

# 9-PELRB-2023

## STATE OF NEW MEXICO PUBLIC EMPLOYEES LABOR RELATIONS BOARD

**UNITED HEALTH PROFESSIONALS  
OF NEW MEXICO, AFT, AFL-CIO,**

**Petitioner,**

**and**

**PELRB No. 304-22**

**UNIVERSITY OF NEW MEXICO SANDOVAL  
REGIONAL MEDICAL CENTER,**

**Respondent.**

### **ORDER**

**THIS MATTER** comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on February 7, 2023 upon a Motion by University of New Mexico Sandoval Regional Medical Center to strike card check results as premature and invalid, and its request to remove review of the card check results, finding sufficient majority support so that a Certification of Representation should issue, from the Board's agenda. The Board heard argument of counsel, Stephen Curtice of Youtz & Valdez, P.C. appearing for the Union, UNPNM and Melissa Kountz, appearing on behalf of the Employer, UNM SRMC. After review of the submissions and considering argument of Counsel, the Board voted 2-0 as follows:

1. No objection to the card check pursuant to NMAC 11.21.2.34 was timely filed in this case, the Executive Director's card check was not premature nor invalid, so that UNM SRMC's request to remove review of the card check results from the Board's February 7, 2023 agenda is without merit.

## 9-PELRB-2023

2. The Board ratifies and affirms the Executive Director's Card Check Results Report issued January 19, 2023 and the Certification of Representation resulting therefrom.

**WHEREFORE**, UNM SRMC's Motion is hereby DENIED and the Certification of representation AFFIRMED.

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

*Nan Nash*

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NAN NASH, BOARD CHAIR

2/15/2023

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DATE

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**RESULTS OF CARD CHECK**

On Wednesday, January 18, 2023, pursuant to NMAC 11.21.2.33, after resolving all unit composition issues and challenges to the validity of interest cards submitted by the union, and after the expiration of the intervention period, there being no intervention filed, the union's showing of interest was compared with the employee list provided by the employer. The following is the result of that comparison:

1.	Total Number of Employees in Bargaining Unit	<u>414</u>
2.	50% of Employees in Bargaining Unit Equals:	<u>207</u>
3.	Total Interest Cards Indicating Support	<u>211</u>
4.	Number of Challenged Cards Rejected By Director	<u>88</u>
5.	Percent of Employees in Bargaining Unit indicating support	<u>50.96%</u>

**WHEREFORE**, the showing of interest demonstrates majority support for United Health Professionals of New Mexico, AFT so that certification of its recognition as the exclusive representative of the unit in question shall issue.

  
\_\_\_\_\_  
Thomas J. Griego, Executive Director

Date: January 19, 2023

# State of New Mexico

## Public Employee Labor Relations Board

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### Certification of Representation

The undersigned hereby certifies that **United Health Professionals of New Mexico, AFT, AFL-CIO (Union)** has demonstrated a sufficient basis such that it should be recognized as the exclusive bargaining representative for those employees in the following bargaining unit comprised of employees of the **University of New Mexico Sandoval Regional Medical Center (SRMC)**:

**Case Managers, Clinic Techs, CT Techs, Dietitians, EEG Techs, Emergency Medical Techs, Interventional Radiology Techs, Licensed Clinical Social Workers, Medical Assistants, Mammography Techs, MRI Techs, Nuclear Medical Techs, Occupational Therapists, Paramedics, Patient Care Techs, Pharmacists, PSG Techs, Physical Therapists, Physical Therapy Assistants, Radiological Techs, Registered Nurses, Rehabilitation Techs, Respiratory Therapists, Respiratory Therapy Assistants, Sleep Lab Techs, Social Workers, Special Procedures Techs, Unit Based Educators, Urology Techs, Ortho/Casting Techs, Anesthesia Techs, Cardiology Techs, Speech Language Pathologists, Sterile Processing Techs, Surgical Techs, Techs, Ultrasound Techs, X-Ray Techs, including House Supervisors, Charge Nurses, Lead positions and per diem positions (PRNs) employed in any of the above positions.**

The undersigned makes this certification based on the following:

1. By a Petition filed **May 18, 2022** the Union informed **SRMC** that it was prepared to demonstrate sufficient support among employees in the unit for its recognition as the exclusive collective bargaining representative for those employees.
2. On **May 19, 2022** the Board's Executive Director determined that the Petition was facially valid and that a preliminary review demonstrated a sufficient showing of interest to proceed with a card check or an election.
3. SRMC filed its Statement of Issues on **June 3, 2022** contesting per diem (PRN) employees, House Supervisors, Charge Nurses and Lead positions being included in the bargaining unit.
4. On **July 26, 2022**, SRMC provided a copy of a putative unit employee list, showing 414 employees in the unit, thereby confirming the preliminary finding of sufficiency and on **August 3, 2022** the Executive Director held a hearing on appropriate unit composition. The Director's Report following that hearing was issued on **August 23, 2022**, which decision was reviewed by the Board at a Special Meeting convened for that purpose on **November 19, 2022**.

Thereafter, the PELRB issued its Order 26-PELRB-2022 on **December 1, 2022**, reversing in part the Hearing Officer's Decision dated, but only with respect to its conclusion that "SRMC employees employed on a per diem or TRN' basis are not 'regular' employees" for the purposes of the PEBA." The Recommended Decision was adopted as to its remaining conclusions that House Supervisors and Charge Nurses are not excluded from coverage of the PEBA and are appropriate for inclusion in the bargaining unit. The Board remanded to the Hearing Officer the question of whether PRN's share a community of interest with others in the petitioned-for unit.

5. Based on the parties' legal briefs, the Hearing Officer determined on **January 6, 2023** that the PRNs share a community of interest with others in the petitioned-for unit so that it is appropriate to recognize a single bargaining unit that includes them.
6. Having determined what the appropriate unit in this case is, the Executive Director conducted a card-check on **January 18, 2023** to be reviewed by the Board at its regularly scheduled meeting on **February 7, 2023**.
7. The results of the card check were: 211 valid interest cards submitted in support of UHPNM-AFT representing a bargaining unit of 414 employees. Therefore, a majority of the employees in the unit favor representation by the Union. Accordingly, subject to review by the PELRB at its **February 7, 2023** meeting, the undersigned hereby certifies that the Union is certified as the exclusive bargaining representative for the unit described above.

ISSUED in Albuquerque, New Mexico on this 19<sup>th</sup> day of January, 2023 by:

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

  
Thomas J. Griego  
Executive Director

