

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

01-PELRB-2012

NEA-NM,

Complainant,

v.

PELRB No. 315-10

LAKE ARTHUR MUNICIPAL SCHOOLS,

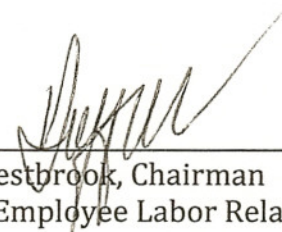
Respondent

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board for ratification of the Executive Director's Certification of Representative following a secret ballot election held December 15, 2011. Upon a 3-0 vote at the Board's January 10, 2012 meeting the Board approves and ratifies the Executive Director's Certification of representation.

IT IS HEREBY ORDERED that NEA-NM has demonstrated that it has sufficient support in the Unit herein to be recognized as the exclusive collective bargaining representative pursuant to NMAC 11.21.2.33 and the Certification of Representation issued by the Executive Director on December 23, 2011 shall be and is hereby ratified.

Date: 1-22-12



Duff Westbrook, Chairman
Public Employee Labor Relations Board



315-10

SUSANA MARTINEZ
Governor

**STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

THOMAS J. GRIEGO
Executive Director

Duff Westbrook, Board Chair
Wayne Bingham, Vice-Chair
Roger E. "Bart" Bartosiewicz, Board Member

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

CERTIFICATION OF REPRESENTATIVE

The undersigned hereby certifies that the Lake Arthur – National Education Association (Union) after a secret ballot election has demonstrated sufficient support among the Lake Arthur Municipal Schools (Employer) employees in the unit described as follows:

All Certified, Non-Certified, and Ancillary Personnel including the positions of Teacher, Counselor, Literacy Specialist, Instructional Coach, School Nurse, Instructional Assistant, Custodian, Bus Driver, Cook and Head Cook; and specifically excluding all supervisory employees, confidential employees, managerial employees, and independent contractors, e.g. the positions of Principal, Business Manager, Superintendent, Bookkeeper, Administrative Secretary, non-employee contracted SLP personnel and Technology Technician.

The undersigned makes this certification based on the following:

1. On July 6, 2011 the Union filed a Petition for Initial Certification of a New Bargaining Unit supported by the sufficient submission of signed membership/ authorization cards from employees in the unit.
2. On February 15, 2011, the Employer provided to the undersigned and to the Union a copy of proposed unit employee list. That list showed that there are 36 employees in the unit.
3. On October 4, 2011 the undersigned determined that the Union provided signed membership/authorization cards from 25 employees in the Unit.
4. On October 20, 2011 the parties entered into a Consent Election Agreement approved by the Executive Director and calling for an election December 15, 2011.
5. Following a secret ballot election as scheduled a card count was held at the Lake Arthur Schools library December 15, 2011 at 3:20 p.m. The total number of eligible voters was 37 after mutual agreement and 35 voters cast ballots; thus, more than 40% of the eligible voters cast ballots. Of the 35 ballots cast the results of the count were 23 ballots in favor of the union and 10 ballots cast against representation by the union. There were two invalid votes. Accordingly, the undersigned hereby certifies that the Union has

demonstrated that it has sufficient support in the Unit to be recognized as the exclusive collective bargaining representative pursuant to NMAC 11.21.2.33.

ISSUED in Albuquerque, New Mexico on this 23rd day of December , 2011 by:

A handwritten signature in black ink, appearing to read "Thomas J. Griego", written over a horizontal line.

Thomas J. Griego, Executive Director
New Mexico Public Employee Labor
Relations Board