

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

United Mine Workers of America

Petitioners,
vs.

PELRB CASE NO. 307-16

Socorro County

Respondent.

ORDER

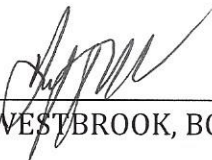
THIS MATTER comes before the Public Employee Labor Relations Board for approval of a Consent Election Agreement between United Mine Workers of America and Socorro County. The Board being sufficiently advised finds:

- A. The Consent Election Agreement meets the requirements set out in 11.21.2.17 NMRA.

THEREFORE THE BOARD Orders the parties to proceed with an election based upon the Consent Election Agreement.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

11-8-16
DATE



DUFF WESTBROOK, BOARD 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

CONSENT ELECTION AGREEMENT

PELRB Case No. 307-16

PETITIONER: United Mine Workers of America

RESPONDENT: Socorro County

1. CERTIFICATION. A secret ballot election for three separate bargaining units identified below 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):
 - Date: Wednesday November 16, 2016
 - Times: 11:30 a.m. to 1:00 p.m.
 - 2:00 p.m. to 7:00 p.m.
 - County Annex Bldg.
 - 198 Neel Avenue Socorro, NM 87801

3. THE BARGAINING UNITS.
 - A. THE DETENTION CENTER UNIT: This unit includes all non-probationary Corrections Officers regardless of rank, except those determined to be statutorily exempt as "confidential", "management" or "supervisory" employees or specifically excluded below;
 - B. THE SHERIFF'S DEPARTMENT UNIT: This unit includes all non-probationary Sheriff's Deputies regardless of rank, except those determined to be statutorily exempt as "confidential", "management" or "supervisory" employees or specifically excluded below;
 - C. THE WHITE COLLAR/BLUE COLLAR UNIT: This unit includes all other white collar and blue collar employees regardless of the department to which they are assigned, except those determined to be statutorily exempt as

“confidential”, “management” or “supervisory” employees or specifically excluded below:

- D. EXCLUDED EMPLOYEES: All Probationary, Managerial, Confidential, or Supervisory Employees, including Captains in the Sheriff's Department and Detention Center, the Executive Secretary in the Sheriff's Department and Administrative Assistants in all Departments.

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.
- 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.
- E. 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. After the deadline for submission of absentee ballots has passed the director will forward to both parties a list of any absentee ballots submitted. The will have five days after submission of that list to challenge any absentee ballots. Challenges to absentee ballots will be resolved at the ballot tally.

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 10 workdays prior to the election, and no later than November 2, 2016. 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 polls may close early if all eligible employees have voted prior to the designated closing time.

6. OBSERVERS. Each party shall be entitled to one 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. 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. Each of the above units will have a distinctively colored ballot to differentiate the ballots. The secret ballot shall include the choice of:
- "UNITED MINE WORKERS" to certify the Union as the exclusive bargaining agent for the relevant employees and "NO REPRESENTATION" for those employees who wish to remain unrepresented. The order in which the choices appear on the ballot shall be chosen randomly by the Director.

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. 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. 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 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.

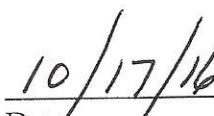
11. The undersigned are designated by his or her respective party to act as principal and authorized to sign this Consent Election Agreement thereby binding each party to the contents herein. By signing below, each acknowledges having (1) read each paragraph of this Consent Election Agreement; (2) been 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

Printed name:

Robert Butero



Date

For Respondent Public Employer

Printed name:

Date

Approved by PELRB Agent

Printed name:

Date

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Robert Butero

For the Petitioner

Printed name:

Robert Butero

10/17/16

Date

Adren R. Nance

For Respondent Public Employer

Printed name:

Adren Robert Nance

October 18, 2016

Date

Approved by PELRB Agent

Printed name:

Date