

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

In re:

**NEW MEXICO PARK RANGER'S LAW
ENFORCEMENT ASSOCIATION,**

Petitioner,

and

PELRB 301-20

**NEW MEXICO ENERGY, MINERALS and
NATURAL RESOURCES DEPARTMENT,**

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board for approval of a Consent Election Agreement between the Petitioner and the Respondent calling for an election to be held on December 3, 2020.

The Board being sufficiently advised voted 3-0 to approve the consent election agreement.

WHEREFORE, the consent election agreement is approved and the election shall proceed as called for therein.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

12/15/2020
DATE

Marianne Bowers
MARIANNE BOWERS, BOARD CHAIR

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

PELRB Case No. 301-20

PETITIONER: New Mexico Park Ranger's Law Enforcement Association

RESPONDENT: New Mexico Energy, Minerals and Natural Resources Department

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 held Wednesday, December 2, 2020 and be conducted by a hybrid mail-in balloting and electronic balloting system. 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.Huchmla@state.nm.us) no later than November 17, 2020. The request must include a phone number for the requesting employee and the email address to which the electronic ballot should be sent. Those who have requested electronic ballots shall be sent a one-use link to an electronic survey which shall function as their ballot on November 18, 2020.

Also, on November 18, 2020, mail-in ballots shall be sent to the home addresses of employees on the Employer's most recent eligible voter list who have not requested an electronic ballot. Mail-in ballots will be sent with a self-addressed stamped envelope to the PELRB, numbered for tracking purposes. The PELRB will maintain a confidential Excel spreadsheet of all ballots whether electronic or mail-in to ensure the integrity and secrecy of the balloting process. All marked ballots, whether electronic or mailed-in, must be received by the PELRB no later than the close of business on December 2, 2020 in order to be counted.

INSTRUCTIONS FOR COMPLETING ELECTRONIC BALLOT

- A. Eligible employees will access the one-use link sent to the email address specified in the employee's request for electronic ballot and follow the prompts.

- B. Once the ballot is accessed, the employee will choose either the “No Representation” option or the “New Mexico Park Ranger’s Law Enforcement Association” option on the electronic ballot and click the “Vote now” button.
- C. A confirmation email acknowledging the cast ballot will be sent automatically by the survey platform to the email address submitted with the request for electronic ballot.

INSTRUCTIONS FOR COMPLETING MAIL-IN BALLOT

- A. Along with the official ballot form, eligible employees will be mailed two envelopes: The first, a pre-numbered ballot envelope and; a second self- addressed and stamped return envelope. Voting employees will mark a box on the official ballot form corresponding to their selection of either “No Representation” or “New Mexico Park Ranger’s Law Enforcement Association” on the official ballot. Employees must not put their names on the ballot or make any other marks on it or the ballot will not be counted.
- B. The employees will then place the completed ballot in the envelope with a ballot number on the outside provided by the PELRB for that purpose, seal the envelope and sign it across the sealed flap.
- C. The employees then place the numbered Ballot Envelope along with a copy of any state issued photo ID inside the return envelope included in the package and mail the return envelope to PELRB office.

3. THE BARGAINING UNIT.

INCLUDES: Positions that require law enforcement certification holding the working titles Park Ranger Supervisors, Park Ranger Specialists, Law Enforcement Certified Training Coordinators and Park Rangers.

EXCLUDES: All Probationary, Managerial, Confidential, or Supervisory Employees, such as Park Superintendents, Park Superintendents Senior and Park Managers.

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 are eligible to vote in this election.
- B. Within five (5) work-days before the election, the Employer will submit to the Petitioner and the Election Supervisor an updated list of the eligible voters.
- C. The Union shall review the voter eligibility list and raise immediately any objections it may have. 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 November 17, 2020.

6. BALLOT TALLY AND OBSERVERS. Each party shall be entitled to one observer to assist and observe the counting of ballots at 3:00 p.m. on Thursday, December 3, 2020 at the PELRB Offices, 2929 Coors Blvd. NW, Albuquerque, NM 87120, Suite 303. Other interested parties may attend the ballot count via zoomlink to be posted on the PELRB website. 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 be responsible for sending out mail-in ballots monitoring the submission of each eligible voter's ballot whether electronically submitted or by mail after the voter identifies himself or herself conforming with the eligibility list. The supervisor will ensure the eligible voter marks the ballot personally and in secret.
- 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.
- E. The Election Supervisor will preliminarily certify the results of the ballot count and submit those results to the Board for review at its next regularly scheduled meeting.

8. THE BALLOT.

- A. The secret ballot shall include the choice of:
 - NEW MEXICO PARK RANGER'S LAW ENFORCEMENT ASSOCIATION 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. 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 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 New Mexico Park Ranger's
Law Enforcement Association
By Adrian Terry

3 November 2020
Date

William Brancard

For Respondent Energy, Minerals and Natural
Resources Department
By William Brancard

4 November 2020

Date

Thomas J. Griego

Approved by PELRB Agent
Thomas J. Griego, Election Supervisor

November 4, 2020

Date