

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

NEA-TURQUOISE TRAIL CHARTER SCHOOL

Petitioner,

and

PELRB NO. 302-21

TURQUOISE TRAIL CHARTER SCHOOL,

Respondent.

ORDER

THIS MATTER came before the Public Employee Labor Relations Board to approve the Amended Consent Election Agreement between NEA-Turquoise Trail Charter School and Turquoise Trail Charter School pursuant to NMAC 11.21.2.17.

The Board being sufficiently advised voted 3-0 to approve the parties' Amended Consent Election Agreement at its meeting on August 3, 2021.

THEREFORE, THE BOARD directs that the election take place in accordance with the terms of the amended agreement.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Marianne Bowers  
MARIANNE BOWERS, BOARD CHAIR

Aug. 6, 2021  
DATE

STATE OF NEW MEXICO  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD  
2929 Coors Blvd NW, Suite 303  
Albuquerque, NM 87120  
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**AMENDED CONSENT ELECTION AGREEMENT**

PELRB Case No. 302-21

PETITIONER: NEA-Turquoise Trail Charter School

RESPONDENT: Turquoise Trail Charter School

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, TIMES AND LOCATIONS: The election will be held Friday, August 20, 2021, and will be conducted by a hybrid electronic and in-person balloting process. Bargaining unit members who desire to vote by electronic ballot shall send a request for such to the Election Supervisor (Tom.Griego@state.nm.us) and the Administrative Assistant (Matt.Huchmala@state.nm.us) no later than Wednesday, August 4, 2021. The request must include a phone number for the requesting employee and the email address to which the electronic ballot will be sent. On Monday, August 16, 2021, those who have requested electronic ballots will be sent a one-use link to an electronic survey that shall function as their ballot. An employee requesting to vote electronically shall submit a scanned signature and picture I.D. along with the request. Electronic ballots will be accepted until 3:30 p.m. on August 20, 2021.

The PELRB will maintain a confidential Excel spreadsheet of all electronic ballots requested and cast to ensure the integrity and secrecy of the balloting process.

For those casting their ballots in person, polls located in the Turquoise Trail Charter School Library, 13 San Marcos Loop, Santa Fe, New Mexico 87508, will be open during the hours of 10:00 a.m. to noon; resuming between the hours of 1:00 p.m. to 3:30 p.m. provided that the poll may close early if all eligible employees have voted prior to the designated closing time. The times agreed upon by the parties for the opening and closing of the polls will be enforced by the Election Supervisor.

3. BALLOT COUNT. The Election Supervisor will secure the ballots, whether cast in person or electronically, and conduct a ballot tally on the record immediately following polling; on Friday August 20, 2021, at 3:30 p.m. The ballot count will take place at the polling location.

Interested persons may attend the ballot count in person or via Zoom by following a link posted on the PELRB's website hearings calendar, <https://www.pelrb.state.nm.us/>. Please refer to Section 7 of this agreement concerning Observers for details about designated polling place observers and those observing the ballot count.

4. THE BARGAINING UNIT.

INCLUDES: All certified employees, classified employees, non-certified staff, educational assistants, instructional assistants, secretaries, custodial staff, maintenance staff, security staff, nurses, technology technicians, occupational therapists, physical therapist speech pathologists, food service workers and transportation employees.

EXCLUDES: All Probationary, (except for probationary certified employees) Managerial, Confidential, or Supervisory Employees.

5. ELIGIBLE VOTERS.

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

B. Within five workdays following PELRB approval of this Consent Election Agreement, the Employer will submit to the Petitioner 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 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 50 miles distant from the polling place, or other legitimate cause, may request to vote by absentee ballot. Any such request will be processed in the same manner and subject to the same deadlines as provided for in Section 2 of this agreement for voting by electronic ballot. Any challenge to an absentee or electronic ballot must be raised at the ballot tally Friday, August 20, 2021, at 3:30 p.m. or will be deemed to have been waived.

6. 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 Thursday, August 5, 2021.

7. 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 polling observers shall not be supervisory or managerial employees of Turquoise Trail Charter School, union officers, or union employees. Representatives of the parties in addition to or instead of the designated

polling observers may observe the ballot tally. Observers shall not wear or display any insignia, emblems or clothing that advocates or promotes a party's position concerning the election.

8. 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 fewer than 40% of the employees in the unit voted, then the Election Supervisor will announce that finding at the ballot tally on August 20, 2021, and the ballots will not be counted.

D. If the Election Supervisor determines from the voter eligibility list that 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. 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.

B. The secret ballot shall include the choice of:

“NEA-TURQUOISE TRAIL CHARTER SCHOOL” 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 their choice.

**THERE SHALL BE NO NAMES SIGNED ON THE BALLOT AND ANY OTHER MARKINGS ON THE BALLOT WILL INVALIDATE THE BALLOT.**

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

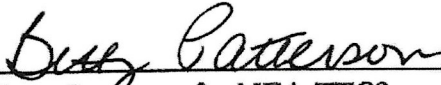
presents him- or herself at the poll and shall state the reason for the challenge. The Election Supervisor shall challenge any voter whose name does not appear on the list of voter eligibility. The challenge to a voter must occur prior to that person casting a ballot.

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.

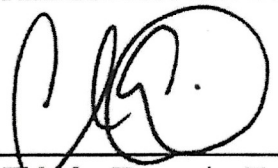
10. OBJECTIONS. Within five (5) workdays following the service of the Results of Secret Ballot Election form (the written tally of ballots), a party may file objections to the conduct of the election. A violation of this Consent Agreement is a basis for an objection and such a violation may cause the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

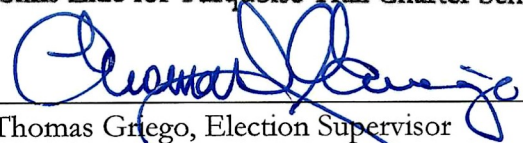
The undersigned acknowledge that they have (1) read each paragraph of this Consent Election Agreement; (2) been afforded an opportunity to ask questions of the Election Supervisor about the contents of each paragraph as well as discussed it with the other party; and (3) voluntarily and in good faith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

  
\_\_\_\_\_  
Betty Patterson for NEA-TTCS

7/21/21  
Date

  
\_\_\_\_\_  
Chris Eide for Turquoise Trail Charter School

7/21/21  
Date

  
\_\_\_\_\_  
Thomas Griego, Election Supervisor

7-22-21  
Date