

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

JERROD KUCHAN,

Petitioner,

17 - PELRB - 2014

and

PELRB No. 306-14

AFSCME COUNCIL 18 and
TOWN OF EDGEWOOD,

Respondents


ORDER

THIS MATTER comes before the Board for ratification of the Executive Director's Approval of the Consent Election Agreement entered into by the parties.

Upon a 3-0 vote at the Board's August 5, 2014 meeting the Board approved and ratified the Executive Director's approval of the Consent Election Agreement and the parties are directed to proceed as called for therein.

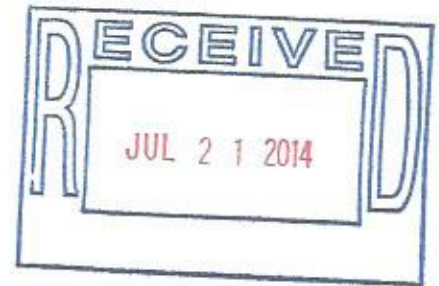
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Date: 8-11-14



Duff Westbrook, Chair

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD
2929 Coors NW, Suite 303
Albuquerque, NM 87120
(505) 831-5422 Telephone
(505) 831-8820 Facsimile



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CONSENT ELECTION AGREEMENT

PELRB Case No. 306-14

PETITIONER: Jerrod Kuchan

RESPONDENT: AFSCME

EMPLOYER: Town of Edgewood

1. **DECERTIFICATION 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:** Wednesday, August 6, 2014
TIME: 3:00 p.m. to 5:00 p.m.
LOCATION: Edgewood Community Center
27 East Frontage Road
Edgewood, New Mexico

3. **THE BARGAINING UNIT.**

INCLUDES: All non-probationary police officers employed by the Town of Edgewood.

EXCLUDES: All Probationary, Managerial, Confidential, or Supervisory Employees.

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 in non-probationary status on the date of the election.

B. Before July 15, 2014 the Town will provide an updated eligibility list showing those employees who would be eligible to vote as of the August 6, 2014 to the Petitioner and the Union.

- C. The parties shall review the voter eligibility list and raise any objections within five (5) workdays of receipt. If no objections are timely raised, the list shall be deemed to be true and accurate.
- D. Employees in the bargaining unit who are eligible to vote but who will be absent on the day of voting because of hospitalization, temporary assignment away from normal post of duty, leave of absence, vacation at a location more than fifty (50) miles distant from the polling place, or other legitimate cause, may request an absentee ballot from the director. Except for good cause shown, such a request must be received by the director at least ten (10) days before the election, in which case the director, after preliminarily determining the employee's eligibility to vote, shall provide the employee with a ballot to be submitted to the director by mail. To be counted, an absentee ballot must be received by the director at least one day before the ballot count.

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 22, 2014. 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 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.

8. THE BALLOT.

- A. The secret ballot shall include the choice of:
- "YES" to decertify and "NO" to keep AFSCME as the exclusive bargaining agent for the relevant employees] or,

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. No electioneering shall be permitted within 50 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 Election Agreement thereby binding each party to the contents herein.

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

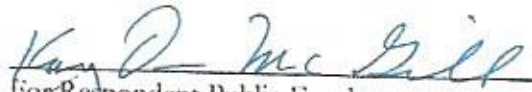


For the Petitioner
~~Jarrod Kuchner~~
JEROD KUCHNER

07/09/14
Date

For the Union
Sam Chavez, AFSCME Representative

Date



For Respondent Public Employer
Kay Davis, Town Administrator

7/9/14
Date

Approved by PELRB Agent
Thomas J. Griego, Executive Director

Date

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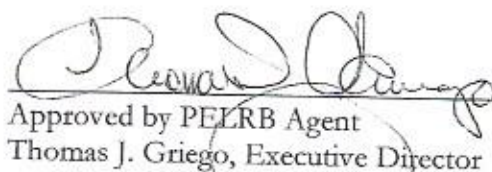
For the Union

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