

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

ENDORSED
FILED IN MY OFFICE THIS

NEW MEXICO TRANSPORTATION UNION,

SEP 17 2008

Appellants,

Juanita Naranjo
CLERK DISTRICT COURT

vs.

CV- 2008 0 98 80

CITY OF ALBUQUERQUE, NEW MEXICO,

Appellees.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the New Mexico Transportation Union (“NMTU”) appeals from the August 18, 2008, written decision of the City of Albuquerque’s Labor-Management Relations Board granting the City of Albuquerque’s Motion to Dismiss the portion of the NMTU’s Prohibited Labor Practice Complaint addressing the City’s failure to bargain over changes to the City Operators Permit policy and regulations, as stated in Labor Board Complaint No. LB-06-10.

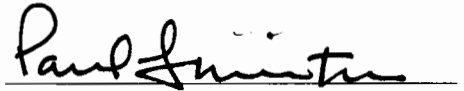
This appeal is taken pursuant to Rule 1-074 of the New Mexico Rules of Civil Procedure and Section 3-2-10(D) of the City’s Labor-Management Relations Ordinance, which provides that:

An aggrieved party may appeal the decision of the Board within 30 days of the issuance of a written decision by following the Rules of Civil Procedure for the District Courts.

A copy of the Decision appealed from, dated August 18, 2008, is attached hereto, along


with a Certificate of Satisfactory Arrangements for the preparation and production of the record of proceedings in this matter.

Respectfully submitted,



Paul Livingston
Attorney for Appellants
P.O. Box 250
Placitas, NM 87043
(505) 771-4000
(505) 771-2333 (fax)

I HEREBY CERTIFY that I served the foregoing Notice of Appeal by fax and/or e-mail to the City of Albuquerque's Office of Administrative Hearings and counsel for the City of Albuquerque on or before September 18, 2008.



Paul Livingston

700 01 5/15/08 JR

**CITY OF ALBUQUERQUE
LABOR-MANAGEMENT RELATIONS BOARD**

LABOR BOARD 06-10.1

**IN THE MATTER OF THE PROHIBITED PRACTICE
COMPLAINT of the NEW MEXICO TRANSPORTATION UNION**

ORDER OF DISMISSAL

THIS MATTER came before the City of Albuquerque's Labor Management Relations Board (Board) on May 19, 2008, on the City of Albuquerque's (City) Motion to Dismiss for lack of jurisdiction. The Board being fully advised in the premises now FINDS and CONCLUDES:

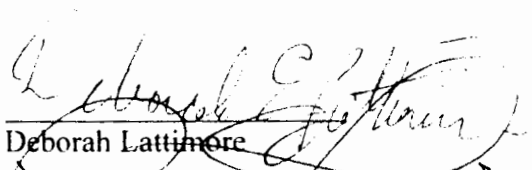
1. The prohibited practice complaint at issue in this matter was filed by the New Mexico Transportation Union on behalf of the bargaining unit consisting of all full-time, permanent and non-probationary Motor and Sun Van Operators with the ABQ Ride Department ("bargaining unit").
2. While this matter was pending, on March 11, 2008, the American Federation of State, Council, and Municipal Employees (AFSCME) filed its Petition for Representation of the bargaining unit pursuant to the Labor Management Relations Ordinance § 3-2-6.
3. On March 14, 2008, the New Mexico Transportation Union (NMTU) filed its Petition for Bargaining Unit Representation
4. On April 1, 2008, NMTU filed its Objections to AFSCME's Petition for Representation.

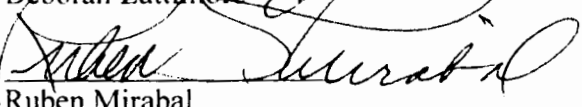
5. On April 4, 2008, AFSCME filed its Response to NMTU's Objections to Representation Petition.
6. On April 14, 2008, the Board issued its decision to order a representation election to determine the exclusive bargaining representative for the bargaining unit.
7. Proper Notice of the Election was publicly posted on April 16, 2008.
8. The election was held on April 25, 2008, and was conducted through the League of Women Voters under the direction of the Board.
9. The League of Women Voters certified the result of the election on April 25, 2008.
10. The majority of cast ballots were in favor of AFSCME.
11. On May 14, 2008, Mayor Martin Chavez certified AFSCME Local 624 as the exclusive bargaining representative for the bargaining unit. The certification was effective on May 14, 2008.
12. When this matter was heard, NMTU was not the exclusive representative of the bargaining unit and lacked authority to act on its behalf.
13. The City of Albuquerque's Motion to Dismiss for lack of jurisdiction is well taken.

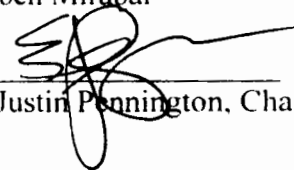
WHEREFORE, the Board Orders:

1. NMTU is not the exclusive bargaining representative for full-time, permanent and non-probationary of Motor and Sun Van Operators with the ABQ Ride Department.

2. NMTU lacks standing to bring this matter on behalf of full-time, permanent and non-probationary of Motor and Sun Van Operators with the ABQ Ride Department
3. The City of Albuquerque's Motion to Dismiss for lack of standing is granted.


Deborah Lattimore


Ruben Mirabal


E. Justin Pennington, Chair

8-18-08

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
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Quanta M. ...
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COUNTY OF BERNALILLO

NEW MEXICO TRANSPORTATION UNION,

Appellant,

CV- 2008 0 98 80

vs.

CITY OF ALBUQUERQUE, NEW MEXICO,

Appellee.

CERTIFICATE OF SATISFACTORY ARRANGEMENTS

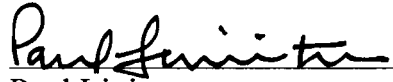
NOTICE IS HEREBY GIVEN that the New Mexico Transportation Union, through its attorney, Paul Livingston, has made satisfactory arrangements with Jeanette R. Lovato, of the City's Office of Administrative Hearings, for the preparation and production of the record of the administrative proceedings held in this appeal of the Labor Board's decision in Case No. LB-06-10.1 and for payment for that record.

Respectfully submitted,



Paul Livingston
Attorney for Appellant
P.O. Box 250
Placitas, NM 87043
(505) 771-4000
(505) 771-2333 (fax)

I HEREBY CERTIFY that I served the foregoing Certificate by fax and/or e-mail to the City of Albuquerque's Office of Administrative Hearings and counsel for the City of Albuquerque on or before September 18, 2008.



Paul Livingston