
From: Public Comment
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To: Katherine Bruch; Jay Block; Michael Meek; Dave Heil; Kenneth Eichwald; Dianne Maes; Robin S. Hammer; Michael P. Jaramillo
Subject: Public Comment for 03/19/2020 Meeting

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Comments:

Public Comment – Sandoval County Commission

If you didn't know already, at the conclusion of this year's legislative session, the Governor signed House Bill 364 (as amended in committee) into law. The Bill enacted changes to the Public Employee Bargaining Act ("PEBA"), NMSA 1978, Section 10-7E-1 to -26, which governs collective bargaining and labor relations for public employees. The new law goes into effect on July 1st of this year.

A copy of HB 364, as enacted, is available at the Public Employee Labor Relations Board's ("PELRB" or "State Labor Board") website: <https://www.pelrb.state.nm.us>

Previously, PEBA allowed local governments to establish local labor boards by way of ordinance, subject to certain conditions and general compliance with the rights afforded by State law for public employees to organize and collectively bargain with their employers over wages, hours, and working conditions.

Sandoval County has a local labor board.

HB 364 amends PEBA in several respects, but most notably by abolishing and terminating local labor boards by January 1, 2021, unless a local government:

- (1) affirmatively requests to maintain their local labor board;
- (2) participates in exacting and recurring reporting requirements to the State Labor Board;
- (3) revises its local labor-management relations ordinance to meet or exceed the employee rights provided in PEBA, as now amended;
- (4) publishes and maintains its current rules on the State Labor Board's website; and
- (5) obtains written consent from each labor organization (NMCPSO – Sheriff's Department; AFSCME – Detention Center; IAFF – Fire Department; etc.) that it also chooses to continue to operate under a local labor board every two (2) years.

Additionally, no new local labor boards may be created; and, any local labor boards that do continue to exist by meeting the requirements just stated above will cease to exist if they fail to meet any continuing requirements imposed by PEBA in the future, including a vacancy of one or more local labor board members for a period of 60 days or more.

In 2014, I filed a labor complaint with Sandoval County's local labor board. At a hearing, one of the Board members told me that my complaint sounded like it should be filed and heard before the National Labor Relations Board ("NLRB"), a federal agency, instead of the County's labor board.

I explained, without success, that collective bargaining for public employees was governed by PEBA and the County's local labor ordinance; and was forced to file a lawsuit, increasing the costs for all parties involved.

For reasons just like this, PEBA was amended to ensure that the rights of public employees and the actions by public employers are determined by qualified professionals at the State Labor Board, rather than by political appointees of local governments who ordinarily do not have any specific experience or expertise in labor relations.

I applaud the legislature for their work, and I encourage the County Commission to terminate their local labor board.

For notice, both now and in the future, please be advised that the New Mexico Coalition of Public Safety Officers ("NMCP SO") does not consent to continue operations under the County's local labor board.

Respectfully,

Adrian Terry, Esq.
Attorney for NMCP SO