



07-PELRB-2011

SUSANA MARTINEZ
Governor

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

THOMAS J. GRIEGO
Executive Director

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

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CERTIFICATION OF MAJORITY SUPPORT

The undersigned hereby certifies that the American Federation of State, County and Municipal Employees, Council 18 (Union) has demonstrated majority support among the Valencia County Detention Department (Department) employees in the unit described as follows:

All Valencia County Detention Department Personnel except probationary, managerial, confidential, or supervisory employees and specifically excluding the positions of Warden (Director), Deputy Warden (Deputy Director), Major(s), Captain(s), Sergeant(s), Administrative Assistant, Case Manager, Records Manager & Maintenance.

The undersigned makes this certification based on the following:

1. On August 24, 2011 the Union filed a Petition for Initial Certification of a New Bargaining Unit and notified the Department and the Public Employee Labor relations Board that it was prepared to demonstrate majority support through the submission of signed membership/authorization cards from a majority of employees in the unit.
2. On September 22, 2011, the Department provided to the undersigned and to the Union a copy of a unit employee list. That list shows that there are 20 employees in the unit.
3. On September 23, 2011, the undersigned determined that the Union provided signed membership/authorization cards from 10 employees in the Unit.
4. On October 18, 2011 the parties entered into a Consent Election Agreement approved by the Executive Director and calling for an election November 2, 2011.
5. An card count was held at the Valencia County Commission Chambers November 2, 2011 at 8:00 p.m. The election results were 14 ballots in favor of the union out of 14 ballots cast. More than 40% of the eligible voters cast ballots and those votes were unanimously in favor of representation by the union. Accordingly, the undersigned hereby certifies that the Union has demonstrated that it has majority support in the Unit.

ISSUED in Albuquerque, New Mexico on this 3rd day of November, 2011 by:

A handwritten signature in black ink, appearing to read "Thomas J. Griego", written over a horizontal line. The signature is highly stylized and cursive.

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

PELRB Form # 11 (9/08)

CONSENT ELECTION AGREEMENT

PELRB Case No. 309-11

PETITIONER: AFSCME, Council 18

RESPONDENT PUBLIC EMPLOYER OR LABOR ORGANIZATION: _____

County of Valencia, Detention Department

INTERVENING LABOR ORGANIZATION, IF ANY: None

1. CERTIFICATION ELECTION. A secret ballot election will be held under the supervision of the Public Employee Labor Relations Board, with Executive Director Thomas J. Griego, designated as the Election Supervisor for the Public Employee Labor Relations Board.

2. ELECTION DATE(S), TIME(S) AND PLACE(S).

DATE: November 2, 2011

TIME: 4:00 p.m. until 8:00 p.m.

LOCATION: Valencia County Commission Chambers, 444 Luna Ave. Los Lunas, New Mexico 87031

(Cross out or delete additional date, time and location options if unnecessary.)

3. THE BARGAINING UNIT:

INCLUDES: All Valencia County Detention Center Personnel unless exclude below

EXCLUDES: All PROBATIONARY, MANAGERIAL, CONFIDENTIAL, OR SUPERVISORY EMPLOYEES and Specifically the Following Positions: Warden, Deputy Warden, Major(s), Captain(s), Sergeant(s), Administrative Assistant, Case Manager, Records Manager & Maintenance Personnel

4. ELIGIBLE VOTERS.

A. The bargaining unit employees who were employed during the last payroll period preceding the date of the consent agreement and are still employed on the date of the election to include any Detention Center probationary employee whose probation ends by 5:00 pm on October 31, 2011.

B. Within five (5) work days following signing the consent election agreement, the Employer will submit to the Petitioner(s) a list with the names of the eligible voters.

C. The Union shall review the voter eligibility list and raise any objections it may have within five (5) workdays of receipt. If no objections are timely raised, the list shall be deemed to be true and accurate.

5. NOTICE OF ELECTION. The Notice of Election, along with a Sample Ballot, shall be posted in at the following places at least ten (10) workdays prior to the election, and no later than 5:00 PM on Wednesday, October 19, 2011: Detention Center Lobby, Detention Center Employee Bulletin Board, County Administration Bulletin Board and on the Human Resources Department Office Door. The times agreed upon by the parties for the opening and closing of the polls will be enforced by the Election Supervisor, PROVIDED however that the poll may close early if all eligible employees have voted prior to the designated closing time.

6. OBSERVERS. Each party shall be entitled to one (1) observer to assist and observe in the polling place and to witness the counting of ballots. The observers shall not be supervisory or managerial employees, union officers, or union employees; however, representatives of the parties in addition to observers may observe the counting of the ballots. Observers shall not wear or display any insignia, emblems, or clothing that advocates or promotes a party's position.

7. DUTIES OF THE ELECTION SUPERVISOR.

A. The Election Supervisor shall hand the ballot to each eligible voter appearing at the polling place after the voter identifies himself or herself and signs the eligibility list. Said eligible voters shall produce a picture I.D. before signing the eligibility list. The voter will mark the ballot in secret and fold it. The voter will then personally deposit the ballot in the ballot box under the supervision of the Election Supervisor.

B. After the closing of the polls, the Election Supervisor will count the names from the voter eligibility list to determine whether a 40% of the employees in the unit voted. If the Election Supervisor determines from the voter eligibility list that less than forty percent (40%) of the employees in the unit voted, then the ballots will not be counted.

C. If the Election Supervisor determines from the voter eligibility list that forty percent (40%) or more of the employees in the unit voted, then the ballots will be counted in the presence of observers.

8. THE BALLOT.

A. The secret ballot shall include the choice of "yes" to certify the Union as the exclusive bargaining agent for the relevant employees, and "no" for these employees to remain unrepresented. The eligible voters shall mark the square of his/her choice. THERE SHALL BE NO NAMES SIGNED ON THE BALLOT AND ANY OTHER MARKINGS ON THE BALLOT WILL INVALIDATE THE BALLOT.

B. SECRET BALLOT. The election will be by secret ballot and the Petitioner and Public Employer mutually agree that the voters will be allowed to vote without interference, restraint, or coercion. No electioneering shall be permitted within 100 feet of any room in which balloting is taking place. At the conclusion of the election, a Results of Secret Ballot Election form signed by authorized representatives for Petitioner and Public Employer and the Election Supervisor will be issued to the parties.

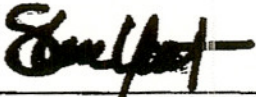
C. CHALLENGED BALLOTS. Any party to an election through its observer, or the Election Supervisor, may challenge the eligibility to vote of any person who presents him- or herself at the poll and shall state the reason for the challenge. The Election Supervisor shall challenge any voter whose name does not appear on the list of voter eligibility. The challenge to a voter must occur prior to that person casting a ballot.

9. ACCOMMODATIONS. Petitioner and/or the Public Employer should notify the Election Supervisor as soon as possible of any voters, potential voters, or other participants in the election with disabilities—as defined by the appropriate sections of the Rehabilitation Act and American with Disabilities Act and implementing regulations—who, in order to participate in the election, need appropriate auxiliary aids and request necessary assistance.

10. OBJECTIONS. Within five (5) workdays following the service of the Results of Secret Ballot Election form (the written tally of ballots), a party may file objections to the conduct of the election. A violation of this Consent Agreement is a basis for an objection and such a violation may cause the election to be rescheduled and/or the results to be invalidated.

11. The undersigned are designated by his or her respective party to act as principal and authorized to sign this Consent Agreement thereby binding each party to the contents herein.

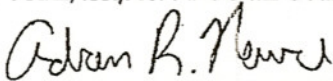
The undersigned acknowledge that they have (1) read each paragraph of this Consent Agreement; (2) been afforded an opportunity to ask questions of the Election Supervisor about the contents of each paragraph as well as discussed it with the other party; and (3) voluntarily and in good faith accepted the terms and conditions specified in the Consent Agreement.



Shane Youtz, Esq. for AFSCME Council 18

10/18/11

Date



Adren Robert Nance, Esq. for Valencia County

10/18/11

Date



Approved by PELRB Agent Thomas J. Griego, Esq.

10/20/11

Date