

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
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ELECTION ORDER

PELRB Case No. 305-14

PETITIONER: AFSCME, Council 18

RESPONDENT: Grant County

1. CERTIFICATION ELECTION. A secret ballot election will be held under the supervision of the Public Employee Labor Relations Board, with Thomas J. Griego, designated as the Election Supervisor.
2. ELECTION DATE(S), TIME(S) AND LOCATION(S): The election will be conducted by mail-in balloting as follows:
 - A. The Director will cause ballots to be mailed out by USPS first class mail no later than July 7, 2014 to each non-exempt employee shown on the employee list provided by the employer along with a numbered self-addressed return envelope, postage paid. Each ballot and envelope shall be numbered and a corresponding number assigned to each eligible voter name on the employee list.
 - B. In the event a mailed ballot is returned as undelivered for any reason the Director will notify both parties' representatives who will then cooperate to ascertain a better mailing address so that the Director may re-mail the returned ballot.
 - C. In any event the ballots must be returned in person or by return mail to the Director by close of business July 21, 2014.
3. THE BARGAINING UNIT.

INCLUDES non-probationary bus drivers employed by Grant County commonly known as "Corre Caminos".

EXCLUDES: All Probationary, Managerial, Confidential, or Supervisory Employees and specifically, the Public Transportation Director and two Administrative Assistant positions.
4. ELIGIBLE VOTERS.

A. The bargaining unit employees who were employed during the last payroll period preceding the date of the Election Order and are still employed on the date of the election.

B. Within five (5) work days following signing the election order, 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 all common area(s) where regular notices are posted at least ten (10) workdays prior to the election, and no later than July 11, 2014.

6. DUTIES OF THE ELECTION SUPERVISOR.

A. The Election Supervisor shall abide by the procedures herein for mailing a ballot to each eligible voter appearing on the eligible voter list provided by the employer as set forth above and for securing, monitoring and accounting for returned ballots.

B. At the designated place and time the Election Supervisor will count the names from the voter eligibility list to determine whether 40% of the employees in the unit voted.

C. 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.

D. 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.

7. THE BALLOT.

A. The secret ballot shall include the choice of: "AFSCME, Council 18" to certify the Union as the exclusive bargaining agent for the relevant employees, and "No Representation" for those employees to remain unrepresented. The eligible voters shall mark the square corresponding to 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. 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 Election Order 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 Election Order thereby binding each party to the contents herein.

The undersigned acknowledge that they have (1) read each paragraph of this Election Order; (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 Election Order.



Approved by PELRB
Duff Westbrook, Chair

7-1-19

Date