304-22, United Health Professionals of New Mexico, AFT (UHPNM) and UNMH-Sandoval Regional Medical Center (UNMH-SRMC or SRMC)
    - Petition for initial Certification
    - Filed 12-1-22; hearing held on inclusion of certain positions, including PRN or "as needed" nursing staff; H.E. determined PRNs not covered, Board reversed the H.E., and in D-202-CV-2024-09660 the District Court reversed the Board and/or remanded the matter several times, ultimately resulting in new Board Certification without PRNs in 5-PELRB-2025, dated 2-15-24; the Union's appeal of the District Court ruling in -09660 is pending before the Court of Appeals, in ***Case No. A-1-CA-42271*** (as of 2-16-26, 2-16-26, ***briefing completed, it is submitted to a panel on the General Calendar, awaiting decision***) (*see also* 8-PELRB-2023;9-PELRB-2023; District Court Order dated 3-17-23 in D-202-CV-2023-02118 (J. Victor Lopez); D-202-CV-2023-09345, Petition for Writ of Mandate; 32-PELRB-2024; 59-PELRB-2023 dated 11-29-23)

B. Monitoring and Supporting Local Labor Boards

As discussed in the 2024 Report, the landscape for Local Boards has changed drastically since the PELRB's inception under PEBA I and PEBA II. No more may be created, and any remaining Local Boards must now be certified biennially as being fully staffed and functioning in compliance with the Act; and any Local Board with a vacancy for longer than 60 days will cease to operate as a matter of law. *See* NMSA § 10-7E-10(F) and (G) (2020).

2025 was a biennial reporting year for the four (4) Local Boards remaining as of the last reporting period in 2023. However, the Silver City and Deming Local Boards did not file the required affirmations. As such, they have ceased to exist as a matter of law, and only the following two (2) Local Boards remain:

1. ***City of Albuquerque*** - The necessary affirmations were submitted in 2025, so they continue to operate. The City of Albuquerque's Labor Management Relations Board is comprised of the Hon. (Ret.) Ted Baca, Chair, and Members Juan Montoya (former PELRB Director) and Bruce Perlman. They meet twice a month and average about 30 cases a year, 75% of which are estimated to settle without a hearing on the merits. *See*

2024 Report at 24. The City Labor Board's contact information, Agendas, and Meeting Minutes can be found here: https://www.cabq.gov/clerk/administrative-hearings/labor-management-relations-board; *see also* https://www.pelrb.nm.gov/wp-content/uploads/2024/02/local-boards-contact-and-filing-info-2024-02-01.pdf.

2. ***Albuquerque Public Schools (APS)*** - The necessary affirmations were submitted in 2025 so they continue to operate through December of 2027. The APS Labor Management Relations Board is comprised of the Hon. (Ret.) Ted Baca, Chair, and Members Juan Montoya and Sandra Jo Sloan. Reportedly, their case load is significantly smaller than that of the Albuquerque Board. The APS Labor Board's contact information can be found here: https://www.aps.edu/human-resources/labor-relations.

In addition to monitoring Local Boards' compliance with PEBA, the PELRB is also able to support Local Boards as requested and able.

For instance, in 2025, ***the PELRB Executive Director served as the ad hoc Presiding Member of the Albuquerque Local Board in Case 25-07***, upon recusal of Chair Ted Baca and pursuant to the Albuquerque LMRO. In 2025, we held a hearing on and denied a Motion to Dismiss based on legislative immunity (thereafter the matter was settled and withdrawn on March 16, 2026, before the commencement of the hearing on the merits). *See* ABQ LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.* (Findings of Fact and Conclusions of Law on Legislative Immunity, dated 12-1-25; and Stipulated Motion and Order of dismissal dated 3-18-26).

The Director has been grateful for the opportunity to serve New Mexico public employees alongside such well respected labor law professionals as the Honorable Ted Baca and Members Montoya and Perlman, while also supporting a long-standing Local Board whose case volume the PELRB could not absorb, should it be rendered inoperable under PEBA. *See* 2024 Report at 24, Note 38. She was also highly impressed by the level of professional and civil advocacy observed.

The next biennial reporting/certification deadline is December 29, 2027. We take this time to remind constituents of the Albuquerque and APS Local Boards that may be reading this, that most or all of these Boards' members have been serving for many years in their retirement, some for even 10+ years. Their tremendous public service is applauded by the PELRB and the Director! Note, however, that some may wish to "retire" again, from their Labor Board(s), at some point. Due to the harsh and unwaivable (60 day) time limit to refill Board Member positions, we encourage all constituents of the Albuquerque and APS Local Boards to regularly

consult with their appointed Members regarding ongoing service interests and/or abilities. We also encourage Local Board constituents to submit and/or update their recommendations for replacement Board Members in advance, should seats become unexpectedly vacant.

C. Rulemaking Activity

The PELRB is empowered under § 10-7E-9(A) to promulgate rules necessary to accomplish and perform its statutory functions and duties. In the 2024 Report, Staff forecasted being able to convene an ad hoc Rules Committee (our standard practice) to consider potential rule changes but it was unable to, due to staffing and workload constraints.

In retrospect, it was better for the new Director to take a full year to review our existing rules "in action". Having done so, it is evident that her that some of our rules are "clunky" and difficult for our many pro se advocates to navigate; and some are out-of-date.

We plan to convene an ad hoc rules committee in 2026 but as always it depends on case load, given our limited staffing and resources. If we are able to do so, notice of convening dates will be sent by "email blast" to known practitioners, posted on our website and/or announced at our regular meeting(s). We encourage regular practitioners before the PELRB to participate and/or submit their suggestions independently.

IV. JUDICIAL REVIEW OF PELRB DECISIONS

A. New Appeals Filed

Four (4) new appeals were filed in 2025, two of which were resolved later in the year, and one of which was resolved in early 2026:

1. **115-25, *CWA v. NM Workers Compensation Administration – D-202-CV-2025-09870***, filed 11-4-25, In re 25-PELRB-2025, PELRB 110-23 - CWA filed brief and request for hearing/setting 1-15-26, no action other action since then
2. **303-24, *IAFF Local 4384 and City of Hobbs – D-506-CV-2025-00320***, filed 3-25-25, In re 32-PELRB-2024 – Board affirmed 1-28-26***; on 2-27-26, the Union filed a Petition for Writ of Certiorari to Court of Appeals (Rule 12-505(H))***
3. ***116-24, UHPNM v. UNMH-SRMC – D-202-CV-2025-02461***, filed 3-15-25, In re 6-PEBRB-2025 – appeal dismissed/denied on 9-3-25, no further appeal followed
4. **104-24, *AFSCME Local 3422 v. NM Corrections Department* –** D-***202-CV-2025-02137***, filed 3-5-2025, In re 5-PELRB-2025 – stipulated dismissal 8-29-25

B. Court Decisions Issued in 2025

There were five (5) judicial decisions or resolutions issued in the 2025 reporting period concerning PELRB cases, two of which were on appeals filed that same year (see above):

1. ***UHPNM v. UNMH-SRMC, D-202-CV-2024-07978*** (filed 10-10-24; In re 36-PELRB-2024, PELRB 117-23). On 12-8-25, the District Court ***affirmed the Board's determination*** that the successor employer did not have a duty to bargain and the dissemination of information did not constitute a unilateral change of terms and conditions of employment. The Court wrote that, "***Even if Employer initiated the communications or facilitated the communications through hits intranet, Employer did not violate PEBA by failing to bargain the conditions of its current employees' potential future employment. Employer was under no obligation to bargain the terms and conditions that existed at a different entity. Absent a duty to bargain, a claim of error in the Hearing Officer's factual finding regarding the source of the communications is not grounds to reverse….Union's claim that it had a right to the information thus is premised on the existence of a duty to bargain. The claim necessarily fails where, as here, there was no duty to bargain."***

2. ***UHPNM v. UNMH-SRMC, D-202-CV-2025-02461*** (filed 3-14-25; In re: 6-PELRB-2025, PELRB No. 116-24). On *9-3-25,* the District Court ***affirmed the Board's dismissal*** of the PPC, which had alleged unilateral changes to terms and conditions of employment. The Court wrote, ***"The Employer argues that it had no duty to bargain with the Union because of this Court's prior decision [that PRNs are not regular employees],… however, that issue is not before this Court on appeal. The Court's role here is to review whether the Board's final decision in this case is 'arbitrary, capricious or an abuse of discretion' or 'otherwise not in accordance with law.' § 10-7E-23(B). …The Board's decision on the claim of unilateral changes is not arbitrary or capricious…The Board did not err by addressing only the issues presented in the Pre Hearing Order…The Board did not err in concluding that the Employer did not make unilateral changes with respect to Charge Nurses" because the Board's "conclu[sions] that 'assigning exempt RN Supervisors to the clinics does not affect Charge Nurse positions' and that the Union failed to prove its case regarding the allegation of 'Charge Nurses being replaced with Nurse Supervisors…'… rationally flow[s] from the findings of fact."***

3. ***AFSCME Local 3422 and NM Corrections Dept., D-202-CV-2025-02137*** (filed 3-5-25; In re: 5-PELRB-2024, PELRB 104-24) On ***8-29-25***, the District Court entered a ***stipulated dismissal***. (The Department had appealed the Board's affirmation of the Hearing Examiner's Report finding and determining ***that "the last bargained for" roster was the last roster negotiated and agreed to***).

4. ***UNMH-SRMC v. HPNM, D-202-CV-2024-01995*** (filed 3-8-24; In re Board Order 8-PERLB-24, PELRB 109-23). On 6-10-25, the Court **affirmed the PELRB**, writing that "***The Court identifies no error in the Board's conclusion with regard to the duty to bargain. The Board found that the Union was certified as the exclusive representative of a group of Employer's employees on January 19, 2023 and that the certification was***

affirmed by the Board on February 15, 2023… The Board explained that "all events at issue in this PPC occurred between April and May of 2023 when the duty to bargain indisputably existed" and declined to opine on the effect of the August Decision [to reverse certification and remand for explanation]…The Board's reasoning is rational and the Board's findings support the conclusion that the Employer had a duty to bargain with the Union at the times relevant to the PPC."

5. **U*NMH-SRMC v. HPNM, D-202-CV-2024-01996*** (filed 3/8/24; In re Board Order 9-PELRB-24, PELRB 110-23). On 11-4-2024, the ***District Court affirmed the PELRB's determination that SRMC violated the statutory duty to bargain*** by failing to respond to the several requests for an updated list of bargaining employees and failure to provide information for bargaining dates, after which the PELRB closed the case. On 11-18-24, SRMC filed a ***motion for rehearing and that was denied on 4-2-25***. (This case is not counted in Appx. B, Table 2 because it was counted as closed in 2024.)

6. ***UHPNM v. UNMH-SRMC, D-202-CV-2024-01099*** (filed 2-8-24; In re 30-PELRB-2023, PELRB 111-23). On 2-7-25, the District Court affirmed the Board, stating ***"Generally, the Union argues that the Board should have reached a different result and refers to evidence in the record that may support different findings than the Board's findings. However, the issue before this Court is whether the record supports the result reached, not whether a different result could have been reached…The Board's interpretation of the Employer's policies is reasonable because it relies on the plain meaning of the quoted language in the documents. Substantial evidence supports the Board's findings and the Board's conclusion rationally flows from the findings. Further, the Board's conclusion is reasonable even if other evidence in the record could support a contrary result."*** No further appeal followed.

C. Other Pending Appeals

The following additional appeal is also still pending by the end of the 2025 reporting period:

1. **UNMH-SRMC v. UHPNM, A-1-CA-42271** (filed 12-20-23, pending; In re 59-PELRB-2023, PELRB 304-22). On November 1, 2024, the District Court reversed the Board's determination that PRNs were regular employees and denied the Union's emergency petition regarding bargaining (D-202-CV-2024-09660). On ***February 25, 2025, the Court of Appeals granted a writ of certiorari and placed the matter on their general calendar*** (Case No. A-1-CA-42271); as of 2-16-26, briefing is complete and the case has been submitted to a panel and is awaiting decision)

V. OTHER PELRB ACTIVITIES IN 2025

The PELRB's other activities, besides case processing and the administrative tasks needed to keep any State Agency running, included outreach and data collection; assisting and supporting local and national efforts related to ensuring collective bargaining rights; and staff and Board education and training.

A. Outreach and Data Collection

In early 2025, the PELRB gathered comprehensive data to measure the size, impact and nature of the New Mexico public sector collective bargaining community governed by the PEBA; as well as of the extent of the PELRB's jurisdiction and stakeholders.

Since then, we have updated our "Chief Spokespersons" lists for N.M. public bargaining; and also identified the contact information for ***over 300 other bargaining representatives*** working with the PEBA. That information is available on our website at https://www.pelrb.nm.gov/nm-public-bargaining/labor-relations-contacts/.

At the same time, we also gathered and updated PELRB information on existing bargaining units, and bargaining unit members. As of December 2025, there were ***over 60,000 public employees*** covered under a CBA, with bargaining units spanning approximately ***90 State and local employers across approximately 120 workplaces or agencies***. That information is also available on our website, and many of their collective bargaining agreements (CBAs) can be also be accessed through our website: https://www.pelrb.nm.gov/nm-public-bargaining/.

B. Other Activities in Aid of N.M. Public Collective Bargaining

In 2025, the PELRB Director was also able to serve constituents of the Albuquerque Labor Board, and other state, local and national labor professionals.

As described in Local Boards, supra, the Director, ***served as an ad hoc member of the Albuquerque Labor Board*** upon recusal of the Chair, the Hon. Ted Baca (ret.), in LB 25-07, *City of Albuquerque v. Miguel Tittman, in his official capacity, as President of International Association of Fire Fighters Local 244, Daniel P. Lewis, in his official capacity as an elected member of the Albuquerque City Counsel, et al.* In 2025, the Albuquerque Local Board heard and denied Respondent City Councilors' motion to dismiss on grounds of legislative immunity (the matter settled and was withdrawn on March 16, 2026, before the commencement of the hearing on the merits).

This was important work for the PELRB because, as discussed above, the PELRB lacks staffing and budget to handle a sudden influx of cases should the Albuquerque Board in particular fail.

Additionally, the Director was able to assist the larger labor relations community, which was negatively impacted by the ***March 2025 federal Executive Order that purported to gut or discontinue the Federal Mediation and Conciliation Service (FMCS).*** In *State of Rhode Island, et al. v. Donald J. Trump, in his official capacity as President of the U.S., et al.*, Case 1:25-cv-00128-JJM-LDA, United Dist. Ct. for the Dist. of R.I., the New Mexico Office of the Attorney General (AG) joined with approximately 18 other states to enjoin a March 2025 federal Executive Order that sought to gut the FMCS along with two other federal agencies.

As most practitioners will know, the FMCS is the premier provider of free and low-cost labor mediation and training in private and state/local government sectors, as well as for the federal government. As the National Academy of Arbitrators (NAA) pointed out in response to the EO,

> The FMCS punches well above its weight. With a tiny $55 million budget – less than 0.014% of the federal budget – it "delivers extraordinary outsized economic benefits," minimizing labor strife and encouraging industrial peace at a value that exceeds $500 million a year.

See Safeguarding Workplace Peace and the Future of the FMCS – Arbitration Info

Because of its importance within the labor relations community, its health and functioning are often of deep concern to NM public bargaining professionals. The PELRB received numerous calls in 2025 inquiring about the status of FMCS. Ultimately, the Director provided a Declaration upon request from the NM AG's office, in support of the R.I. FMCS lawsuit. It appears from the Court's decisions that the Declaration was helpful and persuasive to the Court in rendering first its Temporary Injunction in May 20205, and then the Permanent Injunction in November 2025.

However, the PELRB notes that the FMCS's long-term and even medium-term status still remains uncertain. PELRB Staff are informed that FMCS Staff and services have not been fully restored in general, or for NM public employers and employees. Additionally, such services may be further impaired when the FMCS's FY26 budget is finally approved.

As of December 31, 2025 (or today), the FMCS had not yet received Congressional approval for its FY26 budget, over which the Administration and the Senate sharply disagreed. The FMCS under the present Administration recommended $7.4 million, to close down the FMCS; but the Senate recommended in its $184.5 billion Labor, Health and Human Services, Education, and Related Agencies budget that the FMCS be maintained at its FY25 budget of $53.7 million. *See* Senate Bill at page 181 for FMCS's portion; *see also* House Appropriations Press Release noting the House Appropriation Committee's approval of the overall Labor, Health and Human Services, Education, and Related Agencies budget.

The PELRB will attempt to keeps its constituents apprised of FMCS operations and updates here: https://www.pelrb.nm.gov/operations/status-of-fmcs-as-of-12-11-2025/, and everyone is reminded to contact their federal representatives to relay any concerns they have about the FMCS's long-term health, funding, and functioning.

C. Staff and Board Education and Training

In June, the PELRB was able to send two Board members, their assigned Assistant AG, and the Executive Director to the Labor and Employment Relations Association's ***(LERA) 77th Annual Conference***, in Seattle, Washington. The theme was "Promoting Authentic Dialogue in Polarized Times" and, not surprisingly, the status of FMCS was on everyone's mind on the heels of the R.I. Preliminary Injunction. The Director received many kind thanks for her Declaration and assistance with the R.I. FMCS lawsuit, especially from the recently displaced FMCS Mediators.

In November, the Director was invited to moderate a panel for the American Bar Association (***ABA) Labor and Employment Law (LEL) Section's 19th Annual Conference*** in Denver, Colorado: "Public Sector Labor Law Primer", part of the LEL's "Fundamentals Track". Panelists included N.M.'s own, Dina Holcomb, Esq. of Holcomb Law Offices in Albuquerque, and also Rolanda Sudduth, Esq., of the Illinois Fraternal Order of Police Labor Council, Carol Stream, IL; and Joseph Slater, Esq., Distinguished University Professor and Eugene N. Balk Professor of Law and Values at the University of Toledo College of Law, Toledo OH.

As a government lawyer presenter or moderator, the ABA LEL reimbursed the Director's travel expenses so the Director's attendance and participation was cost-free for the PELRB. An additional benefit of both conferences was the Director being able to maintain and renew connections she has made over the past 20 years with various state and federal labor Agency personnel, Arbitrators and Advocates, who are excellent sources of information in labor trends.

Nonetheless, the PELRB's most exciting training/education investment in the Director's view has been the training up our 7+ year, legally trained (and formerly law-licensed) Legal Assistant, ***Matt Huchmala***, through the ***National Judicial College (NJC)***, so he can serve as Alternate Hearing Examiner.

Coming back to the PELRB in 2025, it quickly became clear to the new Director that the current case load and necessary executive functions cannot all be handled well by a single person, the Director. However, we are only approved for two FTEs, do not expect that to change any time in in the near future if ever, and lack budget to contract for outside hearing examiner services. That's where the NJC comes in! It offers extensive training for ALJs/Hearing Examiners throughout the nation, and it also offers many scholarships. The present Director, and former-Director Montoya were both alumni of the NJC, having completed their Judicial Skills Certification Programs for Administrative Law and Dispute Resolution.[9]

In August 2025, Hearing Examiner Huchmala concluded the two-week in-person Fair Hearing course, at the Reno, NV campus; and in October 2025, he concluded the 6-week on-line Evidence Course for ALJs. He obtained scholarships for both that amounted to about half of the registration and course fees. (He will also continue his NJC training into 2026, with mediation and decision-making courses, also scholarship-funded in part.)

D. Facilities and Infrastructure Improvements

We engaged in several big endeavors related to our facilities and infrastructure in 2025.

First, we completed the technology upgrades needed to conduct effective video and hybrid hearings and Board Meetings from our conference room. Going forward, the general PELRB preference will be to use Zoom to conduct monthly meetings and hearings involving out-of-town travel, as a cost-saving and environmental measure.

Next, we updated and modernized our website to make it more accessible and useful to constituent users. At the same time, we did a tremendous amount of background work needed to create and roll out a PELRB chat-bot in early 2026; and to obtain and implement a proposal for

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[9] The PELRB was much better funded in its early days. *See* Sec. VI, *infra*.

automated case-filing/management and calendaring software, by the end of FY26, that would require no additional operating costs than what the chat-bot itself requires.

The chat-bot is anticipated to be a huge benefit to Staff and users alike, in researching the voluminous body of PELRB Orders and PEBA related law available on our website. Sadly, no proposal for a case-filing/management/calendaring system could be offered to the PELRB at this time, based on our budgetary limitations. A sufficiently useful system would only have cost about $5,000/year to run but it would have required approximately $40,000 to build.

At present, almost the entirety of our budget is fully devoted to the very modest salaries obtained for FY27. *See* Sec. VI, *infra*. However, for FY28 and future years we will next seek additional budget for some sort of off-the-shelf law-firm docket management/calendaring software, as well as for increased salaries/staffing. *Id.*

On the plus side, the PELRB chat-bot is trialing very well; and we will be able to redirect the funds intended for further workflow-related IT development to additional NJC training for Alternate Hearing Examiner Huchmala in FY26.

Lastly, we made some modest improvements in our office furniture and art, the former from our small but well managed budget and the latter through loans from the Brown and Vaile-Brown collections of southwestern and New Mexican art. Here are a few more samples:

Oils on canvas, David Welch

Gauche on matt board, Douglas Johnson

Oil on canvas, Helmuth Naumer

VI. PERFORMANCE MEASURES MET BUT PELRB FACES CHALLENGES

As signaled at the outset, the PELRB does well all things considered, but it faces some significant challenges moving into the future.

Our present performance measures are (a) to have no more than 1% of its decisions overturned on appeal; and (b) to timely process 100% of PPCs, Representation Petitions, and Local Board matters within the relevant statutory and regulatory timeframes. In 2025, the PELRB was not reversed in any appeal, so it exceeded that performance measure. As to timely processing, all regulatory deadlines were timely and properly extended pursuant to NMAC 11.21.1.31, and no statutory deadlines were implicated, so that the PELRB met 100% of its statutory and regulatory timeframes.

Additionally, as many practitioners know, the PELRB has maintained its traditional practice of aiming to resolve matters within "180 days" or six (6) calendar months of filing. As shown in Appendix B, Tables 3-4, 81% of cases were closed within six (6) calendar months; and most of the cases that exceeded six-months involved motion practice and/or an evidentiary hearing. *See* Sec. III, and Appx. B, Table.

There are cracks, however. For instance, we have never been able to meet our strategic goals or prior broad vision statement[10] , despite dutifully pasting them each year into our budget requests and annual reports. The FY27 and prior goals and strategies are summarized as follows:

- Program Goal 1: Scheduling hearings; providing timely notice processing the business of the Board", through continued use of a centralized calendar system, tickler systems, routinized calendaring processes; and continuing "to hold hearings as needed upon request of the Board for the purposes of information gathering and inquiry, [and] adopting rules…"
- Program Goal 2: "[I]mprove the Board's website", through weekly updates of the PELRB calendar; regular posting of Board Meeting Notices, Agendas, Minutes and Board Orders; making posted forms interactive; and posting of judicial decisions reviewing Board Orders, when the Courts or Parties provide the PELRB with that information."
- Program Goal 3: "[M]onitor developing trends as expressed in decisions by local labor boards, the National Labor Relations Board and the Federal Labor Relations Authority", as well as "ensuring local board compliance with PEBA requirements", through National Judicial College course attendance by the Director and one or more members of the Board; Agency membership in the two premier and relevant professional associations, the Association of Labor Relations Agencies (ALRA) and the Labor and Employment Relations Association (LERA); and maintaining Agency subscription to The New Mexico Labor Letter and any ALRA and LERA newsletters, and its sharing of relevant information therein with members of the Board by email.
- Program Goal 4: "Conduct interagency training on application of the Public Employee Bargaining Act as needed and as time and budget permits…", through updating a basic PowerPoint presentation outlining PEBA's provisions, and presenting to constituents on that and on PELRB case statistics at periodic seminars arranged by the PELRB, or upon speaking invitations from others.
- Program Goal 5: "Improve Staff and Board training", through training for the Administrative Assistant to develop competence in various relevant office software; and, time and budget permitting, Director and Board attendance at National Judicial College courses related to administrative law judiciary skills and ADR skills training.

See 2020-2023 Annual Reports, Appendices.

Program Goals 1 through 2 are highly relevant and constitute the bulk of our daily operations. However, there is simply inadequate staffing or budget to meet the other three (3) strategic goals regularly or consistently, if at all. This will be particularly true moving forward, as the vast majority of our budget is redirected to remedying non-competitive salaries. As such, those

[10] The PELRB's previous Vision statement read as follows: "The Agency will become the leading collective expert on public employee bargaining in New Mexico, the preferred source for the resolution of labor/management disputes, and the recognized clearinghouse for information on pending issues and developing trends in labor law in order to promote 'harmonious and cooperative relationships between the public employers and public employees.'" *Cf.* Vision Statement, *supra*, pp. 1-2.

Strategic Goals will be disregarded for FY27, and discontinued in future budget requests and Annual Reports.

From 2004 through the end of 2009, the PELRB had three (3) FTEs. Although the Deputy Director position was excised as no longer warranted based on our declining case load, Staff posits that this was short-sighted in the long run. Having been the Deputy Director at the time, the present Executive Director can attest that the third FTE position enabled the PELRB to develop a Keyword Index, a PELRB Practice Manual, and statistical templates and data, documents in 2009, which the PELRB continues to use and build upon today. Now that the PELRB has only two FTEs, however, the PELRB's Keyword Index and Practice Manual remain several years out of date, and other outreach and training remains undone. We were also unable to initiate rulemaking in 2025, despite the incoming Director's early high hopes. We also had several requests for training, but we are regrettably unable to provide training at this time due to staffing limitations and our case load.[11] Additionally, we risk improper *ex parte* contacts due to limited staffing, because both FTEs must answer the phones and emails; and our records retention burden is heightened because all or most communications are to or from the Director, who is an Agency Head.

We face other obstacles, besides staffing, namely: salaries and budget. As noted above, our case load increased by 30%. At the same time, Staff have long been paid below mid-point[12]. The Director made it a point to obtain Staff raises in FY27. However, this was a flat budget year, so it came from existing budget. As a result, the raise will still leave Staff paid below mid-point, and it will come at a steep cost. Specifically, the FY27 raise will leave the PELRB with only approximately $2,600.00 for all "discretionary" or unencumbered spending for FY27, including pens, paper, toner, postage, Board and Staff travel and per diem, etc.

The low pay and cramped budget, moreover, have been a problem for many years. Beginning in about 2010, as former-Director Montoya reports, the PELRB's budget was cut several times across the board, in addition to the defunding the third FTE position. Since then, while the Agency has had some budget increases greater than the cost of living or CPI, it has also had flat-budget years. On balance, the Agency's budget has not kept up with inflation or its

[11] As the Director has informed inquirers, we can and are happy to speak at labor law engagements upon invitation. We just lack the staffing, budget and other resources to organize and host such training, and put together substantive materials, in addition to our day-to-day work.

[12] The average of the salary range for comparably engaged State employees.

increasing case load. One result is that Mr. Huchmala is required to wear many hats, including Alternate Hearing Examiner, to keep operations going. *See* Note 3. Another is that the Director is required to perform up to approximately 8 hours of uncompensated overtime a week, although she took a significant decrease in pay to accept the position.[13] Facts and circumstances such as these create serious hiring and retention issues for any agency or employer.

Because of these facts and circumstances, the PELRB's strategic goals, beyond processing cases and handling ordinary executive/administrative functions, must focus on increasing our salaries and budget, and obtaining more staffing and technologies that can assist us in our workflow. Our Strategic Goals will, accordingly, be re-written for the FY28 budget request.

In the 2024 Report, the Director expressed the belief that we were still appropriately staffed and funded, although just barely. After managing the Agency for a year, the Director reverses and corrects herself. Upon further study, it is clear that the PELRB needs to, at a minimum and in this order of priority: (1) significantly increase the pay of its existing FTEs to well-above the average of pay typical for their work, given the high level legal work involved; (2) receive funding for a new full- or part-time administrative Assistant; and (3) obtain funding for the creation and maintenance of automated phone[14] and case-management/calendaring systems.

However, because our budget is so small compared to the overall State budget, we will more likely than not only ever be on the "consent agenda" for legislative committee hearings, and our DFA and LFC analysts will therefore determine what our budget shall be. This means that we will likely never have an opportunity to advocate for our needs, outside of these Annual Reports. Instead, we must rely on our lobbying-minded constituents to speak up for our work and in support of our budget requests, if they desire a well-funded, well-trained labor board that is able and ready to promptly hear and resolve all disputes as they arise. Consider this our ask, for that assistance.

[13] The position generated few responses and had to be re-advertised. The Director's acceptance reflected her unique and personal situation. She was ready to move back to New Mexico from Yuma, Colorado after the passing of family there, and she desired to slow down her arbitration practice which was so successful in large part because of the excellent skills and training acquired while employed as the Deputy Director and Hearing Examiner, when the PELRB's budget was much flusher. Thus, she is motivated in part by a debt of gratitude, and it cannot be presumed that the salary is competitive just because accepted.

[14] Staff estimates that approximately 50-60% of our telephone callers are seeking a different state agency related to employment issues, and the majority of those are private sector employees with wage and hour claims.

Performance Measures Summary

P738 Public Employees Labor Relations Board

Purpose: The purpose of the public employee labor relations board program is to ensure all state and local public body employees have the option to organize and bargain collectively with their employer.

Performance Measures:		2024-25 Actual	2025-26 Actual	2026-27 Budget	2027-28 Request	2027-28 Recomm
Outcome	Percent of determinations of approval of local labor relations boards, bargaining unit recognition petitions and prohibited practice complaints processed and completed within the applicable regulatory deadlines	200%	99%	100%	100%	
Explanatory	Percent of decisions overturned on appeal	20%	10%	N/A	N/A	

Agency: 37900 Public Employee Labor Relations Board

Program: P738 Public Employees Labor Relations Board

The purpose of the public employee labor relations board program is to ensure all state and local public body employees have the option to organize and bargain collectively with their employer.

Performance Measures:		2025-26 Target	2025-26 Result	Met Target	Year End Result Narrative
Explanatory	Percent of decisions overturned on appeal	N/A	10%	N/A	In FY26, the Agency was reversed in part in one (1) of nine (9) judicial appeals resolved, resulting in a 10% reversal rate. Because the Agency handles complex and often unsettled areas of New Mexico public labor law, appeal outcomes can vary significantly from year to year. The relatively small number of appeals also means that a single reversal can have a substantial statistical impact on this measure. Please see the attached documentation for additional information and historical reversal rates.
Outcome	Percent of determinations of approval of local labor relations boards, bargaining unit recognition petitions and prohibited practice complaints processed and completed within the applicable regulatory deadlines	100%	99%	No	In FY26, approximately 99% of Agency cases were processed timely. Of an estimated 158 relevant deadlines, only two were missed, representing approximately 1% of the total. The Agency manages complex, multi-layered deadlines that may be extended for cause. Please see the attached documentation for additional details regarding case processing and deadlines.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD
STRATEGIC PLAN FY27[1]
AGENCY 37900

I. **Vision Statement** - The Public Employee Labor Relations Agency (PELRB) will continue to timely process Prohibited Practice Complaints (PPCs or Complaints) and Representation Petitions (Petitions) filed with it pursuant to the New Mexico Public Employee Bargaining Act (PEBA), (§§ 10-7E-1 through 10-7E-26 NMSA 1978); affirmatively promote early resolution of disputes pending before us at the lowest level of disruption; afford constitutional due process to all litigants; avoid reversal upon judicial review; and timely publish, summarize, index and digest governing decisional law (PELRB Orders and judicial decisions on appellate review) and information on Agency operations (Annual Reports). Subject to staffing and budget limitations, it shall also conduct outreach, surveys, and training for constituent Labor and Management Representatives, Board Members and/or Staff. Through these efforts, the PELRB shall promote "harmonious and cooperative relationships between public employers and public employees" as mandated under PEBA. *See* § 10-7E-2.

II. **Mission Statement** – In 2003, the PEBA reinstated collective bargaining for public employees after the former public employee collective bargaining law expired in 1999; and the Act was substantially revised again in 2020. As the Agency responsible for enforcing PEBA, the PELRB has authority over all general collective bargaining matters between public employee labor organizations or individual public employees under the Act not subject to a local labor management relations board ("local board"); and it also supports and monitors the three (3) remaining local boards still in effect since the 2020 amendments. Pursuant to Section 2 of PEBA, the PELRB's mission is to "guarantee public employees the right to organize and bargain collectively with their employers"; "promote harmonious and cooperative relationships between public employers and employees"; and "protect the public interest by assuring the orderly operation and functioning of the state and its political subdivisions". It primarily does this by processing and/or adjudicating PPCS and Petitions, including through timely case management, holding conferences and hearings, and monitoring the biennial certification of a local board's continuing compliance with PEBA as amended in 2020. The PELRB also supports New Mexico constituents in public labor relations matters more broadly, such as by collecting information on public bargaining in New Mexico and elsewhere; and providing information by affidavit in support of federal litigation by the New Mexico Attorney General and other AGs, in defense of the funding and operation of the Federal Mediation and Conciliation Service (FMCS). It has also supported local boards in the past by serving on an ad hoc basis upon conflict and recusal of a local board Member. *See* City of Albuquerque Labor-Management Relations Board, Case No. 25-07, *City of Albuquerque v. Tittman, IAFF Local 244, Lewis, et al.* (5/9/2025 Limited Appointment of Pilar Vaile to the City of Albuquerque Labor-Management Relations Board).

[11] This edition represents a marked departure and update from prior years' boiler plate, as the Strategic Plan now recognizes that publishing, digesting and indexing relevant decisional law, and production of an accurate and useful Annual Report, Digest, and Practice Manual are part of the Agency's core duties, not secondary or tertiary ones; it eliminates the unattainable goal of being the NM "leader" or "go-to course" for national labor relations trends and issues; and it minimizes the promises made as to unfunded secondary and tertiary goals.

III. **Program Purposes** – As one of the State's two smallest agencies, staff and budget-wise, the PELRB has only one budgeted purpose: to fulfill its statutory and regulatory mission and responsibilities as outlined in Section 2 of PEBA and elsewhere, and summarized above. That purpose will be achieved by accomplishing the following Program Goals, to the extent funded.

IV. **Program Goals** – Given our statutory/regulatory mandates and limited staff and budget, the twin primary goals of the Agency and this Strategic Plan must always be to (1) meet the continuing needs to promptly schedule hearings and provide involved litigants with timely notice of hearings and related deadlines, and (2) timely process the Board's day-to-day business, such as posting, indexing and digesting resultant decisional law; paying its bills; annually submitting and/or reporting on our fiscal budget, performance measures, and annual operations; successfully conducting and passing an annual audit; exercising sound budget control throughout the fiscal year; undergoing the required annual training for Executive Heads and Staff; and fielding daily requests for information and/or record items from litigants and individuals with general labor or unrelated employment law questions.

The twin goals are frankly challenging given our limited funding and staffing, but the PELRB has historically also listed out three to four additional secondary or tertiary goals each year, with the proviso that their attainment was subject to staffing and budgetary constraints.

Commencing in FY2026, to assist in managing the Executive Director's ("Director's") volume of work, some Alternate Hearing Examiner functions were assigned to the underutilized, legally trained, and formerly law licensed Legal Assistant II ("Assistant"), who has been with the Agency for seven plus (7+) years. The PELRB has also funded rigorous training for him through the National Judicial College throughout FY26 and part of FY27, so he can be competent and effective in this role.

With the resultant modest lightening of the Director's workload, she can now focus much needed attention on Agency Head level organizational work that is associated with the second of the twin primary goals, and any other secondary or tertiary goals that may be funded, while avoiding contractor costs that cannot be realistically planned or controlled given the variable nature of legal disputes.

The type of higher level or Agency Head organization work at issue include such things as the production of an accurate and reader-friendly Annual Report of PELRB operations, timely and effective updates of the PELRB Digest and Practice Manual, pursuit of desperately needed salary increases, etc. The additional goals traditionally included such things as improving the website, engaging in outreach and training, and monitoring labor trends in New Mexico and/or the nation.

In FY26, the PELRB invested considerable portions of its budget and staff hours to website updates, design and implementation of a Chatbot to navigate the PELRB's voluminous law, regulation and decisional law; and the publishing and digesting of that decisional law, which had been backlogged for many years. In FY27, the PELRB will be largely unable to fund any secondary or tertiary goals because in FY27 it transferred all discretionary category 300 and 400 funds to fund a modest but desperately needed salary increase for PELRB Staff, who have been paid below the mid-point for many years, and were thereby raised to almost mid-point. Luckily, however, looking ahead to this in FY26, the PELRB had already made the investments just described, so we are briefly caught up on some of our largest and neediest goals and projects, and we will turn next to updating PELRB rules and our internal practice manual, which are low- or no-cost functions aside from staff hours that will prepare the PELRB for future staff transitions.

FY27 Goals, objectives and measures are outlined below.

V. **Objectives Specific to Each Goal**

- **Goal 1: Timely Resolving and/or Adjudicating PPCs and Petitions, and Conducting Day-to-Day Agency Operations**
  - Objectives:
    a. The Agency shall: (1) hold timely hearings and make inquiries necessary to carry out its functions and duties; (2) conduct studies on problems pertaining to employee-employer relations; and (3) request from public employers and labor organizations the information and data necessary to carry out the PELRB's functions and responsibilities. *See* NMSA § 10-7E-9(B). Additionally, the PELRB shall meet its numerous other operational obligations arising under other State laws.
    b. In every disputed PPC or Representation matter, the Agency must hold at least a Status and Scheduling Conference. *See* NMAC 11.1.16(A). This is a vital feature of Agency case processing, as it promotes early settlement at the lowest level of resolution. Thereafter, within thirty business days of a disagreement or question arising concerning a Representation Petition or within forty-five business days of the filing of a PPC (unless extended for cause), the Board or Local Board or their designee shall hold an evidentiary hearing. *See* NMSA § 10-7E-13(B) (Representation hearings within 30 days); NMAC 11.21.1.18 (computation of time as business days), NMAC 11.21.3.14 (for a PPC, an evidentiary hearing shall be scheduled within 45 days of the PPC's filing); and NMAC 11.21.1.19 and 11.21.1.31 (extending deadlines for cause unless set by statute).
    c. Aside from timely processing matters pursuant to statutory and regulatory requirements, the Agency must also, (i) as an adjudicative agency, create and maintain accessible indexes and digests of its resultant decisional law as required under NMAC 11.21.1.30 and consistent with due process, and (ii) as a tax-funded entity, maintain ordinary executive Agency operations as required under a host of New Mexico statutes related to the budget, audits, accounting, staff oversight, etc.
  - Strategies/Tasks for accomplishing the objective:
    a. The PELRB has established a shared, centralized calendaring and tickler system, and routine internal procedures, for maintaining various deadlines and the Agency's hearing calendar.
    b. The Agency will continue to hold hearings as required by the deadlines set in statute and the Board's rules, as well as maintain proper records of all proceedings before the Board, including the "record proper" of any matters subject to judicial review.
    c. In FY27, the PELRB will explore and implement appropriate case management software that DoIT informs the Agency is available free of charge, to further assist in case and calendar management.

- Applicable FY27 Performance Measures:
    a. Percent of Local Board re-certification requests, Complaints, Petitions processed and completed within the applicable deadlines – Target 100%.
    b. Percent of decisions overturned on appeal – Explanatory Measure

- **Goal 2: Ongoing Improvement of the Board's Website to Enhance Client Access and Utility**
  - Objectives:
    a. In FY26, the PELRB invested considerable budget and staffing hours towards making substantial improvements to its website accessibility, addressing both language and vision accessibility, and the due process right of accessible governing law; and the design and implementation of a PELRB Chatbot. The Agency shall maintain that investment by continuing to promptly post, digest and index relevant decisional law on the website, and by promptly and accurately updating and publishing the PEBA Decisional Law Digest and the PELRB Practice Manual, and Annual Report on operations as part of its core functions going forward. (Revised editions of the Digest and Practice Manual shall be published in September 2027, staffing and workload permitting.)
  - Strategies/Tasks for accomplishing the objective:
    a. Board Agendas, Draft Minutes, Final Minutes, and Resolutions, Decisions or "Orders" are generally posted on the website within a week of their execution.
    b. With the aid of calendar and tickler systems, case statistics are manually collated and sorted, and published annually, as part of the Agency's Annual Report (published within the first quarter of the calendar year).
    c. Should adequate additional funds become available in the future, Staff will revisit its FY26 research into utilizing AI-assisted workflows to reduce the Staff hours required to update the PELRB's voluminous online statistical and contact data, decisional law, and legal and research materials, to better meet our clients' need for real-time information by speeding up the timeframe in which our website's substantive content can be updated. (FY26 estimates from Real Time Solutions, our current website contractor, were prohibitively expensive at $40,000-$50,000 for development, and $5,000-$10,00 for annual operation and maintenance.)
  - Applicable FY24 Performance Measures:
    a. There is no specific performance measure associated with this goal and objective. It will be self-evident whether this goal has been achieved.

- **Goal 3: Improve Staff and Board Education and Training**
  - Objectives:
    a. It is imperative to the PELRB's mission that Staff and Board Members develop expertise in the substantive law of public employee bargaining and administrative law generally, as well as the requirements of PEBA specifically; and in the appropriate and competent handling of day-to-day operations as a tax-funded entity. The former is necessary to ensure our statutory purpose of providing fair hearings and to maximize the percentage of Board decisions affirmed on appeal, while the latter is necessary to "keep our doors open" and maintain public trust.

- Strategies/Tasks for accomplishing the objective:
  a. Responsible Staff should be fully trained in the software programs, equipment, and processes needed to complete the tasks necessary to accomplish each of the goals referenced herein. The Agency has identified a variety of relevant and free or cost-effective training opportunities and will pursue these training opportunities as needed, and budget and time permitting.
  b. Legal decision makers (*e.g.*, Hearing Examiners and Board Members) should be fully trained in the basic principles of administrative and labor law, and appellate review standards. When the budget permits, the Hearing Examiners and one or more Board Members should attend training through such organizations as LERA, the NJC, the Association of Labor Relations Agencies (ALRA), and/or the National Academy of Arbitrators Labor-Management Relations Training Conference, to increase proficiency as Administrative Law Judges issuing binding legal decisions in the area of labor relations. Additionally, if budget allows, the Agency should maintain the Board's membership in the Association of Labor Relations Agencies (ALRA) and/or the Labor and Employment Relations Association (LERA).
  c. Due to Agency's overall poor funding, and the FY27 transfer of category 300 and 400 funds to category 200 to fund a modest but desperately needed salary increase, however, the Agency largely lacks budgetary funds to either fund additional membership dues or provide adequately rigorous legal training for both Hearing Examiners or all three Board Members. It is hoped that we can fund one adequate and meaningful training for at least one Staff or Board Member in the second half of FY27.
- Applicable FY27 Performance Measures:
  a. There is no specific performance measure associated with this goal and objective. It will be self-evident whether this goal has been achieved.

- **Goal 4: Conduct Client/Constituent Outreach, Information Gathering, and Training**
  - Objective:
    a. Pursuant to NMSA § 10-7E-9(B)(2), one of the PELRB's duties is to conduct constituent outreach and studies on problems pertaining to employee-employer relations, including soliciting relevant information from public employers and labor organizations. This objective is to anticipate New Mexico labor trends and educate the Agency about them in order to be prepared to modify our procedural rules if necessary; and to remain informed about general labor cases and trends across NM and the nation, in order to make better decisions as issues are brought before the PELRB.
    b. Additionally, the PELRB should ideally conduct occasional or annual free training for labor and management representatives on the current an/or current meaning and application of the Public Employee Bargaining Act.
  - Strategies/Tasks for accomplishing the objective:
    a. Due to workload and staffing limitations relative to addressing the PELRB's twin primary goals, Staff lacks capacity to organize or host trainings, and only undertakes surveys or information gathering when the need to do so is significant and apparent, such as for the information collected and provided via affidavit in FY26 in relation to *State of Rhode Island, et al. v. President Donal J. Trump, et al.*, U.S. Dist. Ct., Dist. of RI Case No. 1:25-cv-00128-JJM-LDA, to defend the

availability of mediation and arbitration services through the Federal Mediation and Conciliation Service (FMCS).

b. Staff has invited stakeholder inquiring about PELRB training to invite a PELRB representative to speak at their PEBA or labor-related gatherings, and it remains available for such "low-" or "no-cost" invitations.

- Applicable FY27 Performance Measures:
  a. There is no specific performance measure associated with this goal and objective. It will be self-evident whether this goal has been achieved.

VI. **Conclusion:**

This plan supports the PELRB's twin primary goals of processing cases and managing day-to-day operations, to meet its essential mission of "to guarantee public employees the right to organize and bargain collectively with their employers" by ensuring fair, adequate, and timely hearings and providing a built-in forum and opportunity to settle disputes early and amicably. The plan also supports the Agency's secondary and tertiary missions to the extent funded, "to promote harmonious and cooperative relations between public employers and public employees and to protect the public interest", by identifying the limited instances for how or where secondary and tertiary goals can be achieved in the face of a small and underpaid workforce and heavy workloads.