



# Doña Ana County Labor Management Relations Board



**PRESENTED BY:**

**ADREN ROBERT NANCE  
NANCE, PATO & STOUT, LLC**

# Labor Management Relations Board



- Firm specializes in New Mexico Local Government Law representing Counties & Municipalities
- Firm has been retained by DAC since 2010 to represent the Doña Ana County Labor Management Relations Board in performing its duties
- Under the Public Employee Bargaining Act (PEBA) NMSA 1978, Section 10-7E-1- Labor Relations are regulated & aided by either the State Board or a Local Board

# Labor Management Relations Board



- **Local Board**
  - Created by Board of County Commissioners by adoption of Ordinance 215-04
- **Purpose of Public Employee Bargaining Act (PEBA)**
  - To guarantee public employees the right to organize & bargain collectively with their employers
  - To promote harmonious & cooperative relationships between public employers & public employees
  - To protect the public interest by ensuring, at all times, the orderly operation & functioning of the state & its political subdivisions.

# Labor Management Relations Board



- **Makeup of the Board: Per 10-7E-2:**
  - **3 members appointed by Commission**
    - ✦ **1 member on the recommendation of individuals representing labor**
    - ✦ **1 member on the recommendation of individuals representing management**
    - ✦ **1 member shall be appointed on the recommendation of the first two appointees**

# Labor Management Relations Board



- **Eligibility for Board Membership:**
  - Cannot seek or hold political office
  - Cannot be an employee of a union or an organization representing public employees or public employers
- **Members are not paid but do receive per diem and mileage**
- **Term is for 1 year**
- **Members continue to hold the office until successor is qualified per NM Const. Art. XX § 2**

# Labor Management Relations Board



- **Duties:**
  - The local board shall promulgate rules necessary to accomplish & perform its functions & duties as established in the Public Employee Bargaining Act, including the establishment of procedures for:
    - ✦ (1) the designation of appropriate bargaining units;
    - ✦ (2) the selection, certification and decertification of exclusive representatives; and
    - ✦ (3) the filing of, hearing on & determination of complaints of prohibited practices (PPCs)

# Labor Management Relations Board



- **Powers:**

- (1) hold hearings & make inquiries necessary to carry out its functions & duties;
- (2) request information & data from public employers & labor organizations to carry out the local board's functions & responsibilities; and
- (3) hire personnel or contract with third parties as the appropriate governing body deems necessary to assist the local board in carrying out its functions

# Labor Management Relations Board



- Meetings are made & held pursuant to the Open Meetings Act, Section 10-15-1 et seq.
- All meetings are public meetings
- Decisions must be made in public
- Deliberations on cases may be in executive session
- Cannot meet to discuss Board business outside of public meetings
- Generally the Board will meet twice annually or as needed to hold hearings

# Labor Management Relations Board



- During hearings the Board serves as a quasi judicial body, which means that it acts as a judge generally following judicial standards of behavior
- Types of PPC's heard:
  - Discrimination or Retaliation
  - Interference
  - Duty to Bargain in Good Faith
  - Failure to Follow the Contract

# Labor Management Relations Board



- **Employer Prohibited Practices:**
  - **A public employer or his representative shall not:**
    - ✦ **A. discriminate against a public employee with regard to terms & conditions of employment because of the employee's membership in a labor organization;**
    - ✦ **B. interfere with, restrain or coerce a public employee in the exercise of a right guaranteed pursuant to the Public Employee Bargaining Act;**
    - ✦ **C. dominate or interfere in the formation, existence or administration of a labor organization;**
    - ✦ **D. discriminate in regard to hiring, tenure or a term or condition of employment in order to encourage or discourage membership in a labor organization;**

# Labor Management Relations Board



- **Employer Prohibited Practices (continued):**
  - **A public employer or his representative shall not:**
    - ✦ E. discharge or otherwise discriminate against a public employee because he has signed or filed an affidavit, petition, grievance or complaint or given information or testimony pursuant to the provisions of the Public Employee Bargaining Act or because a public employee is forming, joining or choosing to be represented by a labor organization;
    - ✦ F. refuse to bargain collectively in good faith with the exclusive representative;
    - ✦ G. refuse or fail to comply with a provision of the Public Employee Bargaining Act or board rule; or
    - ✦ H. refuse or fail to comply with a collective bargaining agreement.

# Labor Management Relations Board



- **Employee Prohibited Practices:**
  - A public employee or labor organization or its representative shall not:
    - ✦ A. discriminate against a public employee with regard to labor organization membership because of race, color, religion, creed, age, sex or national origin;
    - ✦ B. interfere with, restrain or coerce any public employee in the exercise of a right guaranteed pursuant to the provisions of the Public Employee Bargaining Act;
    - ✦ C. refuse to bargain collectively in good faith with a public employer;

# Labor Management Relations Board



- A public employee or labor organization or its representative shall not (continued):
  - ✦ D. refuse or fail to comply with a collective bargaining or other agreement with the public employer;
  - ✦ E. refuse or fail to comply with a provision of the Public Employee Bargaining Act; or
  - ✦ F. picket homes or private businesses of elected officials or public employees

# Labor Management Relations Board



- **Remedies:**
  - Lockout or Strikes are Prohibited
  - Injunctions (requiring to change behavior)
  - Removal of Documents from a File
  - Award Backpay
  - Decertification
- **Board does not determine negotiation disputes (impasse resolutions), an Arbitrator selects a final contract**

# Labor Management Relations Board



- **Certification or Decertification**
- **Oversee Interest Cards**
- **Determine Appropriate Units**
- **Oversee Election**
- **Certify Election**

# Labor Management Relations Board



- **First Meeting of the Year LMRB will:**
  - Approve an Open Meetings Act Resolution
  - Appoint a Chairperson and Vice Chairperson
  - Discuss other pending business

# Labor Management Relations Board



If you are interested in applying, please submit the following to Cindy Capanna, HR Administrator, DAC Human Resources Department, by 5:00 p.m., June 6:

- Letter of interest stating the position for which you are applying
- Resume
- Three (3) current letters of reference
- LMRB Application

# Labor Management Relations Board



# Questions?

## Contact Information

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